

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 20 MAY 2005

**05/0070/FL: PROPOSED ERECTION OF PRIVATE HOUSE
AT KNOWEHEAD, DALMELLINGTON**

APPLICATION BY ROBERT JOHNSTONE & SON LIMITED

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for erection of a single dwellinghouse within the site. The proposed dwellinghouse is essentially single storey in height although the design incorporates elements of two-storey construction with the provision of two bedrooms on an upper floor level. At ground floor level, accommodation comprises two living areas, two further bedrooms, a bathroom, a dining room and a study. The layout also provides for a double integral garage.

1.2 The front (western) elevation of the dwellinghouse incorporates fenestration of traditional vertical emphasis and is aesthetically pleasing in appearance. Externally it is proposed to finish the dwellinghouse in render and facing brick, with concrete tiles being used in the roof finish.

1.3 The proposed dwellinghouse faces in a north-westerly direction and is situated on the western part of the application site which in terms of topography, lies at a lower level and where the gradient is less steep than the eastern portion of the site. Access to the site is to be taken off the existing access road leading to Dalmellington Cemetery along the existing track to the rear of 27/29 Knowehead.

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 considered to accord with the terms of the Development Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to the determination of this application but these

material considerations are not considered to be of sufficient weight to justify refusal of this application.

3.2 The sensitive nature of the site surroundings, the general prominence of the site, and the contribution of the current site to the setting of Dalmellington Conservation Area and Kirk o' the Covenant Category B listed building are important considerations in the determination of this application. Notwithstanding the comments of the Scottish Civic Trust and the Architectural Heritage Society, it is considered that the development of the site for one dwellinghouse is more acceptable than development of a number of dwellings. In addition, the principle of development of the site for residential purposes has essentially been established as evidenced by the planning history of the site.

3.3 It is also considered that the location of the dwellinghouse within the plot and its design are acceptable. Conditions can be attached to ensure the use of more appropriate external finishing materials in the construction of the dwellinghouse. A condition can also be attached to ensure that the details of any boundary treatment are submitted to the Planning Authority for approval.

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 there will be no significant departure from Council 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 ROBERT JOHNSTONE & SON LIMITED

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 an outline planning application, which is to be considered by the Local Planning Committee under the scheme of delegation as the application is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The site extends to approximately 3600 square metres and is located to the east of Knowehead and adjacent to Dalmellington Cemetery. The site is elevated and slopes from east to west. The site is marshy in nature and contains a number of mature Birch and Sycamore trees. The northern boundary of the site is defined by a hedge.

2.2 A category 'B' listed building (Kirk o' the Covenant) and the rear garden areas of 2 semi-detached dwellinghouses (27 and 29 Knowehead) border the western site boundary. The boundary of Dalmellington Conservation Area follows this western site boundary.

2.3 A bituminously surfaced single track access road serving Dalmellington Cemetery is located immediately to the north of the site with agricultural grazing land incorporating some deciduous tree cover further north. An unsurfaced access track located within the application site branches from the cemetery road and provides access to the rear garden areas of 27 and 29 Knowehead.

2.4 **Proposed Development:** Full planning permission is sought for erection of a single dwellinghouse within the site. The proposed dwellinghouse is essentially single storey in height although the design incorporates elements of two-storey construction with the provision of two bedrooms on an upper floor level. At ground floor level, accommodation comprises two living areas, two further bedrooms, a bathroom, a dining room and a study. The layout also provides for a double integral garage.

2.5 The front (western) elevation of the dwellinghouse incorporates fenestration of traditional vertical emphasis and is aesthetically pleasing in

appearance. Externally it is proposed to finish the dwellinghouse in render and facing brick, with concrete tiles being used in the roof finish.

2.6 The proposed dwellinghouse faces in a north-westerly direction and is situated on the western part of the application site which in terms of topography, lies at a lower level and where the gradient is less steep than the eastern portion of the site. Access to the site is to be taken off the existing access road leading to Dalmellington Cemetery along the existing track to the rear of 27/29 Knowehead.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Dalmellington Community Council has not responded to the consultation letter.

Noted.

3.2 The West of Scotland Archaeology Service and Power Systems have no adverse comments to make on the proposed development.

Noted.

