

EAST AYRSHIRE COUNCIL

**DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING
COMMITTEE - 22 AUGUST 2006**

**DECISION OF THE SOUTHERN LOCAL PLANNING COMMITTEE HELD ON 11
AUGUST 2006 RELATING TO PLANNING APPLICATION NO 06/0172/FL:
PROPOSED CONSTRUCTION OF DWELLINGHOUSE AND UPGRADING OF
ACCESS ROAD AT GLENHEAD COTTAGE, DALMELLINGTON BY MR AND
MRS DEMPSEY**

Report by the Depute Chief Executive/Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1** The purpose of this report is to inform the Committee of the decision of the Southern Local Planning Committee held on 11 August 2006, regarding the above planning application.

2. BACKGROUND

- 2.1** The Southern Local Planning Committee on 11 August 2006 considered a report dated 31 July 2006 (attached as an Appendix) by the Head of Planning, Development and Building Standards, and agreed that this application be referred to the Development Services Committee with a recommendation for approval, the proposed development being an acceptable departure from the Development Plan (a) in view of the former residential use of the application site; and (b) since the proposed development would have no detrimental impact upon the area within which it is located.
- 2.2** No objections were submitted in respect of this application. Therefore, there is no requirement for a Hearing.

3. FINANCIAL/LEGAL IMPLICATIONS - NIL.

4. POLICY IMPLICATIONS

- 4.1** The Committee are referred to the report dated 31 July 2006 by the Head of Planning, Development and Building Standards, attached as an Appendix to this report.

5. RECOMMENDATION

- 5.1** It is recommended that this Committee consider the planning application with reference to the report dated 31 July 2006 by the Head of Planning, Development and Building Standards and with consideration to the recommendation by the Southern Local Planning Committee, as detailed in Paragraph 2.1, above.

Elizabeth Morton
Depute Chief Executive/Executive Director of Corporate Support

14 August 2006

SN/SR

LIST OF BACKGROUND PAPERS

NIL

Any person wishing further information on this report should contact Bill Walkinshaw, Administration Manager, on telephone number 01563 576135.

Implementation Officer: Stuart Nelson, Administrative Officer.

APPENDIX

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 11 AUGUST 2006

**06/0172/FL: CONSTRUCTION OF DWELLINGHOUSE AND UPGRADING OF
ACCESS ROAD AT GLENHEAD COTTAGE, DALMELLINGTON**

APPLICATION BY MR AND MRS DEMPSEY

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposed dwelling consists of a significantly sized two storey dwellinghouse forming an L – shaped layout. The proposed external materials are off white wet dash render with wood grain uPVC window units and a slate or slate substitute roof covering.

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 indicated in section 5 of the report, the application is not considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 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 Section 6 of the report, there are material considerations relevant to this application.

3.2 The application under consideration is for the erection of a two storey dwellinghouse and the upgrading of an existing farm access road located within the Craigengillan Estate. The Planning Authority also has reservations in respect of the design of the proposed residential development in terms of its appropriateness within the rural environment and more specifically the Area of Sensitive Landscape as outlined within the East Ayrshire Local Plan.

3.3 Although the application makes reference to an outline of a ruined building directly adjacent to the proposal this in itself does not provide justification for a departure from policy. Furthermore, in the absence of any specific locational need for this residential development there is no justification for an approval that would represent a significant departure from the development plan.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will require to be referred to the Development Services Committee because it would be classed as a significant departure from the East Ayrshire Local Plan.

Alan Neish
Head of Planning, Development and Building Standards

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.

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 11 AUGUST 2006

**06/0172/FL: CONSTRUCTION OF DWELLINGHOUSE AND UPGRADING OF
ACCESS ROAD AT GLENHEAD COTTAGE, DALMELLINGTON**

APPLICATION BY MR AND MRS DEMPSEY

Report by Head of Planning, Development and Building Standards

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 at the request of the Local Member under the scheme of delegation, as the proposal is contrary to policy and is recommended for refusal.

1.2 The application was first presented to the Southern Local Planning Committee at its meeting on 23 June 2006 at which time the Committee agreed to continue consideration of the application to allow for a site visit to inform further consideration of issues raised in the committee report regarding the design of the proposed dwellinghouse.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies approximately 500 metres from the B741 Dalmellington to Straiton Road on the southern section and takes access via a narrow steeply sloping farm track approximately 15 metres from Glenhead Bridge. The track twists uphill following a small stream across rough agricultural ground. The position of the proposed dwellinghouse is located through a farm gate on top of a small knoll overlooking Bogton Loch to the east and the A713 main road in the distance to the north.

2.2 The red line application site extends to an approximate area of 4500 metres² comprising of largely undulating undeveloped agricultural ground accessed via a rough farm track from the B741. The proposed location of the dwellinghouse has remnants of an old ruined building that once occupied the site. However it considered that there is not enough of the original building present to allow for a rehabilitation.

