

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 11 APRIL 2003

**02/0546/FL: PROPOSED ERECTION OF GENERAL PURPOSE BUILDING
AT GLENVIEW, GLENMUIR BRIDGE, NEAR LOGAN**

APPLICATION BY MR W WITHERS

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Planning permission is sought for an extension to an existing monopitch roofed storage building covering a footprint of 75 square metres located within the curtilage of the dwellinghouse. This building appears to pre-date the original dwellinghouse on the site and is finished with grey wet dash render and exposed red brick walls with the roof clad in grey sheeting.

1.2 The proposed building extension would cover a footprint of 96 square metres and measures 7.8 metres wide by 12.3 metres long. The apex of the pitched roof would be located 5.7 metres above the surrounding ground level. It is proposed to finish the general purpose building with grey profiled steel sheeting roof cladding and grey concrete block walls.

1.3 When originally submitted, the application form indicated that the building was for storing furniture and parts associated with the applicant's business. However, in a letter dated 17 February 2003, the applicant has since stated that the building would be used for storing household furniture, garden tools, bikes, lawn mowers, fencing wood, ladders, wheel barrows and other items. Notwithstanding this apparent confusion, the application falls to be considered as a householder development.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report, the proposed development is considered to be in accordance with the Development Plan. Therefore, given the terms of 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 indicated in Section 6 of the report, there are material

considerations relevant to this application but in this case, the EALP and the Design Guidance would not be supportive of the development.

3.2 These considerations have been assessed and are considered to be of sufficient weight to merit refusal of the application. The proposed general purpose building by reason of its siting, scale, mass, design, and finishes would be out of keeping with the design, mass, scale, and finishes of the neighbouring dwellinghouse such that the proposed building would appear over-large, over-dominant and visually incongruous in relation to the neighbouring dwellinghouse. Additionally, the proposed development would set an undesirable precedent for over-large domestic outbuildings within the countryside area.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee because there would be no significant departure from Council policy.

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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APPLICATION BY MR W WITHERS

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 because it is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located approximately 2 miles east of Logan on the south-west side of the road leading to Whiteholm Farm. The site lies some 350 metres south-east of Glenmuir Bridge (East) and some 100 metres north-west of Whiteholm Farm. The site forms part of the curtilage of the adjacent dwellinghouse on the site, which extends to approximately 650 square metres in total. A number of polytunnels which appear to serve a purpose ancillary are located within the curtilage, to the west of the dwellinghouse. Owing to their dimensions, siting within the curtilage, and use incidental to the dwellinghouse, these structures are classed as 'permitted development' under the terms of current planning legislation.

2.2 **Proposed Development:** Planning permission is sought for an extension to an existing monopitch roofed storage building covering a footprint of 75 square metres located within the curtilage of the dwellinghouse. This building appears to pre-date the original dwellinghouse on the site and is finished with grey wet dash render and exposed red brick walls with the roof clad in grey sheeting.

2.3 The proposed building extension would cover a footprint of 96 square metres and measures 7.8 metres wide by 12.3 metres long. The apex of the pitched roof would be located 5.7 metres above the surrounding ground level. It is proposed to finish the general purpose building with grey profiled steel sheeting roof cladding and grey concrete block walls.

2.4 When originally submitted, the application form indicated that the building was for storing furniture and parts associated with the applicant's business.

However, in a letter dated 17 February 2003, the applicant has since stated that the building would be used for storing household furniture, garden tools, bikes, lawn mowers, fencing wood, ladders, wheel barrows and other items. Notwithstanding this apparent confusion, the application falls to be considered as a householder development.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Lugar, Logan and Cronberry Community Council and Transco have not responded to their consultation letters at the time of writing this report.

Noted.

3.2 Scottish Power, The Coal Authority, and Scottish Water have no objections to the proposed development.

Noted.

3.3 The Scottish Environment Protection Agency has no objections in principle to the proposed development provided the surface water arrangements are to their satisfaction. In this regard, SEPA have advised that all roof water from the proposed development should be connected to the existing surface water drainage system.

Should the application be approved, a note in respect of the above matters can be attached to the planning permission.

4. REPRESENTATIONS

4.1 No representations have been received in respect of the application.

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 Cumnock and Auchinleck Local Plan (1992). The Adopted Local Plan was prepared within the context of the approved Strathclyde Structure Plan.

Cumnock and Auchinleck Local Plan

5.2 Notwithstanding the age of the Adopted Local Plan, the proposed development requires to be assessed against Policy 78 which presumes against development in, or having an effect on sites of nature conservation.

When the Cumnock and Auchinleck Local Plan was adopted in 1992, the site was located within the Glenmuir Water Listed Wildlife Site. However, following a re-assessment of Listed Wildlife Sites within the Council area in 1995 the application site no longer lies within the aforementioned Listed Wildlife Site. Consequently, the Local Plan presumption against development having an adverse impact on a site of Nature Conservation interest would no longer be relevant in this case. The proposed development is therefore not contrary to the provisions of this policy.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan, (Finalised Version with Modifications) (2002), the consultations received and the planning history of the site.

