

**EAST AYRSHIRE COUNCIL
SOUTHERN LOCAL PLANNING COMMITTEE: 07 JUNE 2002**

**02/0119/FL: PROPOSED NEW ENERGY EFFICIENT DWELLINGHOUSE
AND 6.6 METRE HIGH WIND TURBINE AT LITTLE DARMALLOCH,
GLENMUIR, CUMNOCK**

APPLICATION BY MS LUCY KELVIN

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of an energy efficient dwellinghouse and for the siting of a 6.6 metre high wind turbine within the site. The site would be accessed from Glenmuir Road.

1.2 The dwellinghouse would be of one and half storey construction and would be located some 75 metres south of Glenmuir Road. The house has been designed to be energy efficient, with extensive glazing on the south elevation for daylight and passive solar gain, and with limited window openings on the north elevation to reduce heat loss. The windows and doors would be of timber construction and the roof would be finished in synthetic slate. It is proposed to render the walls in a self-coloured render. The design of the dwellinghouse incorporates sliding roller shutters, of timber construction, that would be used as security screens over the proposed door openings on the south elevation of the proposed dwellinghouse.

1.3 The wind turbine would be located 45 metres south east of the proposed dwelling and would be located on top of an existing embankment. The turbine would be 6.6 metres in height and with a rotor diameter of 3.5 metres. The tower would be grey in colour and the blades would be black.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As is indicated at paragraph 5.2 and 5.3 of the report, the application is considered to be contrary to the development plan. Therefore, given the terms of Section 25 and 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. It is considered that the weight that should be attached to these material considerations should be

greater than that given to the policies of the Adopted Local Plan due to the age of this plan and it is further considered that the material considerations support refusal of the application.

3.2 Although the proposed development would be contrary to the Council's Policies for new residential development within the countryside, there is a valid full planning consent for the siting of a dwellinghouse within the site, and the principle has therefore already been established. There is no objection to the principle of an energy efficient dwellinghouse, and indeed it is to be encouraged. Notwithstanding this, it is considered that the design of the dwelling does not respect its rural landscape setting. The design of the house has no balanced composition and the rear elevation, which is two storey in appearance, comprises a large featureless area of blank wall. The siting of the wind turbine within the proposed location is considered acceptable.

3.3 In terms of the letter of objection, it is agreed that the design of the dwellinghouse is not traditional. Some aspects of the dwellinghouse would individually however be considered an acceptable deviation from the Council design guidance, however collectively these result in a dwellinghouse that is considered unacceptable in terms of design. Whilst the wind turbine would be visually prominent within the surrounding area, given its limited height of 6.6 metres, its impact on the landscape would be not be significant enough to warrant refusal. Notwithstanding this, the application cannot be approved in part.

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 as it would not be a 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 MS LUCY KELVIN

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 policy, is subject to an objection and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located to the south of the unclassified Glenmuir Road, due east of Logan, and approximately 600 metres east of Darmalloch Farm. The site extends to 0.62 hectare and comprises part of an agricultural field and embankment. A number of mature trees are located to the north of the site. The site is set back 50 metres from Glenmuir Road and is located at a slightly higher level than the road.

2.2 **Proposed Development:** Full planning permission is sought for the erection of an energy efficient dwellinghouse and for the siting of a 6.6 metre high wind turbine within the site. The site would be accessed from Glenmuir Road.

2.3 The dwellinghouse would be of one and half storey construction and would be located some 75 metres south of Glenmuir Road. The house has been designed to be energy efficient, with extensive glazing on the south elevation for daylight and passive solar gain, and with limited window openings on the north elevation to reduce heat loss. The windows and doors would be of timber construction and the roof would be finished in synthetic slate. It is proposed to render the walls in a self-coloured render. The design of the dwellinghouse incorporates sliding roller shutters, of timber construction, that would be used as security screens over the proposed door openings on the south elevation of the proposed dwellinghouse.

2.4 The wind turbine would be located 45 metres south east of the proposed dwelling and would be located on top of an existing embankment.

The turbine would be 6.6 metres in height and with a rotor diameter of 3.5 metres. The tower would be grey in colour and the blades would be black.

3. CONSULTATIONS AND ISSUES RAISED

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

Noted.

3.2 Scottish Water, Scottish Power and The Coal Authority have no adverse comments to make on the proposed development.

Noted.

