

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 26 MARCH 2004

**04/0021/FL: PROPOSED ERECTION OF NEW LODGE HOUSE
AT GLAISNOCK ESTATE, GLAISNOCK ROAD, CUMNOCK**

APPLICATION BY THE GLAISNOCK TRUST

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a three apartment single storey lodge house on the site. The proposed dwelling is of traditional design to reflect the style and character of the existing lodge house. Externally, the dwelling would be finished in a wet dash render painted in a buff/sandstone colour. The roof of the proposed dwelling is to be finished in natural slate, with exposed eaves detailing. The windows and doors are also traditional in proportion and are to be constructed in timber.

1.2 At the Development Services Committee on 10 February 2004, full planning permission was granted for the refurbishment of Glaisnock House, the rebuilding of the conservatory, construction of a new disabled access ramp and formation of a new access to the courtyard. It is proposed to carry out major refurbishment works and restoration of Glaisnock House for its use as a further educational facility as a European Centre of Creativity. The primary purpose of the centre will be to provide residential training courses to encourage creativity and enterprise for young people currently residing in SIP communities.

1.3 The present application is to provide accommodation for a caretaker. The applicant in support of the application has indicated that the estate is large and vulnerable and once the educational facility is operational building security will be an ongoing concern. The location of the new lodge house is such as to allow monitoring movement in and out of the estate and the design of the house reflects this.

1.4 An associated application for the erection of an implement store within the application site has recently been withdrawn by the applicant (Ref. 04/0022/FL).

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As indicated in section 5 of the report, the proposed development 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. There are material considerations in this case but these are not considered to be of sufficient weight to merit setting aside the provisions of the development plan.

3.2 The proposed development of a new dwellinghouse is required to provide accommodation for a caretaker to oversee the interests of the applicant in respect of Glaisnock House and in essence forms an integral part of the Glaisnock Trust's involvement in the establishment of the European Centre for Creativity at Glaisnock House.

3.3 The proposed dwellinghouse is modest in size and its location, design and siting is sympathetic to the setting of Glaisnock House and the character of existing buildings in the locality.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee because the proposal would not represent a significant departure from the development plan.

Alan Neish
Head of Planning and 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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Report by the Head of Planning and Building Control

1. PURPOSE OF REPORT AND BACKGROUND

1.1 The purpose of this report is to present for consideration a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as the application is the subject of objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located off the west side of Glaisnock Road approximately half a mile south of Netherthird in Cumnock and lies within Glaisnock Estate which comprises the former educational and training centre at Glaisnock House and its substantial designed landscape gardens and wooded policies extending to approximately 43 hectares.

2.2 The application site itself extends to approximately 0.14 hectare and lies immediately north of and adjacent to the junction of the C36 Benston Road with the access road to Glaisnock House. The application site also lies immediately opposite the former lodge house, now a private residence.

2.3 The application site is generally level and the site contains a number of mature trees located mainly toward the access road frontage of the site.

2.4 **Proposed Development:** Full planning permission is sought for the erection of a three apartment single storey lodge house on the site. The proposed dwelling is of traditional design to reflect the style and character of the existing lodge house. Externally, the dwelling would be finished in a wet dash render painted in a buff/sandstone colour. The roof of the proposed dwelling is to be finished in natural slate, with exposed eaves detailing. The windows and doors are also traditional in proportion and are to be constructed in timber.

2.5 At the Development Services Committee on 10 February 2004, full planning permission was granted for the refurbishment of Glaisnock House, the rebuilding of the conservatory, construction of a new disabled access ramp and formation of a new access to the courtyard. It is proposed to carry out major refurbishment works and restoration of Glaisnock House for its use as a further educational facility as a European Centre of Creativity. The

primary purpose of the centre will be to provide residential training courses to encourage creativity and enterprise for young people currently residing in SIP communities.

2.6 The present application is to provide accommodation for a caretaker. The applicant in support of the application has indicated that the estate is large and vulnerable and once the educational facility is operational building security will be an ongoing concern. The location of the new lodge house is such as to allow monitoring movement in and out of the estate and the design of the house reflects this.

2.7 An associated application for the erection of an implement store within the application site has recently been withdrawn by the applicant (Ref. 04/0022/FL).

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has indicated that there is no objection in principle to the proposed development but the positioning of the lodge house and boundary walls is affected by the proposed new roundabout and access road proposed on the C36 Road to serve the Glaisnock Estate developments. No detailed design has been submitted for the proposed roundabout but in previous discussions with the developer of the estate, the requirement for a small roundabout designed to the Design Manual for Roads and Bridges was required. The size of the roundabout on the submitted plan is smaller than that required.