3.3 The Scottish Environment Protection Agency has no objections in principle to the proposals provided that the drainage arrangements are to its satisfaction. All foul drainage from the development must be connected to the public sewerage system in accordance with Scottish Water requirements. The development must not entail the use of dual manholes for connections to the existing sewage system, either in the public sewers or within the curtilage of the development. SEPA requests a condition requiring the applicant to install a surface water treatment system designed and constructed in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland. Soils in this area may not be suitable for infiltration systems and therefore surface treatment structures may be more appropriate. All waste materials generated by this development that require to be removed such as construction, demolition materials and surplus excavated material, must be removed from the site by licensed waste carriers. Waste must be removed to a site that has either an appropriate waste management licence or is registered with SEPA as exempt from licensing.

Appropriate conditions and notes can be attached to any consent granted for the proposed development to meet the requirements of SEPA.

3.4 East Ayrshire Council's Roads and Transportation Division has advised that in principle they have no objections to the proposed development for a single dwelling on this site.

Noted.

3.5 Scottish Water has objected to the proposed development for the reason that the cost of providing infrastructure to the development would be beyond their reasonable cost obligation. SW would remove its objection if the developer can demonstrate that the development will not have an impact on its assets or that suitable infrastructure can be put in place to support the development.

A note can be attached to any consent granted to advise the applicant to make early contact with Scottish Water, as the drainage of the site is a matter to be resolved between the two parties.

3.6 The Scottish Civic Trust believes the site proposed to be a very sensitive one, being on the edge of the village, its Conservation Area and being between the church and the graveyard. On this basis the Trust could only support an extremely architecturally accomplished, well-detailed building with good quality natural materials specified that reflected the qualities of the Conservation Area, which is made up of well-proportioned stone buildings with natural slate roofs. The Trust therefore cannot support the use of facing brick and concrete tiles or the expression chosen for this building. In light of this, the Trust believes that the application would be against section 64(1) of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The Trust also believes that the proposed site could be used to better advantage, setting the house further back from the church and using some of the trees to screen it from the approach road to Dalmellington. The Trust therefore recommends refusal of the application.

The proposed development lies adjacent to but not within Dalmellington Conservation Area. It is accepted that the finishes of the proposed dwellinghouse are not acceptable for this sensitive location and conditions can be attached to any consent granted for the proposed development to ensure that wall and roof finishes are compatible with the surrounding area.

With regard to the siting of the dwellinghouse further east within the plot, this will locate the dwelling on the higher, steeper portion of the application site. It is considered that this will result in the dwellinghouse being visually prominent. A number of mature trees are located within this part of the site and, rather than potentially acting as a screen as the Trust suggest it is likely that these would require to be felled to accommodate the house in this location. The mature deciduous trees within the site act as a backcloth to the listed building and act collectively as a landscape feature which contributes positively to both the setting of the Conservation Area and the listed building. It would be appropriate in the interests of visual amenity to impose conditions on the planning permission preserving as much of the existing tree cover

as possible within the site. Notwithstanding issues regarding the use of appropriate finishing materials, it is considered that the design of the dwellinghouse is appropriate for this location.

3.7 The Architectural Heritage Society of Scotland states that the proposed house will be sited on a level above the church as observed from the Main Road to the town. The design and use of concrete tiling and timber fencing to enclose the site does not sit happily with the church and the adjacent established dwellinghouses. The access to the site is from the entrance road to the cemetery. The AHSS objects to the siting of the house here as inappropriate.

Comments as per 3.6 above.

4. REPRESENTATIONS

4.1 Apart from the objections received from the Scottish Civic Trust, the Architectural Heritage Society of Scotland and Scottish Water as described above, no other representations have been received with respect to the proposed development.

Noted.

5. ASSESSMENT AGAINST THE 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). The application relates to the residential development of an area of land which lies within the settlement boundary of Dalmellington.

Ayrshire Joint Structure Plan

5.2 There are no policies within the joint structure plan that are especially relevant to the proposed development.

Noted.

East Ayrshire Local Plan

5.3 Policy RES4 states that, within Settlement Boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites, including those sites created through the large scale demolition of existing housing, not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed against a set of four stated criteria, as follows:

- (i) impact on the surrounding natural and built environment and adjacent uses;

It is not considered that the proposed development will have any significant adverse impact on the surrounding natural and built environment and adjacent uses which are essentially residential or of community use in nature.