2.3 **Proposed Development:** The proposed dwelling consists of a significantly sized two storey dwellinghouse forming an L – shaped layout. The proposed external materials are off white wet dash render with wood grain uPVC window units and a slate or slate substitute roof covering.

3. CONSULTATIONS AND ISSUES RAISED

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

Noted.

3.2 East Ayrshire Council Roads and Transportation Division has no objections to the proposed developments subject to the following road safety requirements being met:

- (i) Minimum visibility splay areas of 2.5 metres by 120 metres shall be required to be formed and maintained at the access to the B741 public road with no object greater than 1 metre in height allowed within these areas.
- (ii) Access into the site shall be via a private access bituminously surfaced for a minimum distance of 10 metres from the edge of the existing road with a maximum gradient of 4% for the first 5 metres then 10% for the remainder.
- (iii) An internal car turning area shall be formed within the site to allow vehicles to turn and exit in the site in forward gear.
- (iv) Three number off road car parking spaces shall be provided within the site.
- (v) The B741 public road at the access location shall require to be widened to 5.5 metres for a distance of 20 metres to allow service vehicles to uplift safely.
- (vi) No surface water shall be allowed to discharge from the site onto the adjacent public road.

Conditions can be attached to any consent granted for the development to meet the requirements of the Roads Division.

3.3 The Scottish Environment Protection Agency has no objections in principle to the development provided the septic tank and blind soakaway shall be designed and constructed in accordance with the current code of practice BS6297:1983. This will require the applicant to undertake percolation testing on site to assess the suitability of the sub soil for effluent disposal. If ground conditions prove unsuited to this type of effluent disposal then SEPA would consider a consent application for a discharge of a fully biologically treated

sewage effluent to a burn. Surface water must be excluded from the septic tank to minimise the amount of drainage being treated and should be discharged to the burn via a suitably designed SUD system, such as a filter trench or French drain. Waste materials generated by this development that require to be removed such as construction, demolition wastes and surplus excavated material, must be removed from the site by licensed waste carriers. Waste must be removed to a site that has either an appropriate waste management licence or is registered with SEPA as exempt from licensing.

A note could be attached to any consent granted for the proposed development advising the applicant to make early contact with SEPA with respect to the drainage of the site.

3.4 Power Systems has no adverse comments to make on this application.

Noted

3.5 Scottish Water has no objections in principle to the proposed development provided that a separate application is made to Scottish Water Planning and Development Services team for permission to connect to the public wastewater system and/or water network.

Noted. Conditions could be attached to any consent granted for the development to meet the requirements of the Scottish Water.

4. REPRESENTATIONS

4.1 No third party representations have been received with respect to the proposed development.

Noted.

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 and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 Policy G6 states that development proposals outwith settlements in the Rural Diversification Areas shall conform to the structure plan where the development:

- A comprises an acceptable form of residential development as defined by the local plan;
- B provides for sensitive industrial, business, recreational or tourism development with a demonstrated site specific locational need;
- C can be justified in terms of social and economic benefit to the community;
- D contributes to rural land diversification: or
- E provides for the operational needs of agriculture and forestry.

No justification for the proposed house has been received therefore it does not meet with any of the above criteria and is contrary to structure plan policy.

East Ayrshire Local Plan

5.3 Policy RES14 is supportive of small scale residential developments within the identified Rural Diversification Area, in one of three stated circumstances.

- (i) the houses are required on a permanent basis for the categories of development detailed in Policy RES13; or

No supporting information has been submitted to state that the proposal is required for any of the categories of development listed in policy RES 13.

- (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, subject to a set of stated criteria being met.

This policy is not applicable.

- (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 18 below.

This policy is not applicable.

5.4 Policy ENV11 states that, within Sensitive Landscape Character Areas, the Council will give priority and prime consideration to the protection and enhancement of the landscape in the consideration of rural development proposals. The policy also states that the Council will not be supportive of any

development that would create unacceptable visual intrusion or irreparable damage within these areas. In addition, the policy states that the Council will be supportive of development proposals only where these positively enhance or protect the natural landscape, wildlife and cultural heritage of the area or promote the social and economic well-being of communities.

The proposed application site is largely acceptable as it is adjacent to the site of a former building, however the specific design of the proposed dwelling would require to be revised as at present it is considered to adversely impact on the landscape.

5.5 Policy ENV12 states that throughout the rural area, and especially in the Sensitive Landscape Character Areas, the Council will ensure that all development proposals respect, in terms of their design, the local landscape characteristics of the particular area within which they are proposed. Developers will be expected to conserve and enhance, and reinstate or replace where appropriate, those features which contribute to the intrinsic landscape value and quality of the area concerned. The policy also states that development which results in the permanent loss of landscape features which are not readily renewable and whose loss would be unacceptable in landscape terms, will not be supported by the Council.

