

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 20 SEPTEMBER 2005

05/0481/FL: PROPOSED ERECTION OF FISHERY MANAGER'S HOUSE AND GARAGE AT SHIELD MAINS FARM, COALHALL

APPLICATION BY MR ALEX STEVENSON

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a dwellinghouse to accommodate a manager of the existing Coyle Water Fishery. It is proposed to erect a sizeable two storey detached dwellinghouse with a detached double garage and set within a generous plot. The house is of a dual, pitched roof construction incorporating single storey wings to either gable and also having a large hipped roof sunroom extending out the rear. The proposed dwelling which is to be finished in Marley Monarch roof tiles and white roughcast render displays vertically proportioned fenestration with true masonry mullions. Crow steps and stone quoins are also shown.

1.2 It is proposed to access the site from the existing vehicular access which runs between the fishery and the treed embankment to the west. A scheme of landscaping has been proposed and a simple stob and wire fence would demarcate the boundary of the domestic curtilage. Drainage would be to a septic tank.

1.3 A previous outline application for the erection of a dwellinghouse for a fishery manager was approved by the Southern Local Planning Committee at its meeting on 30 March 2001 (Ref. No. 01/0032/OL) A subsequent application under Reserved Matters for the erection of the dwellinghouse was approved by the Southern Local Planning Committee at its meeting on 13 August 2004 (Ref. No. 04/0372/RM). However, the present application site lies differs from the previously approved site in that it lies further to the east and is a larger plot. In essence, the current application seeks to relocate the dwellinghouse on a different plot (albeit part of the original site lies within the current application site). The proposed dwellinghouse in terms of scale, design and finishing materials remains that as approved under the previous Reserved Matters application, although the orientation of the dwellinghouse has changed.

1.4 The applicant has stated that the main reasons for this amended location is that the original site is unsuitable for construction purposes due to the steep contours within the original application site.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet, but that the decision notice be withheld until the Solicitor to the Council has successfully secured a formal revocation of consent 04/0372/RM dated 13 August 2004 in terms of Sections 65 and 67 of the Town and Country Planning (Scotland) Act 1997.

3. SUMMARY OF ANALYSIS

3.1 As indicated in section 5 of the report, the application is 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 approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these do not merit refusal of the application.

3.2 The current application is for the relocation and re-orientation of a dwellinghouse already approved in principle and in detail. The justification is therefore not considered a matter for consideration under the terms of this present application. In terms of the relocation of the plot and re-orientation of the dwellinghouse, it is considered that the development is acceptable in visual amenity terms and that there are no objections to the revised proposal.

3.3 The proposed dwelling is a sizeable two storey unit to be constructed using locally found materials sympathetic to the rural environment in which it is to be located. The overall scale, albeit large, is of vertically aligned proportions and does display traditional rural features with an acceptable fenestration. The plot of ground can accommodate the scale of the proposed house, inclusive of a detached double garage, and with an appropriate boundary treatment of a simple stob and wire fence. A landscaping scheme has been submitted but it is considered that a revised more structured scheme should be sought to minimise the visual impact of the development and assist in its fitting in the general landscape of the area.

3.4 However, as explained in Section 6.4 above, approval of this application will result in two valid planning consents for two adjoining sites and this could result in two dwellings being erected on site where there is only justification for one. In order to address this situation, it will be necessary to implement formal

procedures for the revocation of the extant Reserved Matters consent previously approved for the adjoining site.

James Lavery
Executive Director of Development and Property Services

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 ALEX STEVENSON

Report by Executive Director of Development and Property Services

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 Development Services Committee under the scheme of delegation, as the application, if approved, will result in the requirement to revoke an extant planning consent relating to the development site.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located in a Sensitive Landscape Area in the Rural Protection Area just outside the hamlet of Coalhall. It lies on the south side of the A70 road to Ayr and is positioned on a south west facing slope overlooking the ponds at Coyle Water Fishery. An existing access track serves the fishery which sits in a hollow immediately in front of and below the level of the site. Beyond this is a steep bank with dense tree cover which rises to meet the A70 public road.

2.2 Approximately 166 metres to the north east of the site lies a recently completed dwelling which was granted planning permission subject to an occupancy condition tied to the animal feed business and farm unit known as Shield Mains Farm. Immediately to the west of the site is the access track which wraps around the back of the site to the farm unit.

2.3 **Proposed Development:** Full planning permission is sought for the erection of a dwellinghouse to accommodate a manager of the existing Coyle Water Fishery. It is proposed to erect a sizeable two storey detached dwellinghouse with a detached double garage and set within a generous plot. The house is of a dual, pitched roof construction incorporating single storey wings to either gable and also having a large hipped roof sunroom extending out the rear. The proposed dwelling which is to be finished in Marley Monarch roof

tiles and white roughcast render displays vertically proportioned fenestration with true masonry mullions. Crow steps and stone quoins are also shown.