The development of the proposed roundabout is not within the control of the present applicant. In order to address the concern raised by the Roads and Transportation Division, it is considered necessary to impose a negative suspensive condition in any consent granted for the proposed dwellinghouse to ensure that no construction works commence until the detailed design of the proposed roundabout on the C36 road has been agreed with the Division.

3.2 The Coal Authority has no objections to the proposed development but advises that a prudent developer would seek appropriate technical advice before works are undertaken on site.

A note can be attached to any consent granted for the proposed development to advise the applicant to seek appropriate information on the mineral stability of the site.

3.3 Power Systems has no adverse comments to make on the proposed development.

Noted.

3.4 Scottish Water has indicated that there are no known sewers to which a connection may be made for the proposed development. Drainage will require to be treated by septic tank or other suitable treatment system to the satisfaction of SEPA. It is advisable that any septic tank should be sited in such a manner as to allow easy access for emptying by tanker. There is an existing water main located in the street adjacent to the development site that may be suitable to provide a supply to the proposed development.

A note can be attached to any consent granted for the proposed development advising the developer to make early contact with Scottish Water regarding the provision of water services.

3.5 The Scottish Wildlife Trust and Cumnock Landward Community Council have not responded to the consultation letter at the time of writing this report.

Noted.

3.6 The Garden History Society in Scotland states that it continues to be concerned about the extent of built development within the designed landscape, given that planning permission has been granted for built development on the site of the walled garden. The Society does not see a second lodge house as being appropriate in this location, where a lodge already exists, and is minded to record its objection to this. If there is any question of consent being granted, the Council must be satisfied as to the absolute necessity of the development within the redevelopment proposal as a whole. The Council must also consider whether the design and materials to be used in the construction of the new lodge are appropriate. The Society is further concerned by what would appear to be an alteration to the existing gates to accommodate the roundabout.

The comments of the Garden History Society are noted. However, it is considered that in this case, there is a justification for the proposed new dwellinghouse to provide accommodation for a caretaker for the proposed educational facility to be operated from Glaisnock House. The siting of the new dwellinghouse allows for maintenance, monitoring and security purposes associated with the proposed operations while minimising the impact on the setting of Glaisnock House and on the Glaisnock Glen /Velvetere Wood Provisional Wildlife Site. Alterations to the existing entrance gates do not form part of this application.

3.7 Historic Scotland refers the Council to the advice given by the Garden History Society and is in agreement that the siting of a second lodge is inappropriate in terms of the heritage merit of the Glaisnock Estate in that it does not relate in any respect to its history or past functions. The Council must be completely satisfied that this house is absolutely necessary in terms of the development of the wider estate.

Comments as per 3.6 above.

3.8 The Scottish Environment Protection Agency has no objections in principle to the proposed development provided the drainage arrangements are to SEPA's satisfaction. In this respect the septic tank must discharge to a blind soakaway arrangement with no connection to any watercourse or surface water drain. Surface water should be excluded from the septic tank and should be discharged to the burn via a suitably designed Sustainable Urban Drainage System.

SEPA and the applicant have already had discussions regarding the drainage arrangements for the Glaisnock Estate developments. Conditions can be attached to any consent granted to meet the requirements of SEPA.

3.9 Scottish Natural Heritage indicates that there are natural heritage interests of some importance at this location and the proposed development could have an adverse impact upon these interests, but these impacts could be reduced to a satisfactory level through conditions. SNH therefore has no objection to this proposal but recommends that the following matters are made the subject of planning conditions:

- (i) Prior to any development taking place for the proposed new lodge, the development site should be clearly fenced off to prevent disturbance and encroachment by the development onto the remaining areas of woodland and burn side habitats.
- (ii) An Estate Management Plan should be drawn up in conjunction with planning consent 02/0910/FL to include:
 - A detailed tree survey detailing trees liable to be felled;
 - Details of new landscape mitigation measures;
 - A plan of enhancement measures to be carried out in the wider landscape.

Conditions can be attached to any consent granted for the proposed development to meet the requirements of SNH.

4. REPRESENTATIONS

4.1 Apart from the consultee objections from The Garden History Society, two letters of representation, in the same terms, have been received from the occupants of the existing lodge house. The points of objection are summarised as follows:

4.2 Confirm the position with trees, which ones are being felled and which ones are being retained.

The proposed development will result in the loss of some trees within the application site, although the extent of this will now be reduced following the withdrawal of the application for the implement shed. However, as part of the consents granted for the

wider Glaisnock House and Estate developments, an Estate Management Plan is to be prepared that is to include a detailed tree survey to indicate the species, size and condition of all trees liable to be felled or otherwise affected by the proposed development. As indicated in the consultation response from SNH, the impact of the proposed new dwellinghouse on the existing woodland should form part of this plan. The plan will also provide details, including species, location and quantity of any new landscape planting proposed to accompany the development, as well as any replacement planting or mitigation measures where existing trees are likely to be affected by the development. It is considered that works should not commence on site until this plan has been submitted and agreed with the Planning Authority.

