

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 04 NOVEMBER 2005

05/0875/FL: PROPOSED DEMOLITION OF EXISTING DWELLINGHOUSE AND ERECTION OF A NEW DWELLINGHOUSE AT BURNSIDE COTTAGE, DALRYMPLE

APPLICATION BY MR & MRS F HENDERSON

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the demolition of the existing cottage and the erection of a new replacement dwellinghouse. This is proposed to be constructed covering the area of ground the existing cottage utilises albeit of a larger size to accommodate two families. The proposed new dwellinghouse will be of single storey construction to allow for disabled access and will provide 5 bedrooms. The external finishes of the proposed new dwelling will comprise of a slated roof and rendered walls.

1.2 The applicants, the Hendersons, are currently living with Mr. Henderson's parents both of whom are elderly and used to occupy Burnside Cottage. Mr and Mrs Henderson have two children of their own therefore the existing dwelling is not of a sufficient size to accommodate all of the family. Furthermore, one of the children is disabled and has special requirements. Therefore, as it is not possible to extend the existing dwelling, the only option to meet the diverse family needs is the erection of a new dwellinghouse on the site of the existing one.

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 at Section 6 of the report, there are material considerations relevant to this application and it is considered that these are of

sufficient weight to suggest that in this particular case, a departure from policy may be appropriate.

3.2 Full planning permission is being sought for the demolition of the existing dwellinghouse of Burnside Cottage and the erection of a new replacement dwellinghouse. This is due to it not being possible for the current property of Burnside Cottage to meet the required Building Regulations, leaving no other viable financial option other than the complete demolition and rebuilding of a new dwellinghouse. The applicant has previously received full planning consent for the extension of the existing property, which would meet the accommodation requirements of the applicant. However, this proposal would not be in compliance with the required Building Regulations due to the structural condition of the existing dwelling. The applicant has clarified in their supporting statement that they have been left with no other option other than to demolish the existing building and construct a new dwellinghouse.

3.3 The proposed new dwellinghouse is seen as an acceptable development in design terms for this location and is proposed to be positioned on the original footprint of the existing dwellinghouse, albeit that the proposal will be significantly larger in size to accommodate both families. Furthermore, as the proposal includes the demolition of the existing building the new development will therefore take place on what would be classified as a brown field site.

3.4 It is perceived that although technically this proposal would constitute a new dwellinghouse in the countryside contrary to policy, the supporting statement and planning history of the site are significant material considerations justifying a departure from the local plan and indicating that approval of the application would be appropriate.

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 as it would not be a departure from the East Ayrshire Local Plan.

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

SOUTHERN LOCAL PLANNING COMMITTEE: 04 NOVEMBER 2005

05/0875/FL: PROPOSED DEMOLITION OF EXISTING DWELLINGHOUSE AND ERECTION OF A NEW DWELLINGHOUSE AT BURNSIDE COTTAGE, DALRYMPLE

APPLICATION BY MR & MRS F HENDERSON

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 proposal is contrary to policy and is recommended for approval.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located approximately 165 metres north east of the settlement of Dalrymple and forms a triangular parcel of land on the north side of the B742 public road. The site extends to an area of 0.364 hectare and encompasses the Purclewan Burn that runs along the northern edge of the site. It is obvious when entering the site that a great deal of care and time has been spent in landscaping the area and planting a new hedge on the southern side to block out the adjacent road.

2.2 Burnside Cottage itself is an apparently modern looking bungalow however, on closer inspection it is clear that the cottage has been constructed entirely from tin and then externally clad in a facing brick. The cottage fronts almost directly onto the public road with the existing access to the site positioned directly east of the property with various traditionally styled outbuildings located to the eastern side of the site. The land to the east and north the application site is bounded by agricultural ground which also lies to the south side of the B742.

2.3 **Proposed Development:** Full planning permission is sought for the demolition of the existing cottage and the erection of a new replacement dwellinghouse. This is proposed to be constructed covering the area of ground the existing cottage utilises albeit of a larger size to accommodate two families. The proposed new dwellinghouse will be of single storey construction to allow for

disabled access and will provide 5 bedrooms. The external finishes of the proposed new dwelling will comprise of a slated roof and rendered walls.

2.4 The applicants, the Hendersons, are currently living with Mr. Henderson's parents both of whom are elderly and used to occupy Burnside Cottage. Mr and Mrs Henderson have two children of their own therefore the existing dwelling is not of a sufficient size to accommodate all of the family. Furthermore, one of the children is disabled and has special requirements. Therefore, as it is not possible to extend the existing dwelling, the only option to meet the diverse family needs is the erection of a new dwellinghouse on the site of the existing one.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Dalrymple Community Council has not responded to the consultation letter at the time of writing this report

Noted.