2.4 It is proposed to access the site from the existing vehicular access which runs between the fishery and the treed embankment to the west. A scheme of landscaping has been proposed and a simple stob and wire fence would demarcate the boundary of the domestic curtilage. Drainage would be to a septic tank.

2.5 A previous outline application for the erection of a dwellinghouse for a fishery manager was approved by the Southern Local Planning Committee at its meeting on 30 March 2001 (Ref. No. 01/0032/OL) A subsequent application under Reserved Matters for the erection of the dwellinghouse was approved by the Southern Local Planning Committee at its meeting on 13 August 2004 (Ref. No. 04/0372/RM). However, the present application site lies differs from the previously approved site in that it lies further to the east and is a larger plot. In essence, the current application seeks to relocate the dwellinghouse on a different plot (albeit part of the original site lies within the current application site). The proposed dwellinghouse in terms of scale, design and finishing materials remains that as approved under the previous Reserved Matters application, although the orientation of the dwellinghouse has changed.

2.6 The applicant has stated that the main reasons for this amended location is that the original site is unsuitable for construction purposes due to the steep contours within the original application site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has no objection to the proposed development.

Noted.

3.2 Scottish Water has advised there are no known sewers to which a connection may be made from the proposed development.

Noted.

3.3 The Scottish Environment Protection Agency has no objections in principle but have stated that 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 Sustainable Urban Drainage system, such as a filter trench or French drain.

A condition can be attached to any consent granted for the proposed development to ensure that the developer meets the requirements of SEPA.

3.4 Power Systems has no objection to the proposed development.

Noted.

3.5 Drongan, Rankinston and Stair Community Council has been consulted but no response had been received at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 None.

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 There are no policies contained within the structure plan which are especially relevant to this application.

East Ayrshire Local Plan

5.3 Policy RES17 states that residential development in the countryside will not be permitted in nine stated circumstances. One of these circumstances is pertinent to the application, this being:

(viii) where, in the opinion of the Council, the development would be unduly visually prominent, break the skyline when viewed from a public road, adversely affect the amenity and appearance of remote areas, wild areas or particularly picturesque locations, or diminish the natural or designed landscape quality and character of the area;

The dwelling proposed is set against a north facing slope above the existing fishery. There is dense tree cover on the facing embankment

adjacent to the A70 which provides a significant amount of screening, albeit these trees are deciduous. Additionally there are a number of other buildings, including two storey dwellings, in this enclave. The proposed house does reflect the rural vernacular and uses generally sympathetic materials and on balance it is not considered to be unduly visually prominent. It therefore complies with Policy RES17.

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 dwelling is not considered to create an unacceptable visual intrusion or irreparable damage and for the reasons outlined in paragraph 5.3 it is considered to comply with Policy ENV11.

5.5 Policy ENV7 states that all developers will be expected to comply fully with the Council's existing and emerging Design Guidance and Policy documents relating to and advising on the particular type of development proposed.

The proposed dwelling is considered to generally adhere to the guidance set out in the Council's Design Guidance 3: New Residential Development in the Countryside and thus complies with Policy ENV7.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and the planning history of the site.

Consultations Responses

6.2 None of the consultation responses have raised any objections to the proposed development.

Planning History

6.3 The current application is full application for the erection of a fishery manager's house associated with the operation of Coyle Water Fishery. This

application follows the previous grant of both outline consent (Ref: 01/0032/OL) and Reserved Matters consent (04/0372/RM) for the erection of a dwellinghouse on the site for a fishery manager. Under these previous applications, the applicant has demonstrated that there was a site specific locational need case for a dwelling to accommodate him as the full time fishery manager and in the interests of security.

6.4 The present application is in effect for a relocation and re-orientation of the dwellinghouse previously approved for the fishery manager. However, the current application, if approved, would result in two extant consents for a dwellinghouse at this location and from a planning law point of view, two dwellinghouses could therefore be erected at this location. Consequently, in order to ensure that only one dwellinghouse is constructed on site, it will be necessary to revoke the extant Reserved Matters consent for the dwellinghouse. The applicant has indicated a willingness to support an unopposed revocation of this previous consent in favour of the current proposal.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no direct financial implications for the Council in the determination of this application. However, legal implications will arise through the making of a Revocation Order under Section 65 of the Town and Country Planning (Scotland) Act 1997 in terms of the procedures referred to under Section 67 for the unopposed revocation of Reserved Matters consent 04/0481/RM to ensure that only one dwellinghouse is erected to serve the requirements of a fishery manager at Coyle Water Fishery. It is considered that any reasonable costs incurred by the Planning Authority in implementing such procedures (e.g. statutory advertising etc.) should be borne by the applicant.

7.2 It should be further noted that should any objections be received in relation to the proposed Revocation Order, then the matter will require to be referred to the Scottish Ministers for consideration.

