

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 25 JUNE 2004**

**04/0274/FL: PROPOSED ERECTION OF NEW DWELLINGHOUSE AND GARAGE AND UPGRADING OF ACCESS ROAD, BELLEVUE COTTAGE, BOIG ROAD, NEW CUMNOCK**

**APPLICATION BY MR. & MRS. W. McDICKEN**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the erection of a dwellinghouse and detached double garage on the site. The proposed dwellinghouse is of single storey construction and will provide living accommodation comprising three bedrooms, a lounge, kitchen dining room, sun lounge and bathroom.

1.2 The proposed dwellinghouse incorporates elements of traditional design appropriate to the rural location in which it is situated including vertically proportioned windows with stone mullions, cement bands around door and window openings, a painted wet dash external wall finish and a natural slate roof finish.

1.3 The proposal also provides for the upgrading of the existing access road to Fordmouth including the widening of the junction of the access road with the C36 Boig Road and lowering of part of the verge on the C36 to provide visibility improvements.

**2. RECOMMENDATION**

**2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet.**

**3. SUMMARY OF ANALYSIS**

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 in Section 6 of the report, there are material considerations relevant to this application, and in this instance the planning

history of the site is of significance as is the consultation response from the Roads and Transportation Division.

3.2 Since the refusal of the previous application, the significant objection on road safety grounds has now been addressed and the Roads and Transportation Division no longer objects to the proposed development subject to appropriate conditions in any consent granted.

3.3 The proposed dwellinghouse, in terms of its siting, design and use of finishing materials is acceptable and meets with the terms of Design Guidance for new dwellings in the countryside.

3.4 Given the planning history of the site and the fact that ground preparatory works for a dwellinghouse were undertaken in respect of the application site, it is considered a more sympathetic view should be taken in this instance and it is recommended that the application be approved. This will result in a minor departure from the development plan. However, it is considered that on balance, the material considerations justify a departure in this instance.

#### **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 because refusal would not result in 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.**



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**APPLICATION BY MR. & MRS. W. McDICKEN**

**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 the proposed development is contrary to policy and is recommended for approval.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The site is located off the west side of the C36 Boig Road (Cumnock – New Cumnock) and comprises part of a larger agricultural field utilised for rough grazing. The application site lies on the south side of the existing access road that leads to the small holding at Fordmouth and ultimately to the site of the former Afton Brickworks. The application site lies immediately east of the existing dwellinghouse known as Lochhill Cottage. The application site lies on gently sloping ground falling from Lochhill Cottage to the C36 road in an easterly direction.

2.2 The application site also lies approximately 90 metres north of the proposed rail line currently under construction to serve the Greenburn opencast site. The Rigghead opencast coal site also lies approximately half a mile to the north-west of the application site. The application site also lies within the Riggfoot /Lanemark /Bogside Wetland Provisional Listed Wildlife Site.

2.3 **Proposed Development:** Full planning permission is sought for the erection of a dwellinghouse and detached double garage on the site. The proposed dwellinghouse is of single storey construction and will provide living accommodation comprising three bedrooms, a lounge, kitchen dining room, sun lounge and bathroom.

2.4 The proposed dwellinghouse incorporates elements of traditional design appropriate to the rural location in which it is situated including vertically proportioned windows with stone mullions, cement bands around door and window openings, a painted wet dash external wall finish and a natural slate roof finish.

2.5 The proposal also provides for the upgrading of the existing access road to Fordmouth including the widening of the junction of the access road with the C36 Boig Road and lowering of part of the verge on the C36 to provide visibility improvements.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has no objections to the proposed development subject to conditions. The applicant will require to provide a turning area for service vehicles to East Ayrshire standards and bituminously surface the access road between the C36 and the turning area located adjacent to the plot. The access will require to be widened at its junction with the C36 to allow two vehicles to pass safely. The applicant will require to carry out minor works within the verge of the C36 to lower a section of verge to provide visibility improvements. Drainage within the access must be provided to ensure no surface water from the access discharges onto the adjacent public road. A minimum of two off road parking spaces must be provided within the plot. Details of the access road improvements should be submitted to the Council for approval – all in the interests of public road safety.

