

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE – 06 OCTOBER 2000

**00/0534/FL: FULL PLANNING PERMISSION FOR ERECTION OF
DWELLINGHOUSE AT PLOT 1, GLEBE CRESCENT, OCHILTREE**

APPLICATION BY MR J MILLAR

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a single dwellinghouse on the site. The proposed house would be set back 12 metres from the rear of the footway.

1.2 The dwellinghouse would have a hipped roof clad in grey concrete tiles. The walls would be dry dash rendered with a facing brick basecourse. It is proposed to erect a post and rail fence along the site boundary. It is proposed to undertake works to level the site to ensure that there is no additional underbuilding from that shown on the submitted plans.

1.3 It is proposed to site the house on the highest point of the field. There are however other houses on the other side of Glebe Crescent which are situated at a higher level. Both these houses and the site are clearly visible from the B7036 approach road to Ochiltree from Auchinleck.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 In terms of the East Ayrshire Local Plan, Finalised Version, the proposed development is located in the rural area, where residential development shall only be permitted where this meets a specific locational need. In this case, no specific locational need has been proven by the applicant. The proposal is not therefore consistent with the policy provisions for new housing in the countryside. The proposal is also contrary to the policy provisions of the adopted Mauchline/Drongan/Ochiltree Local Plan, albeit that the design, layout, scale and use of finishing materials in respect of the proposed dwellinghouse are considered to be of an acceptable standard.

3.2 With regard to the objections, it is not considered that the parking proposed is excessive, and the applicant has separate premises from which he currently operates his business. It is however accepted that the proposed

development is contrary to the Council's Policies for Housing in the Countryside.

Alan Neish
Head of Planning & 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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APPLICATION BY MR J MILLAR

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this 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 proposed development is contrary to policy, subject to objection and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The site lies on the north side of Glebe Crescent, Ochiltree and extends to 0.087 hectares in area. The site comprises the south east corner of an overgrown field. The site is bounded by this field to the north and west, and is bounded to the south and east by existing private housing. The field slopes upwards from the sewage works to Glebe Crescent.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a single dwellinghouse on the site. The proposed house would be set back 12 metres from the rear of the footway.

2.3 The dwellinghouse would have a hipped roof clad in grey concrete tiles. The walls would be dry dash rendered with a facing brick basecourse. It is proposed to erect a post and rail fence along the site boundary. It is proposed to undertake works to level the site to ensure that there is no additional underbuilding from that shown on the submitted plans.

2.4 It is proposed to site the house on the highest point of the field. There are however other houses on the other side of Glebe Crescent which are situated at a higher level. Both these houses and the site are clearly visible from the B7036 approach road to Ochiltree from Auchinleck.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Ochiltree Community Council has not responded to the consultation letter.

Noted.

3.2 British Gas Transco, Scottish Power and the Coal Authority have no adverse comments to make on the proposed development.

Noted.

3.3 West of Scotland Water advises that the application may involve building over an existing sewer. The developer must contact West of Scotland Water prior to starting work on site in order to discuss whether diversions or protection of this sewer is required.

A note can be attached to any planning consent granted for the development with regard to the above.

3.4 East Ayrshire Council, Department of Community Services, Outdoor Services has no objection to the application. The access indicated on the site layout plan is across ground maintained by them on behalf of the Roads Division, as part of an Agency Agreement. It should be ascertained that permission from the Roads Division has been granted in favour of this crossing and access.

Noted.

3.5 East Ayrshire Council, Roads and Transportation Division has no objections to the proposed development. Visibility splays of 2 metres by 20 metres would require to be formed at the access, with no obstruction greater in height than 1 metre allowed within these areas. This would require the removal of 2 small trees. A 2-metre wide footway along the public road frontage of the site would also be required. Furthermore, it is recommended that conditions are attached regarding parking provision, the siting of future garages and the surfacing of the access.

The requirements of the Roads Division can be met by attaching conditions to any planning consent granted for the proposed development.

4. **REPRESENTATIONS** : There are 6 letters of objection to the proposed development.