3.2 East Ayrshire Council Roads and Transportation Division has no objections to the proposed development subject to the following road safety requirements being met:

- (i) The existing B742 must be used for vehicular access to and from the proposed dwellinghouse as indicated on the submitted plan.
- (ii) A minimum of four off road car parking spaces must be provided for the combined dwelling within the site.
- (iii) An integral car turning area must be provided within the site to allow vehicles to enter and leave the plot in forward gear.

Furthermore it is recommended that the access to the site is taken via the existing kerbed access to the east of the site which has reasonable visibility and the new access recently formed is permanently closed off and re instated.

Conditions can be attached to any consent granted for the development to meet the requirements of the Roads and Transportation Division.

3.3 The Scottish Environment Protection Agency has no objection to the proposal. However, consent is required for the discharge of sewage effluent to a watercourse. Furthermore surface water must be excluded from the septic tank to minimise the amount of drainage being treated and should be discharged to the burn via a suitably designed SUDS system.

A note can be attached to any consent granted for the development to advise the applicant to make early contact with SEPA regarding the drainage arrangements for the proposed development

3.4 Scottish Water has no objections to the proposal providing that the applicant makes a separate application to Scottish Water Planning and Development Services for permission to connect to the public water network.

A note can be attached to any consent granted for the development to advise the applicant to make early contact with Scottish Water regarding the connection to the public water network.

4. REPRESENTATIONS

4.1 None.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (2003).

5.2 As no policies exist, either in the Structure Plan or Local Plan for the replacement of existing houses, this proposal therefore constitutes a new house in the countryside.

Ayrshire Joint Structure Plan

5.3 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;

No supporting information has been provided to demonstrate that the proposal has a site specific need to be located outwith the settlement boundary.

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

A 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.

As it stands, the application is contrary to structure plan policy as the location of the proposed house in the Rural Protection Area has not been justified.

East Ayrshire Local Plan

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. None of those purposes is pertinent to the application under consideration, 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 RES8 above.

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.

As stated under policy G5 of the AJSP, the applicant has not submitted any supporting information to justify the location of the proposed house in the Rural Protection Area. Until this is provided the application is contrary to policy RES 13.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses, the planning history of the site and a supporting statement received from the applicant.

Consultations Responses

6.2 The consultation responses do not indicate that consent should be withheld in this instance.

Planning History

6.3 The red line site in question has been subject to two previous planning applications the details of these two applications being as follows:

(i) 04/0148/FL: A retrospective application was made by Mr and Mrs Henderson for siting of a residential caravan, timber shed and decking. This application was refused at the Southern Local Planning Committee on 26 March 2004.

(ii) 05/0008/FL: An application was made by Mr and Mrs Henderson for an extension to Burnside Cottage. This was subsequently approved under delegated powers on 04 March 2005. Temporary consent was also granted at that time for the siting of the residential caravan pending the completion of the house extension.

Supporting Statement

6.4 The applicants have submitted a detailed statement of supporting information with regard to the reasoning of the proposed development. The main points of this letter are summarised below:

(i) Mr & Mrs Henderson and their two children live in the existing small dwellinghouse at Burnside with Mrs Henderson's parents. A detailed planning application was made and subsequently approved for the extension of the existing dwellinghouse to provide a more spacious living area for both families. Before commencing building work on the property a survey was undertaken to ascertain exactly the state of the existing structure. Firstly it was found that the external walling of the existing house is formed with a brick and facing brick outer

leaf and the inner leaf being formed with timber framing and lined with tin sheeting. Subsequently on excavating externally to ascertain the structural integrity of the existing house, it was found that the existing concrete foundations would require to be replaced or underpinned to support the superstructure of the approved extension.

(ii) Since the introduction of new Building Standards in May 2005, the existing dwellinghouse as it stands will not meet with the requirements of Building Standards unless major upgrading works are undertaken. Furthermore, for Mr and Mrs Henderson to obtain the necessary mortgage funding for this project they would have to upgrade the existing structure first before any mortgage company would be willing to finance the project. All the mortgage companies approached are insistent that the existing dwellinghouse is sub-standard. The Building Societies approached were however willing to release funding for the project if the existing house was demolished and a new house erected in its place.

Mr and Mrs Henderson made contact with the Planning Policy section prior to the submission of this application and are aware that this application essentially constitutes a new dwellinghouse in the countryside, which without a justification based on specific locational need, is contrary to policy. However as it stands they are living in a dwelling which is sub-standard and non-compliant with Building Regulations. In addition, they are unable to access appropriate mortgage funding to enable the extension, previously approved to meet their accommodation requirements, to be constructed. The applicants consider that the only viable option is to apply for the demolition of the existing dwellinghouse and the erection of a new one to provide accommodation for both families.

In this case, the proposed dwellinghouse is essentially a replacement one but there are currently no policies within the East Ayrshire Local Plan that allow for replacement dwellings in the circumstances experienced by the applicants.