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) 2002, (EALP), should be considered as a prime material consideration.

6.3 Policy ENV 7 states that all developers will be expected to comply fully with the Council's existing and emerging Design Guidance and Policy documents relating to and advising on the particular type of development proposed. Developments which do not meet the required design standards detailed in these documents will require to be fully justified and may not be supported by the Council. In this instance, the relevant Design Guidance document is that entitled 'Householder Development'.

6.4 The published Design Guidance states that development that is out of scale and character with its surroundings can be detrimental to the appearance of the wider area.

The proposed building, when taken together with the existing adjacent building would result in an extended building with a footprint of 171 square metres, a figure in excess of the footprint of the adjacent dwellinghouse. The proposed building, by means of its

external dimensions, footprint, design, and location forward of the front building line of the adjacent dwellinghouse is an over-dominant feature of a commercial / industrial scale and would not appear to be ancillary to the adjacent dwellinghouse in terms of its mass and scale. The size of the proposed building also exceeds what reasonably could be expected for purposes ancillary to a dwellinghouse. Further, the design and finishes of the proposed building relate unsatisfactorily to the neighbouring dwellinghouse. Rather than appearing visually cohesive, the resultant building grouping would therefore appear piecemeal and ad hoc. It is therefore considered that the proposed development, being inconsistent with the Council's Design Guidance, would be contrary to Policy ENV7.

Consultation Responses

6.5 The consultation replies do not indicate that the application should be refused.

Planning History

6.6 Outline and full planning permission were granted for the erection of a dwellinghouse on 7 September 1989 and 2nd November 1989 respectively (Ref. Nos. CD/89/157 and CD/89/361).

6.7 Planning permission was granted for deposit of inert material at the site for a temporary period of one year on 31st May 1996 (Ref. No. CD/95/0053/DPP). Further planning permission was granted for continuation of infill for a temporary one year period on 12th September 1996 (Ref. No. 96/0254/FL).

6.8 An enforcement notice under Section 123 (1) (a) of the Town and Country Planning (Scotland) Act 1997 was served regarding the unauthorised change of use of land associated with the curtilage of the existing dwellinghouse to use as a scrap-yard on 10th March 2003, to take effect on 12th April 2003 subject to appeal to the Scottish Ministers. This notice requires the land-owner to (a) cease using the site as a scrap-yard with immediate effect, and (b) clear, tidy and where necessary, remove all scrap material which is located within the site to the complete satisfaction of the Council as Planning Authority.

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 proposed development 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 indicated in Section 6 of the report, there are material considerations relevant to this application but in this case, the EALP and the Design Guidance would not be supportive of the development.

8.2 These considerations have been assessed and are considered to be of sufficient weight to merit refusal of the application. The proposed general purpose building by reason of its siting, scale, mass, design, and finishes would be out of keeping with the design, mass, scale, and finishes of the neighbouring dwellinghouse such that the proposed building would appear over-large, over-dominant and visually incongruous in relation to the neighbouring dwellinghouse. Additionally, the proposed development would set an undesirable precedent for over-large domestic outbuildings within the countryside area.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee because there would be no significant departure from Council policy.

Alan Neish
Head of Planning and Building Control

26 March 2003
RD/HM
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.

2. Statutory notices and certificates.
3. Consultation responses.
4. Adopted Cumnock and Auchinleck Local Plan (1992).
5. Approved Ayrshire Joint Structure Plan (1999).
6. East Ayrshire Local Plan, Finalised Version with Modifications (2002).
7. Approved Strathclyde Structure Plan.
8. Previous applications CD/89/157, CD/89/361, CD/95/0053/DPP and 96/0254/FL.

Any person wishing to inspect the background papers listed above should contact Mr Robert Duncan on 01563 555483.

Implementation Officer: Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 02/0546/FL

Location
Glenview
Glenmuir Bridge
Near Logan

Nature of Proposal: Proposed erection of general purpose building

Name and Address of Applicant:
Mr W Withers
Glenview
Glenmuir Bridge
Near Logan
KA18 3LS

Name and Address of Agent

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

The above FULL application should be refused for the following reasons:-

1. The proposed general purpose building by reason of its siting, scale, mass, design, and finishes would be out of keeping with the design, mass, scale, and finishes of the dwellinghouse to which it relates such that the proposed building would appear over-large, over-dominant and visually incongruous in relation to the existing dwellinghouse.
2. The proposed general purpose building by reason of its siting, scale, mass, design, and finishes would be out of keeping with the design, mass, scale, and finishes of the dwellinghouse to which it relates. The proposed development is therefore considered to be contrary to the Council's Design Guidance, and therefore contrary to Policy ENV7 of the East Ayrshire Local Plan, Finalised Version with Modifications 2002.
3. The proposed development would set an undesirable precedent for over-large domestic outbuildings within the countryside.

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