

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE – 27 APRIL 2001

01/0080/FL: PROPOSED ERECTION OF SINGLE DWELLINGHOUSE AT CROSSHILL MOUNT, SKARES

APPLICATION BY MISS GIBSON

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Detailed planning permission is sought for the erection of a single dwellinghouse on the site. The majority of the dwellinghouse will be one and half storey, however there will be a two storey turret feature to the rear elevation. The front elevation will incorporate pitched roof dormers, a double garage and a glazed porch. It is proposed to site the dwellinghouse 10 metres back from the road edge. The dwelling would have a slate substitute roof finish and dry dash finish to external walls.

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 is indicated at paragraph 5.2 in the report, the application 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. As is indicated in Section 6 in the report, there are material considerations relevant to this application. Whilst it is considered that greater weight should be attached to the policies of the EALP with which the proposed development is not in accordance, the material considerations outlined in paragraph 6.5 are considered enough for an exception to be made in this instance.

3.2 In this case, no specific locational need has been proven by the applicant. The proposal is not therefore consistent with the policy provisions for new housing in the countryside in terms of the EALP. However, given that there is a

valid outline application for the erection of a house on this site, it is considered that an exception to policy can be made.

3.3 In terms of the letters of objection, it is considered that the design of the house is of an acceptable standard, and that through the implementation of a landscaping scheme the development can be sensitively accommodated within the site. Concerns regarding road safety and drainage problems have not been echoed by the Roads Division or the Scottish Environment Protection Agency.

3.4 If the Committee are minded to approve this application, then it would not require to be submitted for determination by the Development Services Committee under the scheme of delegation, as, given the site history, it does not constitute a significant departure from the EALP.

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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01/0080/FL: PROPOSED ERECTION OF SINGLE DWELLINGHOUSE AT CROSSHILL MOUNT, SKARES

APPLICATION BY MISS GIBSON

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as the proposed development is contrary to policies contained within the East Ayrshire Local Plan, (Finalised Version with Modifications) and is subject to objection.

2. APPLICATION DETAILS

2.1 The site lies approximately 1.3km north of Skares on the east side of the minor road leading from Skares to the A70 near Ochiltree. The site extends to 0.084 hectares and is located in an elevated position, within scrub land which forms part of a larger field. A number of semi-mature trees, all of which are in a poor condition, are located within the site. A larger group of mature trees are located to the east of the site. The site is bound to the north, south and east by scrub land and to the west by a hedgerow and the minor public road.

2.2 **Proposed Development:** Detailed planning permission is sought for the erection of a single dwellinghouse on the site. The majority of the dwellinghouse will be one and half storey, however there will be a two storey turret feature to the rear elevation. The front elevation will incorporate pitched roof dormers, a double garage and a glazed porch. It is proposed to site the dwellinghouse 10 metres back from the road edge. The dwelling would have a slate substitute roof finish and dry dash finish to external walls.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The comments outlined below from The Coal Authority, Scottish Power, British Gas Transco and West of Scotland Water were received during the consultation process for the outline application (Ref No: 98/0221/FL), for the erection of a single dwellinghouse on the site.

3.2 Cumnock Landward Community Council has not responded to the consultation letter.

Noted.

3.3 East Ayrshire Roads and Transportation Division has no objection subject to conditions. Visibility splay areas of 2.5 metres by 120 metres shall require to be formed and maintained at the access, with no obstruction greater in height than 1 metre allowed within these areas. These can be achieved within land under the applicants control. A 2 metre wide kerbed pedestrian refuge/verge along the frontage of the site shall require to be formed. Conditions regarding surfacing, parking requirements and the location of gates are also required.

Conditions regarding the above can be attached to any planning consent if granted.

3.4 The Scottish Environment Protection Agency advises that there are no objections in principle to the proposed development providing the drainage arrangements are to their satisfaction. In this regard the proposed septic tank and soakaway should be designed and constructed to meet with the requirement of their code of practice. This will require the applicant to carry out percolation tests on site to assess the suitability of the soil for effluent disposal. Should the soil prove unsuitable for effluent disposal then a discharge would be allowed to the Ward Burn, via an extensive partial soakaway and the field drainage system. Surface water should be kept separate from the foul drainage. Their consent is required for the discharge of sewage effluent to a watercourse.

A note can be attached to the planning consent, if granted, advising the applicant of the above.

3.5 British Gas Transco, Scottish Power and The Coal Authority have no adverse comments to make on the proposed development.

Noted.

3.6 West of Scotland Water advises that a separate application will have to be made for the provision of the site water mains. If a septic tank is utilised it must be sited in such a manner to allow easy access for emptying by tanker.

A note can be attached to the planning consent, if granted, advising the applicant of the above.

4. REPRESENTATIONS

4.1 Six letters of representation have been received objecting to the proposed development. These are summarised as follows:-

4.2 The dwelling is not of a size, design or construction which is in keeping with other dwellings in the area.

Whilst it is acknowledged that the dwellinghouse proposed is of significant size, it is not considered that it will be out of keeping with its surroundings. The design of the dwellinghouse, with its 40 degree roof pitch, windows generally of vertical proportions and traditional finishes of wet dash render and slate substitute roof, is considered to be an acceptable standard for a house located in the countryside.