4.3 Confirm drainage arrangements for our house and that of the new house and that the access road to the new house will not affect the pipes to the existing tank.

The applicant has been advised of the comments of the objectors. The drainage for the proposed new dwellinghouse will require to be the subject of appropriate consents from the Scottish Environmental Protection Agency and be to its satisfaction. The presence or otherwise of pipes within the application site is essentially a legal matter between the applicant and the objectors as this may be subject to title or wayleave agreements.

4.4 Confirm the height of the proposed fence.

The proposed fence to be erected is a natural timber screen fence to enclose an area of private amenity space associated with the new dwelling. No height has been specified by the applicant at this stage, however a condition can be attached to any consent granted for the proposed dwellinghouse to require details of the fence to be submitted to the Planning Authority for approval.

4.5 Can the implement shed be located elsewhere on the estate nearer the lands to be managed? Confirm the implement shed use.

The application for the implement shed has now been formally withdrawn.

4.6 If the shed is the justification for the house, can the house be located elsewhere on the estate? At present the application shows no justification for a house in the countryside.

It is considered that there is a justification for the proposed new dwellinghouse to provide accommodation for a caretaker for the proposed educational facility to be operated from Glaisnock

House. This is further discussed in Section 5 of the report. The siting of the new dwellinghouse allows for maintenance, monitoring and security purposes associated with the proposed operations while minimising the impact on the setting of Glaisnock House and on the Glaisnock Glen/Velvetere Wood Provisional Wildlife Site.

4.7 We live in a quiet peaceful location and the long established level of residential amenity we have enjoyed for 28 years will be severely affected and our visual amenity will be lost.

The comments of the objectors are noted. However, it is considered that the proposed development is sympathetic in design and character to the existing lodge. Furthermore, the erection of a modest new house will not significantly affect the objectors' residential amenity to an extent that warrants refusal of the application.

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)

Ayrshire Joint Structure Plan

5.2 There are no structure plan policies particularly relevant to the proposed development.

Noted.

East Ayrshire Local Plan

5.3 Glaisnock House and surrounding grounds are identified as a miscellaneous development opportunity site 197M under Policy RURAL AREA 6 in the East Ayrshire Local Plan and suitable for the following uses: mixed use educational, hotel, leisure and recreation and limited, enabling, residential.

This proposed lodge house is not part of an enabling development scheme therefore the proposal does not meet with any of the uses identified as part of the site's designation. In these circumstances the proposal falls to being assessed against

residential development in the countryside policies as the site is outwith the settlement boundary of Cumnock.

5.4 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:

(i) *for a full time agricultural or forestry worker employed directly on the land to which the proposed house relates;*

The proposed lodge house is not for an agricultural or forestry worker.

(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;*

The proposed lodge house is not for a worker employed by a rural enterprise or tourism related activity.

(iii) *as an essential and integral part of an authorised proposal which necessitates the provision of on-site staff accommodation; or*

The proposed lodge house is required for staff accommodation in relation to the proposed educational facility to be established within a refurbished Glaisnock House. The house will accommodate a caretaker in terms of providing security for the proposed facility.

(iv) *as an enabling development for the conversion of a large rural residential or institutional property, as detailed in Policy RES8 above.*

This proposed lodge house is not part of an enabling development scheme.

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. 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.

The applicant has provided supporting information to justify the need for the proposed dwelling.

It is considered that the proposed development complies with Policy RES13(iii).

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultation Responses

6.2 The consultation responses, in terms of site infrastructure do not indicate that planning permission should be withheld. The Garden History Society has objected to the proposal, but indicates that if there is any question of consent being granted, the Council must be satisfied as to the absolute necessity of the development within the redevelopment proposal as a whole. These concerns have also been echoed by Historic Scotland. It is considered that the proposal is justified and essential to the operations of the proposed educational facility to be provided within the refurbished Glaisnock House.

Representations

6.3 It is considered that issues raised can be addressed through the imposition of appropriate conditions or are not of sufficient weight to merit refusal of the application.