- (ii) transportation and infrastructure implications;

Apart from the objection from Scottish Water, which is a matter for the applicant to resolve directly with Scottish Water, there are no other transport or infrastructure implications arising from the proposed development.

- (iii) compatibility with surrounding densities and housing types; and

The erection of a single dwelling on the site would be compatible with surrounding densities and the design of the property is considered acceptable for its location.

- (iv) compliance with the Council's Development Promotion and Design Guidance.

Design Guidance Note 4: Listed Buildings and Buildings within Conservation Areas states that 'Development outwith but affecting the setting of a Conservation Area will require to be sympathetic to the area in terms of design, scale, materials and character. Such development should take into account its proximity to the Conservation Area and its design should complement the scale and character of other existing buildings within the boundary of the Conservation Area. Unsympathetic design which is detrimental to the setting of the Conservation Area itself must be avoided'. It is considered that the proposed dwellinghouse in terms of its design and layout within the application site is acceptable. It is agreed however that the proposed finishes are not acceptable and shall be the subject of appropriate conditions in any consent granted for the proposed development.

5.4 Policy RES22 requires all developers to observe the minimum standards for the provision of private open space detailed in Schedule 4 of the Local Plan. The policy also allows those standards quoted to be relaxed in respect of the conversion of existing properties to flats where this can be fully justified by the developer and where considered appropriate by the Planning Authority.

The proposed development complies with the private open space standards as detailed in Schedule 4 of the local plan.

5.5 Policy ENV 4 states that the Council will seek to ensure that all development affecting the setting of a Conservation Area and/or a Listed Building, is sympathetic to the area or building concerned in terms of its layout, size, scale, design, siting, materials and colour of finish. Wherever possible, all proposals should seek to preserve, enhance or incorporate features, which contribute positively to the character or appearance of the area and have due regard to the architectural and historic qualities of the area or building concerned.

It is considered that the proposed dwellinghouse in terms of its design and layout within the application site is acceptable. It is agreed however that the proposed finishes are not acceptable and shall be the subject of appropriate conditions in any consent granted for the proposed development.

6. ASSESSMENT AGAINST OTHER 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

6.2 Although Scottish Water has objected to the proposed development, this is based on cost criteria and is a matter that the applicant will require to resolve directly with Scottish Water. Both the Scottish Civic Trust and the Architectural Heritage Society have objected to the proposed development. Notwithstanding the comments received, the proposed development lies adjacent to but not within Dalmellington Conservation Area. It is considered that the proposed design of the dwellinghouse is acceptable and conditions can be attached to any consent granted for the development to ensure that acceptable materials are used in the external finishes of the proposed development. To site the proposed dwellinghouse further away from the existing listed church building will result in the dwelling being located on a higher part of the application site resulting in the house being more visually prominent. It is considered that the representations made are not of sufficient weight to justify refusal of the application.

Planning History

6.3 Full planning permission was granted on 14 June 1990 for the erection of four detached dwellinghouses within the current application site (Ref. No. CD/90/062).

6.4 Full planning permission was granted on 13 August 1990 for the erection of two semi-detached dwellinghouses on the current application site

(Ref. No. CD/90/144). This permission expired on 13 August 1995 and was never implemented.

6.5 Outline planning permission was refused on 27 September 1991 for the erection of five dwellinghouses on part of the current application site (Ref. No. CD/91/083). This application was refused on the basis that the applicants failed to respond to requests for additional information in respect of the layout of the site, which was below the standard considered acceptable and would have resulted in a significant reduction in both the amenity of the previously approved dwellings and in the setting of the adjacent Listed Building. Additionally, it was considered that the proposal constituted an ill-planned and piecemeal development which gave no consideration to the possible comprehensive development of the remainder of the site.

6.6 Full planning permission was granted on 1 April 1992 for the erection of three dwellinghouses on part of the current application site (Ref. No. CD/91/341). This permission expired on 1 April 1997 and was never implemented.

6.7 Planning permission was granted on 11 May 1992 for the erection of six dwellinghouses on the current application site (Ref. No. CD/91/342). This permission expired on 11 May 1997 and was never implemented.

