

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 21 APRIL 2006

**06/0101/FL: PROPOSED ERECTION OF A REPLACEMENT
DWELLINGHOUSE AND ERECTION OF GARAGE
AT BLAIR LODGE, LANFINE, NEWMILNS
BY MR & MRS P ALLARDYCE**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the proposed erection of a replacement dwellinghouse and the erection of a garage. As a result of structural damage the original dwellinghouse located at the site was demolished in October 2005. The replacement dwelling is proposed to be a two storey development with associated garage, the finished materials of the dwellinghouse and garage would consist of white dash render and a slate effect roof tile.

2. RECOMMENDATION

2.1 The application should be granted subject to the conditions indicated on the attached sheet.

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed replacement house with associated works, do not accord with the Development Plan and therefore the application should be refused unless material considerations indicate otherwise.

3.2 It is considered that the proposed development does not meet the requirements of Policy G5 of the Ayrshire Joint Structure Plan and Policy RES13 of the East Ayrshire Local Plan. The principle of demolishing an existing dwelling house in this rural location and replacing it with a new house is contrary to both policies.

3.3 The proposal does not entail the reconstruction of a house abandoned or demolished after any great passage of time. The original dwellinghouse was long established on the site until its recent demolition in October 2005, as a result of structural damage. As previously indicated, separate planning consents were granted in both 2001 and 2004 for substantial extensions and alterations to the

existing dwellinghouse located at Blair lodge. It was during construction of the extension and alterations approved by the Planning Authority in June 2005, that it became apparent to the applicant that the dwellinghouse was suffering from structural damage and would require the walls to be rebuilt in new materials. The applicant is not seeking consent for a replacement dwelling on the basis of some partial remnants of a past use, rather there was an actual residential use established within a building that was clearly a dwelling. Approval of this application would not introduce residential activity to the site for the first time; rather it would allow for the continuation of that established use in a form constructed to modern standards. Given that planning consent was previously granted to substantially extend the existing dwelling, the poor structural condition of the existing dwelling and the high quality of the replacement proposals, it is considered that an exception to policy can be justified and the proposal supported in this instance. The replacement dwelling is considered acceptable and beneficial to both the character and appearance of the area.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards the application will not require to be referred to the Development Services Committee as it would not be a significant departure from policy.

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

NORTHERN AREA LOCAL PLANNING COMMITTEE: 21 APRIL 2006

**06/0101/FL: PROPOSED ERECTION OF A REPLACEMENT
DWELLINGHOUSE AND ERECTION OF GARAGE
AT BLAIR LODGE, LANFINE, NEWMILNS
BY MR & MRS P ALLARDYCE**

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 under the scheme of delegation as it is recommended for approval as an exception to policy.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located at Blair Lodge, situated within the Lanfine Estate to the south and east of the settlement of Newmilns. The application site is bounded to the north and east by mature trees, and to the west by the adjacent detached dwellinghouse known as Langdale House. Access to the site is proposed to be taken from the existing road located to the east and south of the application site.

2.2 **Proposed Development:** Full planning consent is sought for the proposed erection of a replacement dwellinghouse and the erection of a garage. As a result of structural damage the original dwellinghouse located at the site was demolished in October 2005. The replacement dwelling is proposed to be a two storey development with associated garage, the finished materials of the dwellinghouse and garage would consist of white dash render and a slate effect roof tile.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Water have been consulted and have offered no objections to the proposals. However, Scottish Water advise that there are no known public sewers or public water mains in the vicinity of the proposed development.

These issues can be resolved by way of planning conditions, should consent be granted.

3.2 Scottish Environmental Protection Agency have offered no objections to the proposal provided that the drainage requirements are to SEPA's satisfaction.

These issues can be resolved by way of planning conditions, should consent be granted.

3.3 Galston Community Council have offered no objections to the proposals.

Noted.

3.4 The Garden History Society have no objection to the application.

Noted.

3.5 The Scottish Wildlife Trust have no objection to the proposals.

Noted.