3.3 East Ayrshire Council Roads and Transportation Division has no objections subject to conditions. Visibility sightline splay areas of 2.5 metres by 90 metres will require to be formed and maintained at the access, with no obstruction greater than 1 metre in height allowed within these areas. The public road should be widened to 5.5 metres for a length of 12 metres at the access point and the access road surfaced for a distance of 6 metres from the rear of the carriageway. The roadside ditch should be piped and protected beneath the proposed access. Conditions regarding a turning area, parking, surface water and the position of gates are also recommended.

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

3.4 The Scottish Environment Protection Agency has no objections in principle to the proposals provided the drainage arrangements are to their satisfaction. In this regard all foul drainage arising from the domestic dwellinghouse must be connected to a septic tank and blind soakaway system. This will require the applicant to carry out percolation tests to assess the suitability of the soil for effluent disposal. Should the soil prove unsuitable for a blind soakaway, SEPA may grant consent for a discharge via partial soakaway to the field drain system. Surface water should be kept separate from foul drainage.

A note advising the applicant to contact SEPA with regard to the above could be attached to any planning consent.

3.5 Scottish Natural Heritage states that there are natural heritage interests of some importance in the location that could be affected by the development, but this proposal is not considered to be threatening to those interests. SNH therefore has no objection to this development proposal.

4. REPRESENTATIONS

4.1 One letter of representation has been received with respect to the proposed development. The points of objection raised are summarised as follows:

4.2 The design of the house appears rather alien to the existing rural housing which traditionally face, or are gable ended onto the roadside. The rear elevation looks more like a barn than a dwelling and the three windows look unbalanced. The house proposed seems a double storey rather than one or one and half as traditional, and would appear visually prominent within the site. On the front elevation, the patio doors and roller shutters are not in keeping with house types and is therefore a risk of setting a precedent.

It is acknowledged that the design of the dwellinghouse is not in keeping with the rural area (see paragraphs 6.7 - 6.9 of this report).

4.3 The wind turbine would be located on top of the natural embankment. Given the rural location, in an area that has traditionally been served by electricity supply poles, which blend in with the countryside, then this turbine will not be sympathetic in character or appearance. It would appear the turbine would be quite visible from the surrounding vista, and would not therefore blend into this scenic landscape. Again, there is a risk of setting a precedent.

Whilst the wind turbine would be visually prominent within the surrounding area, given its limited height of 6.6 metres, it is considered on balance that its impact on the landscape would be not be significant enough to warrant refusal.

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 Cumnock and 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 relevant residential and environment policies.

5.3 Residential Policy 17(ii) states that the Council will make a presumption in favour of single, small scale, especially high amenity residential development in the countryside except in sites of Special Scientific Interest, Listed Wildlife Sites and the local scenic area.

The site is located within the local scenic area, as defined by the Adopted Local Plan. Although the proposed development would be contrary to this policy, planning permission has previously been approved within the site. This application is still valid, and the principle of the siting of one dwellinghouse within the site has previously been established (see paragraph 6.10 below). In effect the current application is for a change of house type for the development site.

5.4 Environment Policy 78 indicates that there shall be a general presumption against development in or having an adverse affect on sites of nature conservation, prime quality agricultural land, locally important albeit poorer grade agricultural land and heritage resources, and on the are of local scenic significance.

See response to paragraph 5.3 above.

5.5 Environment Policy 79 states the Council will ensure that any development in the countryside and especially in the local scenic area, will be in keeping with and reflect the nature of the rural area in which it is located, in terms of design, siting, size, scale and finish of the development.

It is considered that the design of the dwellinghouse would not reflect the nature of the rural area in which it would be located. The development description clearly sets out the functional goals inherent in the design of the house. Traditional elements and rural housing forms have not been incorporated within the design of the proposed energy efficient dwellinghouse. It is considered that the applicant has failed to achieve a suitable balance between the need to reflect traditional design while achieving energy efficiency. The proposed development is therefore considered to be contrary to the provisions of 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 Council's Design Guidance, relevant Planning History, the consultation responses and the letter of representation.

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 Residential, Environment and Community and Service Infrastructure policies.

