

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 8 MARCH 2002

**01/0590/FL: DEMOLITION OF DERELICT BUILDING AND ERECTION OF
SINGLE DWELLINGHOUSE AT THE FORMER TANK HOUSE, AYR ROAD,
PATNA
FOR MR AND MRS McHENDRIE**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a one and a half storey four-bedroom dwellinghouse on the site. The applicant consequently proposes to demolish the existing tank house. The proposed dwellinghouse is of a traditional rural appearance and includes features such as wall head dormers, windows with vertical emphasis, skews and storm porch. The applicant proposes to access the site via a new access from the A 713.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reasons listed on the attached sheet.

3. CONCLUSIONS

3.1 As is indicated at Paragraph 5.2 of the report, the application is not considered to accord with the development plan. Therefore, given the terms of Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at Paragraphs 6.2 to 6.4 of the report, there are material considerations relevant to the determination of this application. These add weight to the terms of the Development Plan.

3.2 Given the age of the Adopted Dalmellington/Patna/Dalrymple Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered as a prime material consideration. The proposal is both contrary to the provisions of the Adopted Dalmellington/Patna/Dalrymple Local Plan, and to Policies RES 14 and RES 17 of the East Ayrshire Local Plan (Finalised Version with Modifications).

3.3 The Roads and Transportation Division advise that adequate visibilities cannot be achieved at the proposed access to the site and that, as such, the application should be refused on road safety grounds. No other consultees have objected to the proposal.

3.4 Other than from the Roads and Transportation Division, there have been no objections received in respect of the application.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application will require to be referred to the Development Services Committee. The application is considered to be contrary to the Adopted Dalmellington/Patna/Dalrymple Local Plan and to the East Ayrshire Local Plan (Finalised Version with Modifications) and approval would in the circumstances of this case represent a significant departure from policy.

Alan Neish
Head of Planning and Building Control

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority

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**01/0S90/FL: DEMOLITION OF DERELICT BUILDING AND ERECTION OF
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PATNA**

FOR MR AND MRS McHENDRIE

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of the report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the Scheme of Delegation as the application is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies approximately 500 metres north of Patna and occupies an elevated and prominent position adjacent to the unrestricted A713 Ayr to Dumfries Road. The settlement of Polnessan lies someway to the north of the application site. A railway bridge crosses the A 713 at a bend approximately 100 metres south of the site. The site itself measures 1017m² in area, slopes down towards the A713 from the eastern part of the site and is presently occupied by a retaining wall adjacent to the small disused water authority tank house. The tank house has a floor area of 35metres, is of common brick construction and has a flat roof. The building is currently occupied by a water tank and a series of pipes. It has one door and one small window opening.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a one and a half storey four-bedroom dwellinghouse on the site. The applicant consequently proposes to demolish the existing tank house. The proposed dwellinghouse is of a traditional rural appearance and includes features such as wall head dormers, windows with vertical emphasis, skews and storm porch. The applicant proposes to access the site via a new access from the A713.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has recommended that the application be refused on road safety grounds. The

Division has stated that the proposed access onto the A 713 would have extremely substandard visibilities for access onto an unrestricted "A" class road (2.5metres by 35 metres to the road north and 2.5metres by 180 metres to the south) where a visibility splay of 2.5metres by 215 metres would be required. An alternative solution would be to utilise the existing access at the railway bridge to the south of the site and construct a new road through the adjacent field. The applicant has been advised that the proposed access would be unacceptable in terms of public road safety. He has also been advised that the existing access at the railway bridge may be acceptable provided he could secure use of the access and permission from the adjacent land owner to construct a link road to the site through the adjacent field. However, despite several letters over a number of months pursuing the applicant on this point, no further correspondence has been received.

3.2 West of Scotland Water Authority has no objection to the proposal provided its operational requirements and bylaws are satisfied.

Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.

3.3 The Scottish Environment Protection Agency has no objection to the proposal provided the drainage arrangements are to its satisfaction. In that regard the applicant would require to carry out a percolation test to assess the suitability of the soil for effluent disposal. The septic tank should also be designed and constructed to meet the requirements of the current code of practice.

Should the application be approved an appropriate condition and note in respect of the above can be included on the planning permission.

3.4 Scottish Power has no objection to the proposal provided its apparatus is safeguarded during the demolition and construction works.

Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.

3.5 The Coal Authority has stated that the site lies within the site lies within the likely zone of influence on the surface from coal workings last worked in 1858. The Authority adds, however, that ground movements should, by now, have ceased. Resources of coal exist in the locality which may be worked at some time in the future.

Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.

3.6 Patna Community Council has not responded to the consultation letter at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 No representations have been submitted.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan (1999) and the Adopted Dalmellington/Patna/Dalrymple Local Plan (1989). The adopted Plan was prepared in the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the site lies outwith the settlement boundary of Patna and within a Remoter Rural Area as defined within the Adopted plan. The application therefore requires to be considered with regard to Policy 6.78 which states that:

In areas designated as remoter rural areas, there shall be a presumption in favour of single or small scale residential development in the countryside except:-

(a) *where there would be unreasonable infrastructural costs not carried by the developer:*

The proposal would not result in any costs other than those borne by the developer.

(b) *In areas of Special Scientific Interest, listed wildlife sites and other resources of importance for nature conservation.*

The proposal does not relate to any such area.

(c) *Where there would be an adverse impact on heritage resources requiring conservation.*

The proposal does not relate to any heritage resource. It is therefore considered that the proposal complies with the provisions of the Adopted Dalmellington/Patna/Dalrymple Local Plan.

5.3 The proposal also requires to be considered with regard to Policy 6.32A of the Adopted Local Plan. Policy 6.32A provides that:-

In the countryside there will be a presumption against any housing, industrial or other developments which would have an adverse environmental impact or detrimental effect on the Regional Scenic Area.

As noted above, the proposal is on the site of a derelict tank house, which, although small, is a rather unattractive utilitarian building. Although the proposal would remove this building, the house would be on a very prominent position, would have an adverse visual impact and would not be acceptable under Policy 6.32A.

5.4 Policy 6.32F provides that in the countryside preference will be given to any sympathetic conversion of vacant properties rather than the construction of new buildings.

Whilst the provisions of policy 6.32F are noted, it is not considered that the tank house is capable of beneficial conversion owing to its limited internal space. Furthermore the building is not of traditional rural appearance or construction.

5.5 The site lies within the Rural Diversification Area as defined within the Ayrshire Joint Structure Plan. The proposal therefore requires to be assessed against Policy G6 of the Ayrshire Joint Structure Plan. Policy G6 states:

"Development proposals in the Rural Diversification Area shall normally be limited to the use of land within settlements. Outside settlements development proposals shall conform to the structure plan where the development

a) *comprises an acceptable form of residential use as defined by the local plan;"*

The proposal does not comprise an acceptable form of development and is therefore contrary to the structure plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications) and the consultation replies detailed above)

East Ayrshire Local Plan

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan, (Finalised Version with Modifications) should be considered as a prime material consideration.

6.3 The application falls to be determined with regard to Policy RES 14 of the East Ayrshire Local Plan (Finalised Version with Modifications). Policy RES 14 states:

'The Council will be supportive of small scale residential developments within the Identified Rural Diversification area, where:-

- (i) the houses are required on a permanent basis for the categories of development detailed in Policy RES 13 above; or*
- (ii) the proposed development would constitute a limited addition to an existing, clearly defined group of four or more houses not delineated by a formal settlement boundary. Any proposed expansion of such a housing group will be limited to 50% of the total number of dwellings existing in that grouping as of 1 January 1999, up to a maximum of 4 new housing units, subject to the provision of Policies RES 15 and 16 below. Any development would require to be appropriate in terms of design, to the particular location in which it is proposed, be sensitive to the design and layout of the existing settlement or group of buildings and meet the standards required by all relevant public and statutory service providers. The sensitive infilling of any available gap sites consolidating existing dwellings within the group will be particularly encouraged in preference to any linear expansion of the grouping of houses concerned; or*
- (iii) the proposed development constitutes very low density housing development, forming part of an integrated group of properties with a dual residential and workplace function supporting the rural economy as detailed in Policy RES 17 below. "*

The proposal does not conform with criteria (ii) or (iii) and therefore it could be acceptable only if it meets the terms of Policy RES 13; criteria (i). RES 13 allows for housing where a justification exists in relation to agriculture, tourism, to provide on-site accommodation or as an enabling development for a larger conversion. The proposal is not justified on this basis and is therefore contrary to RES 14.