3.6 Scottish Power have no objections to the proposal, but suggested that the applicant contact Scottish Power to ascertain the location of any power lines in proximity to the site

This issue can be highlighted by an advisory note, should consent be granted.

3.7 Scottish Natural Heritage have no objections to the application.

Noted.

3.8 East Ayrshire Council's Roads and Transportation Division have no objections to the proposal.

Noted.

3.9 Scotland Gas Networks have offered no objection to the proposal, but suggested that the applicant contact Scotland Gas Networks to ascertain the location of any gas pipes in proximity to the site.

This issue can be highlighted by an advisory note, should consent be granted.

4. REPRESENTATIONS

4.1 The proposal was advertised in the Kilmarnock Standard on 16 February 2006 as Development Contrary to the Development Plan, no letters of objection have been received in respect of the proposed development. However, one letter of support establishing the existence of a dwellinghouse within the site has been submitted from the previous owner. It indicates the following:-

4.2 The original dwellinghouse located on the application site was purchased from the Lanfine Estate in 2002, at that time the dwellinghouse had been unoccupied for approximately 6 – 8 years. Planning consent was granted for alterations to the adjacent property at Langdale House and some of the materials for this development were reclaimed from the original dwelling located within the application site, resulting in the original dwellinghouse remaining open to the elements. This property was then purchased by Mr Allardyce, the applicant, in March 2004.

Planning consent was granted, subject to conditions by East Ayrshire Council, on 24 July 2001 (ref: 01/0439/FL) to alter and extend the original dwellinghouse. This planning consent consisted of a fairly substantial and grand two storey extension to the existing dwellinghouse located at Blair Lodge.

4.3 The applicant has submitted a planning statement in support of the application. The planning statement seeks to establish that the previous residential building located within the application site was constructed in the 19 century and became vacant in the mid 1990's and remained unoccupied until sold to a new owner in 2002. Planning consent was granted in 2004 by East Ayrshire Council to extend and alter the original dwelling. In an assessment of the current planning application the applicant seeks to establish that none of the original building's structure was capable of being retained and that the proposed dwellinghouse will replace the original house with a building of similar size, scale and material finish.

A further planning consent was granted subject to conditions, by East Ayrshire Council on 24 June 2004 for the extension and alteration of the existing dwellinghouse and the erection of a garage at Blair Lodge, (ref: 04/0389/FL), these approved plans indicate a substantial extension forming two storeys in height with an increase in floor area. It is to be noted that the current application for a replacement dwelling indicates a two storey dwelling with the proposals also including a reduction in the floor area of the replacement dwellinghouse in comparison to the floor area of the previously approved applications for extension and alterations to the property. Apart from the reduction in floor area, the present proposal is very similar to the details approved in June 2004.

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.

Approved Ayrshire Joint Structure Plan

5.2 Policy G5 states that development proposals outwith settlements in the Rural Protection Areas shall conform to the Structure Plan only where the development:

A has a demonstrated site specific locational need;

Whilst no supporting information has been provided to demonstrate that the proposal has a site specific need to be located outwith the settlement boundary, the applicant has provided a planning statement providing evidence to establish that a dwellinghouse has been located on the site and occupied until recently for a considerable period of time and that this current application seeks to replace the original property. In addition, the applicant has supplied supporting information by way of a structural engineers report indicating that the original dwelling required to be demolished due to structural damage.

B can be justified in terms of social and economic benefit to the community;

This new house in the rural area cannot be justified in terms of social and economic benefit to the community.

C contributes to rural land diversification: or

This proposal would not contribute to rural land diversification.

D provides for the operational needs of agriculture and forestry.

The applicant has not demonstrated that the new house is required for the operational needs of agriculture or forestry.

East Ayrshire Local Plan

5.3 Policy RES13 is supportive of residential development of houses in the Rural Protection Area only where it can be demonstrated that the houses are required on a permanent basis for one of four stated purposes, these being;

- (i) for a full time 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, as detailed in Policy RES 8.

None of these circumstances are applicable to the application as submitted.

5.4 The policy also states that developments for which a site specific locational need cannot be demonstrated to the satisfaction of the Council will not receive Council support.