8. CONCLUSIONS

8.1 As indicated in section 5 of the report, the application is 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 approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these do not merit refusal of the application.

8.2 The current application is for the relocation and re-orientation of a dwellinghouse already approved in principle and in detail. The justification is therefore not considered a matter for consideration under the terms of this present application. In terms of the relocation of the plot and re-orientation of the dwellinghouse, it is considered that the development is acceptable in visual amenity terms and that there are no objections to the revised proposal.

8.3 The proposed dwelling is a sizeable two storey unit to be constructed using locally found materials sympathetic to the rural environment in which it is to be located. The overall scale, albeit large, is of vertically aligned proportions and does display traditional rural features with an acceptable fenestration. The plot of ground can accommodate the scale of the proposed house, inclusive of a detached double garage, and with an appropriate boundary treatment of a simple stob and wire fence. A landscaping scheme has been submitted but it is considered that a revised more structured scheme should be sought to minimise the visual impact of the development and assist in its fitting in the general landscape of the area.

8.4 However, as explained in Section 6.4 above, approval of this application will result in two valid planning consents for two adjoining sites and this could result in two dwellings being erected on site where there is only justification for one. In order to address this situation, it will be necessary to implement formal procedures for the revocation of the extant Reserved Matters consent previously approved for the adjoining site.

9. RECOMMENDATIONS

9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet, but that the decision notice be withheld until the Solicitor to the Council has successfully secured a formal revocation of consent 04/0372/RM dated 13 August 2004 in terms of Sections 65 and 67 of the Town and Country Planning (Scotland) Act 1997.

James Lavery
Executive Director of Development and Property Services

08 September 2005
HM/HM
FV-AN

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).
6. Previous applications 01/0032/OL and 04/0372/RM
7. The Town and Country Planning (Scotland) Act 1997

Anyone wishing to inspect the above background papers should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Alan Neish

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/0481/FL

Location	Shield Mains Farm COALHALL KA6 6LZ
Nature of Proposal:	Proposed erection of fishery manager's house and garage
Name and Address of Applicant:	Mr Alex Stevenson Coyle Water Fishery COALHALL KA6 6LZ
Name and Address of Agent	MGP Architects Cathcart House 20 Cathcart Street AYR KA7 1BJ

DPO's Ref:
PPO's Ref: Hugh Melvin

The above FULL application should be granted subject to the following conditions:-

1. The proposed dwellinghouse shall only be occupied by a person or persons employed or last employed as a manager or other employee charged with the maintenance and supervision of the Coyle Water Fishery or by his or her dependants, widow or widower.

REASON – The proposed development constitutes the construction of a dwellinghouse in the countryside which would otherwise be refused.

2. Prior to the commencement of development the developer shall submit a detailed landscaping scheme to include standards of a native species for the further written approval of the Planning Authority.

REASON – The landscaping scheme as submitted is not considered to be sufficient and a more detailed scheme is required.

3. The landscaping scheme which shall be approved under Condition 02 above shall be implemented in the first planting season following the occupation of the dwellinghouse and shall maintained in perpetuity to the satisfaction of the Planning Authority.

REASON – In the interests of visual amenity.

4. Notwithstanding the details on the plans hereby approved the boundary shall be formed by a simple stob and wire fence, native hedgerow or drystone dyke, unless an alternative form of enclosure receives the prior written approval of the Planning Authority.

REASON – To ensure the boundary treatment is appropriate to the rural environment.

5. Notwithstanding the details on the plans hereby approved the dwellinghouse and garage shall be finished with a Marley Monarch roof tile unless an alternative receives the prior written approval of the Planning Authority.

REASON – To ensure the external finishing materials are appropriate to the rural area in the interests of visual amenity.

6. Notwithstanding the details on the plans hereby approved the external wall finish of the dwellinghouse and garage shall be a white roughcast render unless an alternative receives the prior written approval of the Planning Authority.

REASON – To ensure the external finishing materials are appropriate to the rural area in the interests of visual amenity.

7. Prior to the commencement of development a colour specification for the external window frames, external doors, window surrounds and garage doors shall be submitted to and approved by the Planning Authority for the further written approval of the Planning Authority.

REASON – In the interests of visual amenity.

8. Prior to the commencement of development the developer shall form visibility sightline splays measuring 2 metres by 90 metres at the junction of the access road with the A70 public road, and once formed, these areas shall be kept free from any obstruction greater than one metre height to the satisfaction of the Planning Authority.

REASON – In the interests of road safety.

9. Prior to the commencement of development the developer shall demonstrate in writing that a satisfactory method of surface water disposal has been approved in writing by the Scottish Environment Protection Agency and this shall be installed and maintained as agreed to the satisfaction of the Planning Authority.

REASON – In the interests of public health and safety.

Notes to Applicant

1. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency regarding drainage of the site, (including capacity issues), and to confirm the request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.
2. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.

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