4.1 It is noted that the application lists parking spaces for four vehicles. This seems excessive considering the length of driveway for a private dwellinghouse. They have been informed that the applicant has had public disagreements with existing neighbours regarding this situation and feel that this could be a potential problem.

The submitted plans show a 29 metre long runway leading up to a future garage, and a small turning area in front of the proposed dwellinghouse. The applicant has stated that he proposes to provide four parking spaces within the site. The Roads Division has requested that there be a minimum of three spaces provided

within the site. It is not therefore considered that the provision of four spaces is excessive.

4.2 As the parent of one of 9 young children who live in the same street, one objector is concerned about the increase in traffic which this one development would bring. The applicant has requested parking spaces for four non-commercial vehicles, when only two persons will normally be at home. This would indicate that the applicant is intending to run part of his business from the proposed site. The objectors also believe that the applicant's present neighbours have already complained about his commercial vehicles parking near their homes.

It is not considered that one further dwellinghouse at Glebe Crescent would result in a significant increase in traffic. Furthermore, the Roads Division has no objection to the proposed development. The applicant has stated that he has premises at Thistle Business Park, Cumnock, and all commercial vehicles associated with his business (an electrical company) are stored there. He does not propose to either operate his business from the proposed dwellinghouse, nor park commercial vehicles within the site. If the business was being operated from the house, a formal application for planning permission would be required. Furthermore, an application for planning permission may be required for the parking of commercial vehicles within the site. If the Committee is minded to approve the application, the site could be monitored by the Enforcement Officer. Notwithstanding the above, the Committee should consider the planning merits of this proposal separate from the above claims.

4.2 The application states that no new access would be required from Glebe Crescent. This is presumably an error since a new access would seem to be essential.

This was an error on the application form, and has now been rectified to reflect the provision of a new access to serve the dwellinghouse.

4.3 Who is the owner of the amenity ground, as the Council would appear to only be responsible for 2 metres from the road? The remainder was left overgrown until local residents decided to act.

The issue of who is responsible for maintaining the remainder of the verge is a legal issue, and is not a material consideration in the determination of this application. East Ayrshire Council is only responsible for maintaining the first two metres of the road verge.

4.4 The application states that no trees would have to be felled. In fact, two alder trees would have to be removed to allow for access and the extended pavement. Any additional houses which might follow along this side of Glebe Crescent, would mean the removal of several other trees.

The proposed development, if approved, would result in the felling of the two semi-mature trees. The felling of these trees would be required to ensure compliance with the roads condition with regard to visibility splays. There is a row of trees along the verge on the north side of Glebe Crescent. It is not considered, however, that the felling of these two semi-mature trees, would be detrimental to the amenity of the area.

4.5 A strip of land adjacent to the road is being retained by the present owner, the Church of Scotland. This is not normal procedure. Is the applicant intending to pass on to the Church, the responsibility for the construction of a new footpath?

The original plans showed a 5 metre wide strip between the edge of the footway and the site that would be retained by the present owner; the Church of Scotland. This strip of land now forms part of the site, and amended plans have been submitted accordingly.

4.6 The applicant states that he owns the ground in question. It is bemusing as to the reasoning behind this, considering planning permission may be refused. Is this to exert pressure to have the application approved?

This was an error with regard to the ownership certificate. The applicant has since stated that he does yet own the site. A new ownership certificate was submitted and notice served on the actual owner accordingly.

4.7 Your department recently instructed another interested party that planning consent for this site would not be possible and we wonder why this application is now being considered.

There has been no recent correspondence from any other interested party with regard to this site. Any advice that may however have been given is offered without prejudice to the Planning Authority's right to further and fully consider and review the proposal when finally determining any planning application.

4.8 Planning permission was recently refused to another individual. Why would it be granted in the present circumstances, considering this previous refusal?

There is no recent planning history for this site.

4.9 The application contravenes the recently agreed Local Plan, since the site in question clearly lies outwith the settlement boundary. The Local Plan lists a variety of circumstances in which exceptions could be made to permit new housing in Rural Protection Areas (e.g. for agricultural and essential rural workers). The application does not meet any of these criteria.