***The existing access has poor visibility to the south due to the vertical alignment of the C36 Boig Road and consequently the approval of the proposed development would result in increased usage of the existing substandard access. The applicant has had discussions with the Roads and Transportation Division and agreement has been reached on the works necessary to improve the access and visibilities to an acceptable standard. Conditions can be attached to any consent granted for the proposed development to meet the requirements of the Roads and Transportation Division.***

3.2 The Scottish Wildlife Trust has no objections to the proposed development.

***Noted.***

3.3 The Coal Authority, Transco and Power Systems have no adverse comments to make on the proposed development.

***Noted.***

3.4 Scottish Water has no comments to make other than to advise that any septic tank serving the property should be sited in such a manner as to allow easy access for emptying by tanker.

***A note can be attached to any consent granted for the proposed development to advise the applicant of the comments of Scottish Water.***

3.5 The Scottish Environment Protection Agency states that it will be requesting that percolation tests are carried out to investigate the suitability of the site for a soakaway system of drainage. If these tests fail, SEPA considers that an alternative method of treatment and disposal of the foul drainage is available. Hence there are no objections to the proposal provided that the applicant discusses the matter further with SEPA.

***A note can be attached to any grant of planning consent to advise the applicant to make early contact with SEPA regarding the drainage of the site.***

3.6 New Cumnock Community Council has not responded to the consultation letter.

***Noted.***

3.7 National Air Traffic Services has no safeguarding objections to the proposed development.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 The planning application has attracted no third party objections.

#### **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 East Ayrshire Local Plan (2003).

## East Ayrshire Local Plan

5.2 The site lies within the Rural Diversification Area and Policy RES14 would apply. This states that residential development in the countryside will be supported where the house is required on a permanent basis for categories of development detailed in Policy RES13. The categories are as follows:

- (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 site is essential to the economic operation of the activity concerned;
- (iii) as an essential and integral part of an authorised proposal that 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.

***The proposal does not comprise a development that satisfies any of the above criteria and the proposal is therefore contrary to the provisions of Policy RES14.***

5.3 Policy RES17 states that residential development in the countryside will not be permitted in nine stated circumstances. Four of those circumstances are pertinent to the application, those being:

- (i) in Sites of Special Scientific Interest and on other recognised, important areas of known nature conservation, built heritage or natural heritage interest;

***The site is located within a Provisional Wildlife Site. However in this instance, the Scottish Wildlife Trust has not raised any objection to the proposed development.***

- (vi) where the development would, in itself, constitute or add to sporadic or ribboning of development along public or private roads in rural locations;

***It is considered that the proposed development would not significantly add to sporadic or ribbon development along the existing private access road.***

- (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; or

***It is considered that the development would not be unduly visually prominent, nor adversely affect the amenity and appearance of the area such as to diminish its natural landscape quality.***

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

***The proposed development has not attracted any objections from the Roads and Transportation Division or other statutory undertakers.***

#### Ayrshire Joint Structure Plan

5.4 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.

***The proposal does not comprise a development which meets any of the above criteria. It is considered that, if a full agricultural justification for the development had been made, the proposal could have complied with points A and E of the policy. However, no such justification has been provided and the proposal is therefore considered to be contrary to the policy.***

5.5 Policy E9 states that, in assessing the likely effects of development on the natural heritage value of sites which are not of national or international importance, the Council will have regard to the need to manage features of natural heritage which are of importance for habitats and species.

***The Scottish Wildlife Trust has not raised any objections to the proposed development.***

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

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

### Consultation Responses

6.2 The consultation responses received do not indicate that the application should be refused.

### Planning History

6.3 A previous application (Ref: CD/91/297) for the erection of two dwellinghouses on land adjacent to Fordmouth was approved by the former Cumnock and Doon Valley District Council on 24 December 1991. The site of this application includes the current application site. A subsequent detailed planning application (Ref: CD/93/0061/DPP) for the erection of a dwellinghouse on one of the two plots at Fordmouth was approved by the former Council on 18 June 1993 (Lochhill Cottage).