As stated in relation to Structure Plan Policy G5 above, no site specific locational need for the development has been demonstrated by the developer, other than the relatively recent presence of an occupied house on the site.

5.5 In addition, the policy enables the Council to request applicants for the categories of residential development described above, to justify their proposals through the submission of detailed supporting information.

As stated under Policy G5 of the Ayrshire Joint Structure Plan, the applicant has submitted a planning statement and structural engineers report supporting demolition of the property and its replacement with a new building of higher quality and higher standards of design. In addition, the applicant has provided detailed supporting information confirming the considerable time period where an existing dwelling has been established within the application site.

5.6 The principle of demolishing an existing dwelling house in this rural location and replacing it with a new house is contrary to Policy G5 of the approved Structure Plan and Policy RES13 of the adopted East Ayrshire Local Plan and is therefore considered inconsistent with planning policy.

However, given the exceptional circumstances in this case and the extant consent for alterations and extension to the previous house. The material considerations are considered to outweigh the significance of Development Plan policy in this case.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultations, the letter of support, the supporting information, the impact of the proposal on the amenity of the area and the long established residential use on the site.

Consultations

6.2 The consultation responses have offered no objections to the proposed development.

Representations

6.3 No letters of objection have been received in respect of this application. One letter of support from the previous owner of the property, who currently resides at the adjacent property at Langdale House has been submitted and is summarised in Section 4 of this report.

Impact on the Amenity of Neighbours

6.4 The application will have no significant impact on the amenity of neighbouring properties.

Previous Residential Use

6.5 The long established original dwellinghouse has existed on the site until October 2005 and has been in use until relatively recently. Consequently, residential use has been established at the application site.

Planning History

6.6 Planning consent was granted subject to conditions, by East Ayrshire Council on 24 June 2004 for the extension and alteration to the existing dwellinghouse and the erection of a garage at Blair Lodge, (ref: 04/0389/FL). This planning consent authorised the extension and alteration of the existing dwellinghouse located at Blair Lodge to provide a two storey property similar in size, scale and design to the proposed replacement dwellinghouse currently under consideration. In June 2004, just prior to planning consent 04/0389/FL being granted, a structural engineers report stated that the original dwellinghouse

roof structure had been removed and an inspection of the structural condition of the walls of the existing building was undertaken with respect to future development. Having considered the extent of the original stone walling that required to be taken down and the poor structural condition of the remaining stonework, the structural engineer recommended that the existing walls should be taken down and rebuilt in new materials as part of the re-development of the property. After further discussion with the Planning Authority case officer, the applicant then proceeded with the approved development assuming that the removal of the walls was authorised by the Planning Authority. The complete removal of the original dwellinghouse walls was not brought to the attention of the Planning Authority until December 2005 when the applicant sought approval of the finished materials for the alteration and extension approved under Planning Consent 04/0389/FL. It is important to advise that at this stage the applicant was informed that a planning application for a replacement dwellinghouse and garage would be required to be submitted to the Planning Authority. The current planning application under consideration proposes a two storey replacement dwellinghouse which indicates a reduction in the floor area to the previously approved application for extension and alterations granted consent by planning application 04/0389 in June 2004.

6.7 Planning consent was granted, subject to conditions by East Ayrshire Council, on 24 July 2001 (ref: 01/0439/FL) to extend and alter the original dwellinghouse. This planning consent consisted of a fairly large and grand two storey extension to the existing dwellinghouse located at Blair Lodge.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As indicated at Section 5 of the report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed replacement house with associated works, do not accord with the Development Plan and therefore the application should be refused unless material considerations indicate otherwise.

8.2 It is considered that the proposed development does not meet the requirements of Policy G5 of the Ayrshire Joint Structure Plan and Policy RES13 of the East Ayrshire Local Plan. The principle of demolishing an existing dwelling house in this rural location and replacing it with a new house is contrary to both policies.