Planning History

6.4 There have been a number of applications relating to Glaisnock House and Estate, the more pertinent of which are as follows:

- (i) A full planning application for the development of a fire fighting training centre was withdrawn prior to the determination of the application (Ref. No. 96/0616/FL).
- (ii) An outline application for the development of a residential further education college, conversion and extension of existing house to form an hotel, conversion of stable block to provide staff accommodation and erection of 28 dwellinghouses at Glaisnock House Estate was approved on 25 May 1999. This consent was never implemented and expired on 25 May 2002 (Ref. No. 98/0849/OL).
- (iii) An outline planning application for residential development on part of Glaisnock Estate has been lodged for consideration. This application was withdrawn on 28 January 2004 (Ref. No. 02/0860/OL).
- (iv) A full application for the conversion of existing stables block and new residential housing development consisting of 36 villas and bungalows at Glaisnock House Estate was approved at the Development Services Committee on 10 February 2004 (Ref. No. 02/0910/FL). This approval is subject to a Section 75 Agreement.
- (v) A full application for the proposed refurbishment of existing building, rebuilding of conservatory, new disabled access ramp, and new access to courtyard at Glaisnock House was approved at the Development Services Committee on 10 February 2004 (Ref. No. 03/1108/FL)
- (vi) A full application for the erection of a new implement store within the estate was lodged for consideration. This application has now been formally withdrawn (Ref. No. 04/0022/FL).

Noted.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council associated with the determination of this application

Noted.

8. CONCLUSIONS

8.1 As indicated in section 5 of the report, the proposed development 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. There are material considerations in this case but these are not considered to be of sufficient weight to merit setting aside the provisions of the development plan.

8.2 The proposed development of a new dwellinghouse is required to provide accommodation for a caretaker to oversee the interests of the applicant in respect of Glaisnock House and in essence forms an integral part of the Glaisnock Trust's involvement in the establishment of the European Centre for Creativity at Glaisnock House.

8.3 The proposed dwellinghouse is modest in size and its location, design and siting is sympathetic to the setting of Glaisnock House and the character of existing buildings in the locality.

9. RECOMMENDATIONS

9.1 It is recommended that the application be approved subject to the conditions 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 and Building Control, the application will not require to be referred to the Development Services Committee because the proposal would not represent a significant departure from the development plan.

Alan Neish
Head of Planning and Building Control

15 March 2004
HM/HM
FV/AN

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices and certificates.
3. Consultation responses.
4. Letter of representation.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).
7. Previous applications 96/0616/FL, 98/0849/OL and 02/0860/OL
8. Previous applications 02/0910/FL and 03/1108/FL
9. Current applications 04/0021/FL and 04/0022/FL

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

Implementation Officer: Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 04/0021/FL

Location	Glaisnock Estate, Glaisnock Road, Cumnock KA18 4PJ
Nature of Proposal:	Proposed erection of a new lodge house at entrance to estate
Name and Address of Applicant:	Glaisnock Trust, Moffat House, 12-14 Nineyards Street Saltcoats, KA21 5HS
Name and Address of Agent	W.I Munro, 1 Seaford Street, Kilmarnock, KA1 2BZ

DPO's Ref: []
PPO's Ref; [Hugh Melvin]

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

1. No works shall commence on site until such time as the detailed design and layout of the proposed new roundabout on the C36 road to serve the wider Glaisnock Estate developments has been submitted to and approved by the Planning Authority, in consultation with the Roads Authority.

REASON – To ensure that the proposed siting of the new dwellinghouse does not impact on the ability to accommodate the necessary design of the roundabout in the interests of road safety.

2. Prior to any development taking place for the proposed new lodge, the development site shall be clearly fenced off to prevent disturbance and encroachment by the development onto the remaining areas of woodland and burn side habitats.

REASON – In the interests of protection of wildlife habitats.

3. Prior to the commencement of development on site, the site shall be assessed in terms of the Estate Management Plan to be drawn up in conjunction with planning consent 02/0910/FL to include a detailed tree survey detailing trees liable to be felled, details of new landscape mitigation measures to be introduced within the site, and a plan of enhancement measures to be carried out in the wider landscape.

REASON – In the interests of protection of amenity.

4. Prior to the commencement of development on site, the applicant shall submit to and have approved by the Planning Authority details of the proposed timber screen fence to be erected within the development site.

REASON – In the interests of visual amenity.

5. Prior to the commencement of development on site, the applicant shall submit to and have approved by the Planning Authority, a sample of the colour to be used in the painted render finish of the proposed dwellinghouse.

REASON – In the interests of visual amenity.

6. The proposed septic tank must discharge to a blind soakaway arrangement with no connection to any watercourse or surface water drain. Surface water should be excluded from the

septic tank and should be discharged to the burn via a suitably designed Sustainable Urban Drainage System.

REASON – In order to prevent pollution of watercourses.

7. The proposed dwellinghouse shall only be occupied by a caretaker employed by the applicant in association with the operation of a residential educational facility at Glaisnock House.

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

Notes to Applicant

1. The applicant should satisfy himself as to the mineral stability of the site.
2. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency regarding drainage of the site 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.
3. 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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