

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 30 NOVEMBER 2001

**01/0704/OL: PROPOSED ERECTION OF DWELLINGHOUSE, OPPOSITE
83-85 CONNELL PARK, NEW CUMNOCK**

APPLICATION BY MR & MRS WALLS

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the erection of one dwellinghouse within the site. No details of the design or finishes of the dwellinghouse have been submitted at this outline stage. An indicative layout showing the dwellinghouse located to the east of the site, 6 metres back from the footpath has been submitted.

2. RECOMMENDATION

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

3. CONTRARY DECISION

3.1 Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control on the basis of the principle of residential development on this site then it will require to be referred to the Development Services Committee.

4. SUMMARY OF ANALYSIS.

4.1 As is indicated at paragraph 5.1 of the report, the application is considered to be in accordance with 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 at Section 6 of the report, there are material considerations relevant to this application, however, it is considered that these are supportive of the application.

4.2 The proposed dwellinghouse would constitute an extension to an existing group of dwellings located within the rural area. Imposing conditions with regard to the size and design of the dwelling would ensure that any future dwellinghouse would compliment the existing housing group.

4.3 In terms of the letters of objection, whilst it is acknowledged that the EALP identifies sites suitable for housing in nearby areas, the proposed development complies with the council policies for housing in the countryside. If the application is approved then details regarding the siting and design of the proposed dwellinghouse would be dealt with at the reserved matters stage. Concerns regarding road safety have not been echoed by the Roads Division. Furthermore, the right to a view is not a material consideration in the determination of this application.

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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**01/0704/OL: PROPOSED ERECTION OF DWELLINGHOUSE, OPPOSITE
83-85 CONNEL PARK, NEW CUMNOCK**

APPLICATION BY MR & MRS WALLS

Report by Head of Planning and Building Control

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 proposed development is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The site lies on the north side of Connel Park, New Cumnock and comprises the southwest corner of an agricultural field. Whilst this field is presently used for grazing purposes, it is a brownfield site, as a number of miners rows were located within the site in the past. These dwellings have long since been demolished. The site is bound to the north and east by this agricultural field, to the east by a single dwellinghouse, and to the south by Connel Park and a row of five dwellings.

2.2 **Proposed Development :** Outline planning permission is sought for the erection of one dwellinghouse within the site. No details of the design or finishes of the dwellinghouse have been submitted at this outline stage. An indicative layout showing the dwellinghouse located to the east of the site, 6 metres back from the footpath has been submitted.

3. CONSULTATIONS AND ISSUES RAISED

3.1 New Cumnock Community Council has not responded to the consultation letter at the time of writing.

Noted.

3.2 British Gas Transco, Scottish Power and National Air Traffic Services Limited have no adverse comments to make on the proposed development.

Noted

3.3 East Ayrshire Council's Roads and Transportation Division has no objections to the proposed development subject to conditions. Access must be taken at the south-eastern end of the plot in order to ensure acceptable visibilities at the access point onto the B741 public road. Visibility sightline splay areas of 2m by 20m will require to be formed and maintained at the access, with no obstruction greater in height than 1 metre allowed within those areas. The required visibilities are achievable on site. Conditions regarding surfacing, car parking and a turning area are also recommended.

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

3.4 West of Scotland Water advise that the development can be serviced from an existing public water main located in the street adjacent to the site location. The application may involve building over an existing public sewer. The developer must therefore contact them prior to starting work on site in order to discuss whether diversions or protection is required.

The applicant has been advised of the above comments by WOSWA.

3.5 The Coal Authority indicate that in view of the mining circumstances a prudent developer would seek appropriate technical advice before works are undertaken on site.

A note can be attached to any planning consent advising the applicant to satisfy themselves as to the suitability of the site for construction purposes.

4. REPRESENTATIONS

4.1 Three letters of objection have been received. These are summarised as follows:

4.2 The application is in outline only. There is therefore no indication of any subsequent building design, size and position within the site.

No details of the design, finishes and siting of the proposed house are required at this outline stage. If the application is approved, then these matters will be assessed at the reserved matters stage. A condition can however be attached to any planning consent requiring the design of the dwelling to be erected on site to pay due regard to the character of existing traditional dwellings and to its semi-rural setting, with rendered external walls, traditionally proportioned windows and roof finished in slate or slate size tiles. A condition could also be attached requiring the height of the dwellinghouse to be restricted to single or one and half storey.

4.3 Although this land was once the site of housing, so many years have passed that it is now prime agricultural land. There are many other suitable sites in the Leggate and Bank Glen, including sites of two demolished schools and a chapel. They believe that the local plan did in fact outline the Leggate and Bank Glen as areas people could build on, but not Connel Park.