6.4 Policy RES 17 is also of relevance. Policy RES 17 provides that residential development in the countryside will not be allowed unless certain siting requirements are met. Of particular relevance is the following criteria that a proposal is unacceptable:-

- (ix) *where the development could not meet the service requirements of the Council as Roads Authority or the standard of all appropriate statutory undertakers and other service providers.*

See response to 3.1 of the report. It is therefore concluded that the proposal is contrary to Policy RES 17 of the East Ayrshire Local Plan (Finalised Version with Modifications) and also contrary to Policy RES 14.

6.5 Policies ENV11 and ENV13 are also applicable. These seek to prevent development having an unacceptable impact on Sensitive Landscape Character Areas. It is considered that the prominence of the site will result in a development that is unacceptable in terms of its location.

Consultations

6.6 The consultation reply from the Roads and Transportation Division has indicated that the application should be refused.

7. FINANCIAL OR LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of this application.

8. CONCLUSIONS

8.1 As is indicated at Paragraph 5.2 of the report, the application is not considered to accord with the development plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at Paragraphs 6.2 to 6.4 of the report, there are material considerations relevant to the determination of this application. These add weight to the terms of the Development Plan.

8.2 Given the age of the Adopted Dalmellington/Patna/Dalrymple Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered as a prime material consideration. The proposal is both contrary to the provisions of the Adopted Dalmellington/Patna/Dalrymple Local Plan, and to Policies RES 14 and RES 17 of the East Ayrshire Local Plan (Finalised Version with Modifications).

8.3 The Roads and Transportation Division advise that adequate visibilities cannot be achieved at the proposed access to the site and that, as such, the

application should be refused on road safety grounds. No other consultees have objected to the proposal.

8.4 Other than from the Roads and Transportation Division, there have been no objections received in respect of the application.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons listed on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application will require to be referred to the Development Services Committee. The application is considered to be contrary to the Adopted Dalmellington/Patna/Dalrymple Local Plan and to the East Ayrshire Local Plan (Finalised Version with Modifications) and approval would in the circumstances of this case represent a significant departure from policy.

Alan Neish
Head of Planning and Building Control
25 February 2002
DS/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

- 1 .Application form and plans.
2. Consultation replies.
3. Adopted Dalmellington/Patna/Dalrymple Local Plan.
4. Approved Ayrshire Joint Structure Plan.
5. East Ayrshire Local Plan (Finalised Version with Modifications)
6. Approved Strathclyde Structure Plan.

Any person wishing to inspect the background papers listed above, should contact Mr Derek Scott on 01563 555483.

Implementation Officer: Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 01/0590/FL

Location	Ayr Road PATNA
Nature of Proposal:	Proposed demolition of derelict building and erection of single dwellinghouse
Name and Address of Applicant:	Mr James McHendrie 4 Rosebank Gardens UDDINGSTON G71 7JJ
Name and Address of Agent	

DPO's Ref: [Derek Scott
PPO's Ref; [

The above **FULL** application should be refused on the following grounds:-

1. The proposal does not allow adequate visibility to be achieved at the proposed access to the site in either direction along this busy section of unrestricted "A" class road which is detrimental to public road safety.
2. The proposal does not comply with the provisions of Policy RES 17 of the East Ayrshire Local Plan (Finalised Version with Modifications) as the service requirements of the Council as Roads Authority cannot be achieved, which is detrimental to Road Safety.
3. The proposal is contrary to the provisions of Policy 6.32A of the Adopted Dalmellington/Patna/Dalrymple Local Plan in as such as it constitutes development in the countryside which will have an adverse visual impact on the Regional Scenic Area.
4. The proposal is contrary to the provisions of Policy G6 of the Approved Ayrshire Joint Structure Plan in as much as it is not an acceptable form of residential use as defined by the Local Plan.
5. The proposal is contrary to Policy RES 14 of the East Ayrshire Local Plan, Finalised Version with Modifications in that it is residential development in the Rural Diversification Area which does not conform with the terms of that policy.
6. The proposal is contrary to Policies ENV11 and ENV13 of the East Ayrshire Local Plan, Finalised Version with Modifications in that it will have an unacceptable, adverse impact on the Sensitive Landscape Character Area.

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AGENDA