6.3 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 RES 13; or*
- (ii) *the proposed development would constitute a limited addition to an existing, clearly defined group of four or more 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 RES 15 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; or*
- (iii) *the proposed development constitutes very low density housing development, forming part of an integrated group of properties with a dual residential an workplace function supporting the rural economy as detailed in Policy RES 17.*

The proposed development does not conform to criteria (ii) or (iii) of Policy RES14 and therefore it could be acceptable only if it meets the terms of Policy RES 13(I). This allows for housing where a justification exists in relation to agriculture, tourism, to provide on-site accommodation or as an enabling development for a larger property conversion project. The proposal cannot be justified on this basis and is therefore contrary to Policy RES 14. It should be noted, however, that there is a valid full planning consent for the erection of a dwellinghouse on the site, and the principle has therefore already been established.

6.4 Policy ENV8(iv) indicates that the Council will encourage developers, in formulating their development proposals, to ensure that the design of their developments demonstrate a commitment to sustainable development through the use of recyclable and renewable materials and the introduction of energy efficient heating and lighting systems.

The proposed energy efficient dwellinghouse would in principle comply with the provisions of the above policy. The house has been designed to be energy efficient, with extensive glazing on the south elevation for daylight and passive solar gain, and with limited window openings on the north elevation to reduce heat loss. Policy ENV 8(v), however, requires that innovative designs

are also sensitive to the character of the area and in this respect it is considered that the proposal is unacceptable.

6.5 Policy ENV7 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.

The Council has specific design guidance for new residential development in the countryside. This is outlined in paragraphs 6.7- 6.9 below. It is considered that the proposed development is generally contrary to this design guidance and therefore would be contrary to the provisions of Policy ENV7.

6.6 Community and Service Infrastructure Policy CS8 indicates that the Council will be supportive of Renewable Energy developments within the Local Plan area. Renewable Energy Projects will, however, only be permitted:

(ii) *In existing or proposed Sites of Special Scientific Interest (SSSI) and Environmentally Sensitive Areas (ESA), where it can be clearly demonstrated that:*

- *any underlying objective and overall integrity of the designated area will remain largely unaffected; or*
- *any adverse effects on the environmental qualities for which the site has been designated are outweighed significantly by the national benefits that could accrue from the development.*

The application site lies within the Central Southern Uplands Environmentally Sensitive Area. Scottish Natural Heritage, while indicating that there are natural heritage interests of some importance in this location that could be affected by the development, raises no objections to the proposed development. The proposals would not therefore conflict with Policy CS8.

East Ayrshire Council Design Guidance

6.7 The Council's design guidance for new residential development in the countryside aims to protect and enhance the rural quality of East Ayrshire and to achieve a high standard of building design which is in harmony with and complementary to the area. Guidance is provided on siting, general building form, finishes and windows and doors etc. Paragraph 3(b) of the guidance states that the proportion and scale of building elements, such as the proportion of door and window area to the area of wall, the proportion of walls to roofs, and the arrangement of windows and doors shall be in keeping with those found on traditional dwellings located elsewhere within the area. Furthermore, paragraph 6 of the guidance indicates that window openings shall be traditional to the local area and have a vertical emphasis to their

proportion and design. The use of large horizontal windows and patio doors on conspicuous front elevations facing public roads will not be permitted. Patio doors on other elevations will require to incorporate a vertical element in their design. French doors will be considered an acceptable alternative to patio doors. Where the roof space is required for accommodation, roof lights with vertical proportions or traditionally designed dormer windows should be used.

The window and door openings on the rear and side elevations are not vertically proportioned or symmetrically arranged and are contrary to the above guidance. In particular, the rear elevation lacks interest, exhibiting only three window openings and a large area of blank wall. Although the dwellinghouse would be set some 70 metres back from the public road and would be partially screened by a number of existing mature trees, the site is situated at a higher level than the road and rear and side elevations will be visible from public view.

The front elevation consists solely of French windows, referred to in the plans as “glazed screens”. Sliding roller shutters (timber), for security purposes, would be located at either side of these windows. To accommodate the full length of the shutters to the west, a 1.2 metre long wall would extend from the gable wall. Five velux windows, of horizontal proportions, are proposed within the roof on the front elevation. Although the front elevation will not be visible from public view, again there is no balanced composition. It is considered that the screens, when either open or closed, would detract from the front elevation of the house and would introduce another non-traditional feature to the external appearance of the proposed dwellinghouse.