4.3 The situation of the proposed dwelling is so close to the road that it will form such an imposing feature as to be aesthetically disturbing. The construction of such a dwelling will have an adverse effect on the natural environment.

The nearest part of the dwellinghouse to the road will be situated approximately 10 metres from the road edge. This is considered to be acceptable. When viewed from the west the house will be sited against a backcloth of trees, and due to the natural characteristics of the area which consist of a number of large tree belts, the house would not be clearly visible from the nearest main public road, the A70 from Cumnock to Ochiltree. Given the prominence of the site however, at the top of a hill, the house would be clearly visible when viewed northwards from the minor public road. It is therefore considered that a condition regarding the implementation of a landscaping scheme would be appropriate. This would help to integrate the development with the surrounding landscape.

4.4 The unclassified access road leading to the land upon which the dwelling is proposed to be situated is narrow and unsuitable for the traffic which will ensue during the construction of a dwelling of such a size. Is this a suitable entrance/exit so near the crest of a hill?

These concerns have not been echoed by the Roads Division (See Section 3.2).

4.5 There currently being no water, drainage or sewerage supplies to the land concerned, any works to install same will disturb private schemes surrounding the property subject of this application.

The Scottish Environment Protection Agency and West of Scotland Water have no objections to the development (See Section 3.3).

4.6 It is questionable as to why it is proposed to site the dwellinghouse close to the road, within a six acre property. Is this one development or the start of a

development plan? Furthermore, given the amenities to be provided, is this house to be used solely as one dwellinghouse?

The applicant has indicated that land surrounding the site is within her ownership. This application is for the erection of one single dwellinghouse within the site. Any future applications for further development would be assessed on their own merits.

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 Adopted Ayrshire Joint Structure Plan and the Adopted Cumnock-Auchinleck Local Plan, (1992). 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 Policy RES17 which states that the Council will make a presumption in favour of single, small scale, especially high amenity residential development in the countryside except:

(iii) On prime quality, non-prime quality but locally important agricultural land and good quality hill grazings.

The proposed site consists of scrub land and is not prime quality or locally important agricultural or grazing land.

(vii) Where the development would adversely affect deciduous woodland and in certain circumstances important areas of coniferous woodland.

There is an existing wooded area to the east of the site, however these mature trees will not be affected by the proposed development.

(viii) Where in the opinion of the Council, the development would be unduly visually prominent or adversely affect the amenity of remote areas, wild areas or particularly picturesque locations.

Whilst the development would be located on a prominent site, it will not be readily visible from any main public roads. The existing trees and the implementation of a landscaping scheme will assist in the integration of the development into the landscape.

The proposal would therefore be in accordance with the policy provisions of the Adopted Plan.

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 representations received and the planning history of the site.

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 Protection Area, as defined by the EALP, and is affected by Strategic and Residential Policies.

6.3 Policy SD3 of the EALP states that within the Rural Protection Area, development proposals relating to land located outwith settlement boundaries will be acceptable to the Council only where the development:

- (i) comprises an acceptable form of residential use as detailed in Policy RES13 of the Local Plan;
- (ii) can be fully justified in terms of site specific locational need;
- (iii) can be fully justified in terms of social and economic benefit to the community;
- (iv) provides for the operational needs of agriculture or forestry.

The development does not contribute to rural diversification and the applicant has not provided any site specific locational justification for the development. The proposal is therefore contrary to the provisions of this policy. It should be noted however that there is a valid outline planning consent for the erection of a dwellinghouse on the site. (See paragraph 6.5)

6.4 Policy RES13 states that developments for which a site specific locational need cannot be demonstrated to the satisfaction of the Council will not receive Council support. The Council will be supportive of residential development in the countryside where it can be demonstrated that the house is required on a permanent basis:-

- (i) for an 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 one-site staff accommodation;
- (iv) as an enabling development for the conversion of a large rural residential or institutional property.

Developments for which a site specific locational need cannot be demonstrated to the satisfaction of the Council will not receive Council support.

The applicant has not provided any site specific locational justification for the development. The proposal is therefore contrary to the provisions of this policy. It should be noted however that there is a valid outline consent for the erection of a dwellinghouse on the site.

6.5 Planning History: Outline planning permission (98/0221/OL) was approved for the erection of one dwellinghouse on the site on 22 December 1998. This application was determined against the former Cumnock-Auchinleck Local Plan and Cumnock and Doon Valley District Wide Local Plan. The application complied with the policies contained therein and was subsequently approved under delegated powers. If the applicant had submitted a reserved matters application, then the principle of the development would not have been required to be determined against the EALP. A full application has been submitted for two reasons: (i) The current proposal does not fully comply with Condition No.4 of the outline consent, which required the height of the dwellinghouse to be restricted to one or one and a half storeys in height; (ii) The site boundaries have been extended to provide a larger area of garden ground.

Although the turret feature of the proposed dwellinghouse is two storey in design, it will not project above the ridgeline of the main part of the dwelling which is one and half storeys in height.