6.8 An application for full planning permission was withdrawn on 12 March 1993 for the erection of five dwellinghouses on part of the current application site (Ref. No. CD/93/029). The application was withdrawn as the application replicated a previous application which was granted full planning permission (Ref. No. CD/91/342) and was still valid at the time of application CD/93/029.

6.9 A more recent outline planning application (Ref. No. 03/0130/OL) for residential development of this application site was approved by the Southern Local Planning Committee at its meeting on 20 June 2003 subject to a Section 75 Agreement to secure access improvements and visibility sightline splay areas. Due to land ownership difficulties this Agreement has not yet been concluded and a formal decision notice has not been issued for the proposed development.

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 considered to accord with the terms of the Development Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate

otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to the determination of this application but these material considerations are not considered to be of sufficient weight to justify refusal of this application.

8.2 The sensitive nature of the site surroundings, the general prominence of the site, and the contribution of the current site to the setting of Dalmellington Conservation Area and Kirk o' the Covenant Category B listed building are important considerations in the determination of this application. Notwithstanding the comments of the Scottish Civic Trust and the Architectural Heritage Society, it is considered that the development of the site for one dwellinghouse is more acceptable than development of a number of dwellings. In addition, the principle of development of the site for residential purposes has essentially been established as evidenced by the planning history of the site.

8.3 It is also considered that the location of the dwellinghouse within the plot and its design are acceptable. Conditions can be attached to ensure the use of more appropriate external finishing materials in the construction of the dwellinghouse. A condition can also be attached to ensure that the details of any boundary treatment are submitted to the Planning Authority for approval.

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 there will be no significant departure from Council policy.

Alan Neish
Head of Planning, Development and Building Standards

10 May 2005
HM/HM

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 CD/90/062, CD/90/144, CD/91/083, CD/91/341, CD/91/342, CD/93/029 and 030130/OL.

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: 05/0070/FL

Location	Knowehead, Dalmellington
Nature of Proposal:	Proposed erection of private house
Name and Address of Agent	Arctec Designs 23 Dallas Place Troon KA10 6JE

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

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

1. Notwithstanding the plans hereby approved, the use of facing brick in the external wall finish of the proposed dwellinghouse is not approved. Prior to the commencement of works on site the applicant shall submit to, and have approved by the Planning Authority, samples of the render and other external wall finishing materials which shall take cognisance of the sensitive location in which the proposed house will be located and reflect the traditional finishes of other buildings in the locality.

REASON – In the interests of visual amenity.

2. Prior to the commencement of development the applicant shall submit to and have approved by the Planning Authority, a sample of the roof finishing material for the proposed dwellinghouse. This shall either be slate or a good quality slate substitute.

REASON – In the interests of visual amenity.

3. No trees shall be felled, lopped, have roots cut, or be the subject of any other works without the prior written consent of the Council as planning authority. Prior to the commencement of development on site, the applicant shall submit to, and have approved by the Planning Authority a detailed tree survey of the site to identify trees to be retained, trees that require felling or remedial works and the means of protecting the existing trees during construction work.

REASON – In the interest of visual amenity and to maintain the existing visual contribution of the trees to the amenity of the area

4. Prior to the commencement of development the applicant shall submit to, and have approved by the Planning Authority, a landscaping scheme allowing for the incorporation of existing tree cover and for supplementary planting in relation to the treatment of the boundary of the site

REASON - To ensure that the development does not conflict with its setting and surroundings in the interest of visual amenity and the character and appearance of the area.

5. A minimum of three car parking spaces shall be provided within the application site.

REASON – To ensure that adequate car parking provision is available in relation to the approved development and thereby to secure the interests of road safety and residential amenity.

6. All waste materials generated by this development that require to be removed such as construction materials and surplus excavated material shall be removed from the site by licensed waste carriers.

REASON – In the interests of public health.

7. No external construction work, site clearance or preparation work shall take place before 0800 or after 1800 hours Monday to Friday, before 0800 or after 1300 hours on Saturday and not at any time on Sundays.

REASON – In the interests of residential amenity.

➤ **NOTES TO APPLICANT**

1. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency to confirm their 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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