***Although outline planning permission was granted for two dwellings, only one dwellinghouse was subsequently constructed following the granting of detailed planning permission. As a consequence, the outline consent relating to the site of the current application expired on 24 December 1994.***

***However, it should be noted that at the time of construction of the dwellinghouse at Lochhill, works were undertaken to prepare the ground for a further dwellinghouse in terms of the outline consent granted. Services were also vested in the site to accommodate a second house, including the provision of a joint septic tank drainage arrangement. Under different circumstances, works for the construction of the second dwellinghouse could have been deemed to have started, thereby ensuring that the planning consent remained valid and would not expire. In this case, the failure to submit a Reserved Matters application for the second dwellinghouse has resulted in the expiry of the original consent, despite such preparatory works being undertaken. The preparatory works were, in effect, not related to any approved details.***

***Nonetheless, the planning history of the site is considered to be a material consideration in the determination of this application.***

6.4 A more recent application (Ref. No. 03/0830/ FL) for the erection of a dwellinghouse on this plot was refused by the Southern Local Planning Committee on 14 November 2003 on policy and road safety grounds. The Committee report at that time indicated that given the planning history of the site, a sympathetic view on the principle of development would have been appropriate. However, at that time, the Roads and Transportation Division also recommended refusal on road safety grounds and the recommendation put forward was one of refusal. The applicant has now discussed and agreed appropriate measures to be implemented on site that have removed the previous recommendation of refusal from the Roads and Transportation Division.

## **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 in Section 6 of the report, there are material considerations relevant to this application, and in this instance the planning history of the site is of significance as is the consultation response from the Roads and Transportation Division.

8.2 Since the refusal of the previous application, the significant objection on road safety grounds has now been addressed and the Roads and Transportation Division no longer objects to the proposed development subject to appropriate conditions in any consent granted.

8.3 The proposed dwellinghouse, in terms of its siting, design and use of finishing materials is acceptable and meets with the terms of Design Guidance for new dwellings in the countryside.

8.4 Given the planning history of the site and the fact that ground preparatory works for a dwellinghouse were undertaken in respect of the application site, it is considered a more sympathetic view should be taken in this instance and it is recommended that the application be approved. This will result in a minor departure from the development plan. However, it is considered that on balance, the material considerations justify a departure in this instance.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions listed 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 because refusal would not result in a significant departure from policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

01 June 2004  
HM/HM/SMB  
FV/DVM

### **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 application CD/91/297
7. Previous application CD/93/0061/DPP
8. Previous application 03/0830/FL

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

**Implementation Officer: Dave Morris**

Application No: 04/0274/FL

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Location	Bellevue Cottage, Boig Road, New Cumnock
Nature of Proposal:	Proposed erection of new dwellinghouse and garage and upgrading of access road
Name and Address of Applicant:	Mr. and Mrs. W. McDicken 3 Dalmellington Road AYR KA7 3TH
Name and Address of Agent	Thomson McCrea 9 Old Bridge Street AYR KA7 1QA

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

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

1. Prior to the commencement of works on site, the applicant shall submit to, and have approved by the Planning Authority in consultation with the Roads Authority, details of the access road improvements and works to be undertaken on the verge of the C36 Road. The approved access improvements and verge works shall be fully implemented on site prior to the occupation of the proposed dwellinghouse.

REASON – In the interests of public road safety.

2. A turning area for service vehicles shall be provided to East Ayrshire Roads Division standards and the access road shall be bituminously surfaced between its junction with the C36 and the proposed turning area.

REASON – In the interests of public road safety.

3. The existing access shall be widened at its junction with the C36 road to allow two vehicles to pass safely.

REASON - In the interests of public road safety.

4. Drainage shall be provided within the access road to ensure that no surface water from the access discharges onto the public road.

REASON - In the interests of public road safety.

5. A minimum of two off road parking spaces shall be provided and thereafter maintained within the plot.

REASON - In the interests of public road safety and residential amenity.

**Notes to Applicant**

1. The applicant should make early contact with The Scottish Environment Protection Agency to discuss and agree the proposed surface water and foul drainage arrangements for the development site. SEPA can be contacted on 01292 294015.

2. The applicant is advised to make early contact with East Ayrshire Council Roads Division regarding the access arrangements for the site and works to the C36 road verge. The Division can be contacted on 01563 555330.

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