It is accepted that the proposal is contrary to the Council's policies for Housing in the Countryside (See Section 5).

4.10 The Strategic Approach outlined in the Local Plan lists a number of aims. Aim 1 states that the Council undertake to “maintain and improve the integrity, vitality and viability of the area’s settlements and their rural settings”. Any building outwith the settlement boundary would clearly breach this undertaking.

Noted.

4.10 The Local Plan requires that priority should be given to using land within settlements for new developments. In the case of Ochiltree, the plan states that all projected housing requirements can be accommodated on land identified for housing. In this case, that would mean the Cairnhall site (Site Ref. 084H) which has space for 10 houses. In addition, there are several “gap sites” in the village which are also available for development.

Noted.

4.11 Were permission to be granted in this case, it seems inevitable that further development would be permitted on this side of Glebe Crescent, thus further breaching the settlement boundary and damaging the integrity of the village setting. This application cannot therefore be seen in isolation but as part of a larger development.

It is accepted that, if this application were approved, it may set a precedent for further housing development on the north side of Glebe Crescent. This application should however be considered on its own merits.

4.12 If planning permission was to be granted, there would be no reasonable reason for other parties not to be allowed to build outwith the settlement boundary. This of course would lead to extra traffic etc. particularly in Glebe Crescent.

See response under Section 4.11

5. DEVELOPMENT PLAN STATUS

5.1 The relevant policy document is the East Ayrshire Local Plan, Finalised Version. The application site lies outwith the settlement boundary of Ochiltree within the Rural Protection Area. The site is affected by strategic development and residential policies.

5.2 Strategic Development Policy SD3 states that within the Rural Protection Area, development proposals relating to land located outwith settlement boundaries will be acceptable to the Council only where the development:

- (i) comprises an acceptable form of residential use as detailed in Policy RES13 of the Local Plan; or
- (ii) can be fully justified in terms of site specific locational need; or
- (iii) can be fully justified in terms of social and economic benefit to the community; or
- (iv) contributes to rural land diversification; or
- (v) provides for the operational needs of agriculture or forestry.

The development does not contribute to rural diversification and the applicant has not provided any site specific locational justification for the development. The proposal is therefore contrary to the provisions of this policy.

5.3 Policy RES 13 states that the Council will be supportive of residential development of single houses in the countryside where it can be demonstrated that the houses are required on a permanent basis:-

- (i) for an agricultural or forestry worker employed directly on the land to which the proposed house relates;
- (ii) for a worker employed by a rural enterprise or a tourism related activity and where the requirement for that worker to live on the site is essential to the economic operation of the activity concerned;
- (iii) as an essential and integral part of an authorised proposal which necessitates the provision of on-site staff accommodation; or
- (iv) as an enabling development for the conversion of a large rural residential or institutional property.

Developments for which a site specific locational need cannot be demonstrated to the satisfaction of the Council will not receive Council support.

The applicant has not provided any site specific locational justification for the development. The proposal is therefore contrary to the provisions of this policy.

5.4 Policy RES 16 (v) states that residential development in the countryside will not be permitted:

- (i) where the development would constitute an inappropriate extension of development into the countryside from existing settlement boundaries.

The existing housing to the north of Glebe Crescent, is clearly defined from the settlement boundary by a mature hedgerow. Although the proposed site is directly across from other housing in Glebe Crescent, the development would result in an extension of development from the settlement boundary of Ochiltree into the countryside. The proposal would not therefore be consistent with the provisions of the above policy.

5.5 In terms of the Mauchline-Drongan, Ochiltree Local Plan the proposed development is affected by Policy RES 17 which presumes in favour of single small scale especially high amenity residential development in the countryside in areas designated as Remoter Rural Areas. Residential development will not be permitted:

- a) unreasonable infrastructure costs not carried by the developer;
- b) in sites of Special Scientific Interest designated by SNH and Listed Wildlife sites;
- c) on prime quality, non-prime quality but locally important agricultural land and good quality grazing;
- d) detrimental effect on important areas of known;
- e) nature or heritage conservation interests where ribboning out of development from the built up areas would result;
- f) adversely affect deciduous woodland and important areas of coniferous woodland;
- g) unduly visually prominent, break the skyline when viewed from a public road; and
- h) proliferation of private sewage units.