8.3 The proposal does not entail the reconstruction of a house abandoned or demolished after any great passage of time. The original dwellinghouse was long established on the site until its recent demolition in October 2005, as a result of structural damage. As previously indicated, separate planning consents were granted in both 2001 and 2004 for substantial extensions and alterations to the existing dwellinghouse located at Blair Lodge. It was during construction of the extension and alterations approved by the Planning Authority in June 2005, that it became apparent to the applicant that the dwellinghouse was suffering from structural damage and would require the walls to be rebuilt in new materials. The applicant is not seeking consent for a replacement dwelling on the basis of some partial remnants of a past use, rather there was an actual residential use established within a building that was clearly a dwelling. Approval of this application would not introduce residential activity to the site for the first time; rather it would allow for the continuation of that established use in a form constructed to modern standards. Given that planning consent was previously granted to substantially extend the existing dwelling, the poor structural condition of the existing dwelling and the high quality of the replacement proposals, it is considered that an exception to policy can be justified and the proposal supported in this instance. The replacement dwelling is considered acceptable and beneficial to both the character and appearance of the area.

9. RECOMMENDATION

9.1 The application should be granted subject to the conditions indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards the application will not require to be referred to the Development Services Committee as it would not be a significant departure from policy.

Alan Neish
Head of Planning, Development and Building Standards

05 April 2006
(JL/MMM)

FV-KD

LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Letter of Support.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.

Anyone wishing to inspect the above papers please contact Jane Little, Planning Officer, on 01563 576768.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0101/FL

Site of Proposal: Blair Lodge
Lanfine
NEWMILNS KA16 9JR

Nature of Proposal: Proposed Erection of a Replacement
Dwellinghouse and Erection of Garage

Name & Address of Applicant: Mr & Mrs P Allardyce
Blair Lodge
Lanfine
NEWMILNS KA16 9JR

Name & Address of Agent: TD McEntee
15 Tofthill Avenue
Bishopbriggs
GLASGOW G64 3PA

DPOs Reference: JL/MMM

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

1. Prior to the commencement of development, samples of all external materials to be used shall be submitted to and approved in writing by the Planning Authority.

REASON In the interests of visual amenity.

2. Notwithstanding the plans hereby approved, details of any septic tank provided to serve the development shall be submitted to the Planning Authority for written approval prior to the commencement of development.

REASON In the interest of public health and visual amenity

3. The approved foul drainage arrangements shall be implemented and operational, prior to the occupation of the house and thereafter maintained in accordance of the approved details.

REASON In the interests of public health and residential amenity

4. Notwithstanding the plans hereby approved no tree shall be felled, lopped, or suffer root damage or be subject to any other works without the prior written consent of the Planning Authority.

REASON In the interests of visual amenity and to maintain the existing contribution of the trees to the amenity of the area.

5. Prior to commencement of development, details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved in writing by the Planning Authority.

REASON To allow the Planning Authority to control the design and construction of such fences and walls before commencement of development at the site.

6. Notwithstanding the plans hereby approved, the garage shall not be used for purposes other than those being incidental to the occupants' enjoyment of the property, nor as a residential unit separate from Blair Lodge.

REASON To safeguard the residential amenity of the area.

7. Prior to occupation of the dwellinghouse, the construction of all proposed walls and fences shall be completed to the satisfaction of the Planning Authority.

REASON To safeguard the residential amenity of the area

8. External construction works shall only take place during the hours of 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 hours on a Saturday and at no time on a Sunday.

REASON In the interests of residential amenity

9. Notwithstanding the plans hereby approved, any septic tank provided to serve the development shall be sited in such a manner as to allow easy access for emptying by the tanker.

REASON In the interests of public safety.

10. Notwithstanding the plans hereby approved the existing caravan on site shall be removed from the site within three months of the occupation of the dwellinghouse and the area it occupies incorporated into the garden ground for the dwellinghouse.

REASON In the interests of residential amenity.

NOTES TO APPLICANT:-

1. Early contact with should be made with Scotland Gas Networks on 0141 418 4093, as gas networks apparatus may be located on or adjacent to the site.
2. Early contact with should be made with Scottish Power on 0141 567 4155, as Scottish Power apparatus may be located on or adjacent to the site.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**