It is considered that given the particular circumstances of the applicants, significant weight should be given to the material considerations indicated above in the determination of this application.

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 at Section 6 of the report, there are material considerations relevant to this application and it is considered that these are of sufficient weight to suggest that in this particular case, a departure from policy may be appropriate.

8.2 Full planning permission is being sought for the demolition of the existing dwellinghouse of Burnside Cottage and the erection of a new replacement dwellinghouse. This is due to it not being possible for the current property of Burnside Cottage to meet the required Building Regulations, leaving no other viable financial option other than the complete demolition and rebuilding of a new dwellinghouse. The applicant has previously received full planning consent for the extension of the existing property, which would meet the accommodation requirements of the applicant. However, this proposal would not be in compliance with the required Building Regulations due to the structural condition of the existing dwelling. The applicant has clarified in their supporting statement that they have been left with no other option other than to demolish the existing building and construct a new dwellinghouse.

8.3 The proposed new dwellinghouse is seen as an acceptable development in design terms for this location and is proposed to be positioned on the original footprint of the existing dwellinghouse, albeit that the proposal will be significantly larger in size to accommodate both families. Furthermore, as the proposal includes the demolition of the existing building the new development will therefore take place on what would be classified as a brown field site.

8.4 It is perceived that although technically this proposal would constitute a new dwellinghouse in the countryside contrary to policy, the supporting statement and planning history of the site are significant material considerations justifying a departure from the local plan and indicating that approval of the application would be appropriate.

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 and Building Control, the application will not require to be referred to the Development Services Committee as it would not be a departure from the East Ayrshire Local Plan.

Alan Neish
Head of Planning, Development and Building Standards

21 October 2005
RG/HM/RG
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).
7. Supporting Statement prepared by Mr M Boston on behalf of Mr & Mrs Henderson.
8. Planning Application – 04/0148/FL
9. Planning Application – 05/0008/FL

Anyone wishing to inspect the above background papers should contact Mr Ghosh on 01563 555483.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/0875/FL

Location	BURNSIDE COTTAGE, DALRYMPLE
Nature of Proposal:	DEMOLITION OF EXISTING DWELLINGHOUSE AND ERECTION OF A NEW DWELLING
Name and Address of Applicant:	MR & MRS F HENDERSON BURNSIDE COTTAGE DALRYMPLE KA6 6AW
Name and Address of Agent	MR M BOSTON ARCHITECTURAL SERVICES LTD 34 MAIN STREET PRESTWICK KA9 1NX

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

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

1. Notwithstanding the submitted plans, the external finishing materials are not hereby approved. Prior to the commencement of works on site, the applicant shall submit to and have approved by the Planning Authority, details/samples of the roof finishing material and external wall finishes to be used in the proposed dwellinghouse.

REASON: In the interest of visual amenity.

2. The existing access to the B742 shall be used for vehicular access to and from the proposed dwellinghouse.

REASON – In the interests of road safety.

3. A minimum of four off road parking spaces shall be provided within the site

REASON – In the interests of road safety.

4. An internal car turning area shall be provided within the site to allow vehicles to enter and leave the plot in forward gear.

REASON – in the interests of road safety.

5. Notwithstanding the plans hereby approved, and the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992, any garage associated with the development shall be of a permanent construction, finished in the same materials as the dwellinghouse to which they relate and shall be set back a minimum distance of 6 metres from the rear of the footway.

REASON: In the interests of amenity and road safety.

6. Within 3 months of the completion or occupation of the proposed replacement dwellinghouse, the existing residential caravan and associated structures shall be permanently removed from the development site to the satisfaction of the Planning Authority.

REASON – The residential caravan and associated structures are only acceptable on a temporary basis pending the construction of the replacement dwellinghouse.

7. All waste materials generated by the proposed development that require to be removed from the site such as construction wastes, demolition wastes and surplus excavated materials, shall be removed from the site by licensed waste carriers. Waste shall be removed to a site that has either an appropriate waste management licence or is registered with SEPA as exempt from licensing.

REASON – In the interests of public health and safety.

8. The consent hereby granted relates to the erection of a single residential unit providing various accommodations and not to the erection of more than one separate residential unit.

REASON – Given the proposed accommodations within the building, it is necessary to clarify that permission is not being granted for more than one separate residential unit.

NOTES TO APPLICANT

- 1) The applicant shall make early contact with Scottish Water prior to the commencement of development to ensure the connection arrangements are suitable to the requirements of Scottish Water. Scottish Water can be contacted on 0845 601 8855.
- 2) Contact should be made with the Scottish Environment Protection Agency (SEPA) with regards to surface water drainage arrangements. SEPA can be contacted at the Ayr Office, 31 Miller Road, Ayr, Tel: 01292 294000.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**