The proposed development is located in a Remoter Rural Area which presumes in favour of single scale residential development. However, the proposal is considered contrary to Policy RES 17 as it would result in a ribboning out of development from the settlement form of Ochiltree.

6. OTHER PLANNING CONSIDERATIONS

6.1 **Planning History:** The planning history of housing development at Glebe Crescent dates back to the 1970's. Outline planning permission was refused on October 1977 (Ref: CD/77/181) for a housing development at Manse Road. This application was for a larger site of 2.83 hectares, between Manse Road and Ochiltree Mill. Planning permission was refused on the grounds that the proposed development was contrary to the approved Town Map and would be detrimental to the visual amenity of the area. Outline planning permission for a housing development at Manse Road (Ref: CD/78/25) was approved for a smaller site in May 1978. The site boundary of this application was as per the existing residential development at Glebe Crescent. A planning condition restricted the number of houses to 12. Detailed planning permission for the same site, for 16 dwellinghouses was approved in August 1979 (Ref: CD/79/126). In June 1987 (Ref: CD/87/52), full planning permission was again approved for 16 dwellinghouses. Finally, in September 1989 (Ref: CD/89/190), full planning permission for 17 dwellinghouses was approved. The existing housing development at Glebe Crescent was subsequently developed in accordance with application CD/89/190.

6.2 If the Committee are minded to approve this application, then it would require to be submitted for determination by the Development Services

Committee under the scheme of delegation, as it constitutes a significant departure from the development plan.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 In terms of the East Ayrshire Local Plan, Finalised Version, the proposed development is located in the rural area, where residential development shall only be permitted where this meets a specific locational need. In this case, no specific locational need has been proven by the applicant. The proposal is not therefore consistent with the policy provisions for new housing in the countryside. The proposal is also contrary to the policy provisions of the adopted Mauchline/Drongan/Ochiltree Local Plan, albeit that the design, layout, scale and use of finishing materials in respect of the proposed dwellinghouse are considered to be of an acceptable standard.

8.2 With regard to the objections, it is not considered that the parking proposed is excessive, and the applicant has separate premises from which he currently operates his business. It is however accepted that the proposed development is contrary to the Council's Policies for Housing in the Countryside.

9. RECOMMENDATIONS

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

Alan Neish
Head of Planning and Building Control
27 September 2000
VE/VE/FGD
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Letters of Representation.
5. East Ayrshire Local Plan Finalised Version.
6. Mauchline/Drongan/Ochiltree Local Plan (adopted).
7. Previous planning application no's. CD/77/181, CD/78/25, CD/79/126, CD/87/62 & CD/89/190.

Any person wishing to inspect the background papers listed above should contact Miss Vivien Emery on 01563 555485.

Implementation Officer : Dave Morris

Location	Plot 1 Glebe Crescent, OCHILTREE KA18 2QP
Nature of Proposal:	Proposed erection of new bungalow
Name and Address of Applicant:	Mr James Smith Millar 15 Burnock Street, OCHILTREE KA18 2NP
Name and Address of Agent	

DPO's Ref: [VIVIEN EMERY]
PPO's Ref; []

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

1. The proposed development would constitute the erection of a new dwelling in the countryside without agricultural support and would therefore be contrary to Policies SD3 and RES13 of the Finalised East Ayrshire Local Plan.
2. The proposed development would constitute the erection of a new dwelling in the countryside which would constitute a ribbon development and would therefore be contrary to Policy RES17 of the adopted Mauchline/Drongan/Ochiltree Local Plan.
3. The proposed development would set an undesirable precedent for the ribboning out of the settlement form from the approved settlement boundary.

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AGENDA