Whilst the land owner refers to the development as being of a contemporary design, and the architects design statement is noted, the proposal in its current form is not considered to appropriately reflect prevailing design features. Angled windows and two storey gable sit uncomfortably in the overall design.

The principle of the development is not considered acceptable in terms of Structure Plan policy G6 or in terms of adopted local plan policies RES 14 and ENV 11 & 12. The proposal cannot therefore be supported in planning policy terms.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the impact on the amenity of the area, the supporting statement and the Finalised Ayrshire Joint Structure Plan.

Consultations Responses

6.2 None of the consultation responses have raised any issues which would indicate that the application should be refused although a number of issues would require to be resolved. These could be addressed either through

conditions or appropriate notes attached to any consent granted for the proposed development.

Impact on the amenity of the area

6.3 The proposal represents at this stage an unjustified form of residential development within the rural environment, which is not compliant with the relevant residential policies. Additionally it is considered that there is scope for improvement in the design of the dwelling in the event that the committee are minded to grant approval of this application.

Supporting Statement

6.4. The Application is supported by a statement from the land owner, Mr Mark Gibson, which refers to the details of his working in partnership with various organisations to bring about the restoration of Craigengillan. The works undertaken have included the restoration of the category A listed stables and extensive planting.

6.5 Mr Gibson envisages residential proposals on the edge of Craigengillan, including this application, generating income to restore two further cottages closer to the heart of the estate. The overall plan would result in “ new life and a strengthened local community”. Proposals are likely at a later date for two further sites.

Ayrshire Joint Structure Plan (New Finalised Version)

6.6 Policy COMM 5 - Housing in the Countryside states that throughout the rural areas there shall be a general presumption in favour of housing development within existing communities, the reuse and redevelopment of redundant buildings for housing, the development of infill sites within existing housing groups and clusters and the development of housing to meet the operational requirements of agriculture and other rural businesses.

The three Councils shall identify in local plans or supplementary planning guidance policies where various types of residential development in the countryside would be considered acceptable, and establish criteria against which single or small scale residential development in the countryside can be assessed.

The proposed house does not fall under any of the above types of development and is not acceptable in terms of the East Ayrshire Local Plan. It is therefore contrary to policy COMM 5.

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 As indicated in section 5 of the report, the application is not considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 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 Section 6 of the report, there are material considerations relevant to this application.

8.2 The application under consideration is for the erection of a two storey dwellinghouse and the upgrading of an existing farm access road located within the Craigenhillan Estate. The Planning Authority also has reservations in respect of the design of the proposed residential development in terms of its appropriateness within the rural environment and more specifically the Area of Sensitive Landscape as outlined within the East Ayrshire Local Plan.

8.3 Although the application makes reference to an outline of a ruined building directly adjacent to the proposal this in itself does not provide justification for a departure from policy. Furthermore, in the absence of any specific locational need for this residential development there is no justification for an approval that would represent a significant departure from the development plan.

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, Development and Building Standards, the application will require to be referred to the Development Services Committee because it would be classed as a significant departure from the East Ayrshire Local Plan.

Alan Neish
Head of Planning, Development and Building Standards

31 July 2006
RG/SD

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Adopted East Ayrshire Local Plan (2003).
5. Approved Ayrshire Joint Structure Plan (1999).

Anyone wishing to inspect the above background papers should contact Mr Ghosh on 01563 555483.

Implementation Officer: Dave Morris

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No. 06/0172/FL

Location: Glenhead Cottage, Dalmellington

Nature of Proposal: Erection of Dwellinghouse and Upgrading of Access Road

Name and Address of Applicant: Mr & Mrs Dempsey
5 Shalloch Place
DALMELLINGTON
KA6 7TW

Name & Address of Agent: Mr Hugh White, C.A.
17 Cargill Road
MAYBOLE
KA19 8AF

DPO's Ref: RG/SD
PPO's Ref: HM

The above full application should be refused for the following reasons:-

1. The proposal is for a new residential development in the countryside which does not meet the provisions of Policy G6 of the Ayrshire Joint Structure Plan. It is contrary to the terms of this policy which requires that all five stated criteria are met in order that the proposal is acceptable.
2. Full planning permission is being sought for a residential development in the rural Diversification Area and Area of Sensitive Landscape for which no justification as required by Policy RES 13 pertaining to an economic or agricultural need case has been submitted. Policy RES 14 of the East Ayrshire Local Plan is supportive of small scale residential developments within the identified Rural Diversification Area but only where the proposal falls under one of the categories as stated in the terms of the policy. Furthermore the design of the proposed development is not considered complaint with Policies ENV 11 & ENV 12 of the East Ayrshire Local Plan.

3. The proposed development would constitute the erection of a single new dwellinghouse in the countryside without a demonstrated, site specific locational justification.

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