The site is used for grazing purposes, and is not considered to be prime agricultural land. It is acknowledged that there are sites within the Leggate and Bank Glen which are identified within the East Ayrshire Local Plan, Finalised Version with Modifications (EALP), for residential development. The proposed development does however comply with the Council's policies on new housing in the countryside (See Paragraph 6.4).

4.4 If planning permission is granted, then a precedent would be set, and the rural feel of the street would be destroyed. This is all the more likely given the unsuitable houses built in Bank Glen that are in a very regrettable suburban idiom. Only one new build out of five has actually been built in a traditional style. The houses of Connel Park are traditional Victorian houses, that still achieve a degree of stylistic unity. Any new build would have to endeavour not to upset this balance. Given the faceless, bland, sprawling, uninspiring designs that can be witnessed in Bank Glen, we are not confident of this happening. This unity could only be achieved by a neat, symmetrical building that use traditional materials such as slate, harling and if possible red sandstone, not some hideous unnatural reconstituted stone. It would also have to include traditional motifs, such as mullioned windows and chimneys.

Whilst the majority of the dwellings within the existing housing group at this location are traditional sandstone buildings, there are also more modern dwellings located near the site. A condition can be attached to any planning consent requiring the design and size of the dwelling to be erected on site to pay due regard to the rural area.

4.5 They don't want a building spoiling their outlook, nor would any resident in this new build wish to be overlooked by a large elevated house such as their own.

The right to a view is not a material consideration in the determination of this application.

4.6 The access to their property is via Connel Park and they already find it hazardous exercising access and egress to their property due to road traffic conditions. In the event of the development proceeding the present traffic problems would be magnified.

These roads safety concerns have not been echoed by the Roads Division (See Paragraph 3.3).

4.7 The ground outlined on the location plan leaves no room for access to their garage or side gate to their garden and leaves no space for visitor parking either. There is not any other place suitable because of a very dangerous corner and dangerous drivers. To get in and out of the house at any other place is taking your life in your own hands.

The site has a common boundary with an existing dwellinghouse, which takes access adjacent to the south west of the site. The impact that the development would have on this access is a legal matter. Notwithstanding this, the access to any new dwellinghouse at this location would not interfere with this existing access as the Roads Division indicate that to achieve the required visibilities, the proposed access would require to be located to the south-east of the site.

5. DEVELOPMENT PLAN STATUS

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 New Cumnock Local Plan (1993). The Adopted Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against residential policies.

5.3 Policy RES13 states that wherever possible, potential developers of houses in the countryside will be directed to brownfield or redevelopment sites in locations which would not be unduly visually prominent. The Council as planning authority will discourage residential development which will result in the loss of agricultural land in pastoral or arable use.

Whilst this site is currently used for agricultural purposes, it has previously been developed for residential purposes. Furthermore, the site is not visually prominent.

5.4 Policy RES17 states that where new single or small scale residential development in the countryside is proposed in the remoter rural area the Council will encourage sympathetic developments which would:-

- (a) Involve the redevelopment of areas of derelict or despoiled land;
- (b) Consolidate and compliment existing small groups of housing;

Although the site has been previously developed, it is not despoiled or derelict. The proposed dwellinghouse would however consolidate an existing group of housing and is therefore compliant with the above policy.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan, (Finalised Version with Modifications) (2001), the consultation replies and the representations received.

East Ayrshire Local Plan, (Finalised Version with Modifications)

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan, (Finalised Version with Modifications) (EALP) should be considered as a prime material consideration. The site lies within the Rural Diversification Area, as defined by the EALP, and is affected by Strategic, Residential and Environment Policies.

6.3 Strategic Development Policy SD4 states that within the Rural Diversification Area, development proposals relating to land outwith settlement boundaries will be acceptable to the Council where the development:-

- (i) comprises an acceptable form of residential use as detailed in Policy RES14 of the Local Plan:
- (ii) provides for sensitive industrial, business, recreational or tourism development with a site specific locational need;
- (iii) can be fully justified in terms of social and economic benefit to the economy.

The applicant has not provided any site specific locational justification for the development nor fully justified it in terms of social and economic benefit to the community. The proposed development does however comprise an acceptable form of development as detailed in Policy RES14 (See Paragraph 6.4). The proposal therefore complies with the provisions of this policy.

6.4 Policy RES14 states that the Council will be supportive of small scale residential developments within the identified Rural Diversification Area, where:-

- (i) the houses are required on a permanent basis for the categories of development detailed in Policy RES13.

There is no site specific locational justification for the development.

- (ii) the proposed development would constitute a limited addition to an existing, clearly defined group of houses not delineated by a formal settlement boundary. Any proposed expansion of such a housing group will be limited to 50% of the total number of dwellings existing in

that grouping as of 1 January 1999, up to a maximum of 4 new housing units, subject to the provision of Policies RES15 and 16. Any development would require to be appropriate in terms of design, to the particular location in which it is proposed, be sensitive to the design and layout of the existing settlement or group of buildings and meet the standards required by all relevant public and statutory service providers. The sensitive infilling of any available gap sites consolidating existing dwellings within the group will be particularly encouraged in preference to any linear expansion of the grouping of houses concerned.