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 5.2 above, the application 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. As is indicated in Section 6 above, there are material considerations relevant to this application. Whilst it is considered that greater weight should be attached to the policies of the EALP with which the proposed development is not in accordance, the material considerations outlined in paragraph 6.5 are considered enough for an exception to be made in this instance.

8.2 In this case, no specific locational need has been proven by the applicant. The proposal is not therefore consistent with the policy provisions for new

housing in the countryside in terms of the EALP. However, given that there is a valid outline application for the erection of a house on this site, it is considered that an exception to policy can be made.

8.3 In terms of the letters of objection, it is considered that the design of the house is of an acceptable standard, and that through the implementation of a landscaping scheme the development can be sensitively accommodated within the site. Concerns regarding road safety and drainage problems have not been echoed by the Roads Division or the Scottish Environment Protection Agency.

8.4 If the Committee are minded to approve this application, then it would not require to be submitted for determination by the Development Services Committee under the scheme of delegation, as, given the site history, it does not constitute a significant departure from the EALP.

9. RECOMMENDATION

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

Alan Neish
Head of Planning and Building Control
02 April 2001
VE/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. East Ayrshire Local Plan, Finalised Version with Modifications.
5. Cumnock - Auchinleck Local Plan.
6. Adopted Ayrshire Joint Structure Plan.
7. Planning Application 98/0221/FL

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

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Implementation Officer: Dave Morris

Application no: 01/0080/FL

Location	Crosshill Mount, Skares
Nature of Proposal:	Proposed Erection of Single Dwellinghouse
Name and Address of Applicant:	Miss Janess Gibson C/o 12 Shortlees Crescent KILMARNOCK KA1 4PR
Name and Address of Agent	Thomson Dawes Architects 21 Portland Road KILMARNOCK KA1 2BT

DPO's Ref: [VIVIEN EMERY]
PPO's Ref; []

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

(1) The proposed development shall be carried out in accordance with the application form and plans submitted on 5 February 2001 as revised by the amended elevation and site plans received by the Planning Authority on 4 April 2001.

REASON – To ensure that the development is carried out in accordance with the approved details.

(2) Notwithstanding the plans hereby approved, the roof of the dwellinghouse shall be constructed in slate or slate size tiles and details/samples of the material to be used shall be submitted to and approved by the Planning Authority before any development commences on site.

REASON – In the interests of visual amenity.

(3) Notwithstanding the approved plans, a sample of the proposed render shall be submitted to and approved by the Planning Authority prior to the commencement of development.

REASON – In the interests of visual amenity.

(4) Notwithstanding the submitted plans, all mullions shall be brick and rendered to match the dwellinghouse.

REASON – In the interests of visual amenity.

(5) A landscaping scheme, including the treatment of the boundary of the site, shall be submitted to and approved by the Planning Authority prior to the commencement of any development, and shall be implemented not later than the next appropriate planting season after the development has been carried out. This landscaping scheme shall include planting along the northern and southern boundaries of the site to provide partial screening of the development.

REASON - In the interests of visual amenity.

(6) Access to the site shall be taken via a standard driveway access crossing to East Ayrshire Roads standards.

REASON – In the interests of road safety.

(7) Any roadside ditch shall be piped and protected beneath the proposed access.

REASON – In the interests of road safety.

(8) Prior to the occupation of the dwellinghouse visibility splay areas of 2.5 metres by 120 metres shall be provided and thereafter maintained at the junction of the access to the development with the public road with no obstruction to visibility greater than 1 metre in height being allowed within these areas.

REASON – In the interests of road safety.

(9) Prior to the occupation of the dwellinghouse the junction with the C97 public road shall be bituminously surfaced for a distance of 5 metres from the edge of the road to avoid overcarry of loose material onto the public road.

REASON – In the interests of road safety.

(10) Prior to the occupation of the dwellinghouse a 2 metre wide kerbed pedestrian refuge/verge shall be formed along the frontage of the site.

REASON – In the interests of road safety.

(11) Prior to the occupation of the dwellinghouse a turning area shall be provided and maintained on the site to the satisfaction of the Planning Authority to enable vehicles to enter and leave the highway in forward gear at all times.

REASON – In the interests of road safety.

(12) Prior to the occupation of the dwellinghouse parking spaces for 3 cars shall be provided and maintained within the site.

REASON – In the interests of road safety.

(13) Any gates to be provided shall open away from the public road to prevent obstruction.

REASON – In the interests of road safety.

(14) No surface water shall issue from the site onto the public road.

REASON – In the interests of road safety.

(15) Any existing public utility apparatus located in the road verge shall be protected beneath the proposed access.

REASON – In the interests of road safety.

(16) The existing hedge along the western boundary of the site shall be retained intact and maintained thereafter to the satisfaction of the Planning Authority (except insofar as to allow access to the site in accordance with Condition No.5).

REASON – To maintain the contribution of the existing hedge to the quality of the area in the interests of visual amenity.

(17) Notwithstanding the plans hereby approved, any septic tank provided to serve the development shall be sited in such a position as will enable it to be emptied by the tanker.

REASON – In the interests of public safety.

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AGENDA