Five dwellinghouses are located to the south of the site (on the opposite side of Connel Park) and one dwellinghouse is located directly to the west. It is considered that the development would constitute an appropriate addition to this existing group of houses, and would therefore comply with the above policy.

No details of the design of the dwellinghouse have been submitted at the outline stage. The existing houses consist of mainly one and half storey sandstone dwellings. A condition can be attached to any planning consent with regard to the design of the dwelling.

- (iii) the proposed development constitutes very low density housing development, forming part of an integrated group of properties with a dual residential and workplace function supporting the rural economy as detailed in Policy RES17.

The proposed development would not have a dual residential or workplace function.

Representations

6.7 The terms of the letter of objection are detailed Section 3 above and highlight concerns with regards to road safety, the siting of the proposed dwelling within a rural location and the design of any future dwellinghouse. Subject to the imposition of appropriate conditions on any consent granted for the proposed development, it is considered that the grounds of objection do not merit refusal of the proposed development.

Consultation Replies

6.8 The consultation replies indicate that approval of the application would be appropriate.

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 is indicated at paragraph 5.1 of the report, the application is considered to be in accordance with 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 at Section 6 of the report, there are material considerations relevant to this application, however, it is considered that these are supportive of the application.

8.2 The proposed dwellinghouse would constitute an extension to an existing group of dwellings located within the rural area. Imposing conditions with regard to the size and design of the dwelling would ensure that any future dwellinghouse would compliment the existing housing group.

8.3 In terms of the letters of objection, whilst it is acknowledged that the EALP identifies sites suitable for housing in nearby areas, the proposed development complies with the council policies for housing in the countryside. If the application is approved then details regarding the siting and design of the proposed dwellinghouse would be dealt with at the reserved matters stage. Concerns regarding road safety have not been echoed by the Roads Division. Furthermore, the right to a view is not a material consideration in the determination of this application.

9. RECOMMENDATION

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

Alan Neish
Head of Planning and Building Control
12 November 2001
VE/VE
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses.
4. Letters of Representation.
5. New Cumnock Local Plan (1993).
6. Approved Ayrshire Joint Structure Plan (1999).
7. East Ayrshire Local Plan, Finalised Version with Modifications (2001).
8. Approved Strathclyde Structure Plan.

Any person wishing to inspect the background papers listed above, should contact Miss Vivien Emery on 01563 555485.

Implementation Officer: Dave Morris

Location	Opposite 83-85 Connel Park New Cumnock
Nature of Proposal:	Erection of a Dwellinghouse
Name and Address of Applicant:	Mr & Mrs Walls 4 Castlehill New Cumnock KA18 4AF
Name and Address of Agent:	N/A

DPO's Ref:	[VE]
PPO's Ref:	[]

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

1. Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby reserved.
 - a) The layout of the site;
 - b) The size, height, design and external appearance of the proposed dwellinghouse;
 - c) The means of drainage and sewage disposal;
 - d) Details of the access arrangements;
 - e) The provision for open space;
 - f) The provision for car parking;
 - g) The boundary walls/fences to be erected;
 - h) The landscaping of the site;
 - i) Finished site levels/floor levels.

REASON – The approval is in outline only.

2. The details to be submitted under Condition 1(d) and (f) shall allow for the following road alterations:-
 - (a) Access to be taken at the south-eastern end of the plot in order to ensure acceptable visibilities at the access point onto the B741 public road.
 - (b) Visibility sightline splay area of 2 metres by 20 metres to be formed and maintained at the access onto the B741 with no obstruction greater than 1 metre allowed within these areas.
 - (c) Access to the site to be taken via a standard driveway access crossing to East Ayrshire Council Roads Standards.
 - (d) A minimum of two off-road parking spaces to be provided within the curtilage of the dwellinghouse.
 - (e) The first two metres of the driveway to be surfaced.
 - (f) A turning area to be provided within the curtilage of the dwellinghouse.

REASON – In the interests of road safety.

3. The details to be submitted under Condition 1(b) shall allow for a dwellinghouse of single or one and half storey construction.

REASON – In the interests of visual amenity.

4. The details to be submitted under Condition 1(b) shall allow for the design of the dwelling to pay due regard to the character of existing traditional dwellings and to its semi-rural setting,. The house shall be of traditional design with rendered external walls, traditionally proportioned windows and roof finished in slate or slate sized tiles

REASON : In the interests of visual amenity.

NOTES TO APPLICANT

1. The applicant shall make early contact with West of Scotland Water, 35 Glenburn Road, Prestwick to discuss the servicing of the site and whether the diversion or protection of an existing public sewer is required.
2. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.

AGENDA

**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.**