Overall, it is considered that the general window arrangements on all elevations are non-traditional. Whilst the desire to design an energy efficient dwellinghouse and the requirements for sunlight and passive solar heating measures are appreciated, and whilst there would be no objection to large areas of glazing on the front elevation, it is considered that this should be balanced within a coherent design that is respectful of the local vernacular. Furthermore, to prevent heat loss, the windows within the gables could be re-located on the rear elevation and be of vertical emphasis and symmetrically arranged. The applicant’s agent was requested to amend the plans in this regard but has advised that the applicant wishes the application to be determined as submitted. The agent did advise of a willingness to introduce some timber boarding to the rear elevation. It was however considered that this would not result in an overall improvement to the design of the dwelling.

6.8 Paragraph 5 of the Design Guidance indicates that roofs should be symmetrically pitched and gable ended with the roof pitch being not less than

35 degrees for single storey and 45 degrees for one and half storey dwellings. The use of eaves and verges with a pronounced overhang and extensive barge boarding should be avoided.

The roof pitch of the dwellinghouse would be 45 degrees and would be compliant in that regard with the above guidance. However, the design of the roof is asymmetrical giving the dwelling a one and a half storey appearance on the south elevation but presenting a two storey appearance at the rear. It is this elevation which would be most visible from the road. The roof would also have exposed rafter ends, which is not a traditional feature of rural housing within East Ayrshire and would be contrary to the above guidance. The roof would also incorporate a metal flue that would extend approximately 0.8 metres above the ridgeline of the roof and again presents as a non-traditional element of design.

Some of the above issues could individually be considered acceptable and would only be minor deviations from the design guidance. However, it is considered that collectively these elements of design, along with the window arrangements and the shutters, are unacceptable for this rural location. An appropriate balance between the desire to have an energy efficient dwellinghouse and the public's interest in design coherence within the locality has not been achieved.

6.9 Paragraph 8 of the Design Guidance for New Residential Development in the Countryside states that the Council “will be supportive of the innovative design of houses in the countryside where it can be clearly demonstrated that the individual design of the house is dictated by and reflects the landscape setting and topography of the area in which it is proposed. All such houses must be finished in natural materials traditional to the area and must be accompanied by an endorsement by an appropriate authoritative independent body such as the Royal Institute of British Architects (RIBA).”

It is acknowledged that the dwellinghouse has been sited in such a manner as to take advantage of sunlight for passive solar heating measures. Notwithstanding this, the innovative design proposed appears to have been dictated solely by the pursuit of energy efficiency without regard to its rural setting. In particular, the window sizes and window arrangements on the rear and side elevations could be improved whilst also ensuring energy efficiency. It is considered that the dwellinghouse would not reflect or compliment the landscape setting.

Planning History

6.10 The planning history of the site is summarised as follows:

- (i) Ref. No. CD/91/119 – Outline planning permission approved for the erection of a dwellinghouse on 15 October 1991;
- (ii) Ref. No. CD/94/0255/DP – Full planning permission approved for erection of a house and garage at Darmalloch Farm, Cumnock on 15 February 1995;
- (iii) Ref. No. 99/0588/FL – Full planning permission approved for erection of dwellinghouse and garage at Little Darmalloch Farm on 29 September 1999. This application was an amendment to the house type approved under application CD/94/0255/DP.
- (iv) Ref. No. 01/0250/FL – Full planning permission for the siting of a temporary residential caravan and erection of timber agricultural sheds at Little Darmalloch Farm on 14 June 2001. Permission for the caravan was given for a limited period of two years from the date of the consent.

Consultation Responses

6.11 There are no consultation responses that would indicate refusal of the application.

Representations

6.12 It is acknowledged that the design of the proposed dwellinghouse does not reflect the rural character of the site in which it is located. It is considered however that a dwellinghouse of innovative design could be sensitively accommodated within the site. The design of the house proposed however lacks a balanced composition and has a featureless elevation to the rear. With regard to the siting of the 6.6 metre high wind turbine, it is considered that its impact on the landscape would be not be significant enough to warrant refusal of the application on this issue.

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 and 5.3 of the report, the application is considered to be contrary to the development plan. Therefore, given the terms of Section 25 and 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. It is considered that the weight that should be attached to these material considerations should be greater than that given to the policies of the Adopted Local Plan due to the

age of this plan and it is further considered that the material considerations support refusal of the application.

8.2 Although the proposed development would be contrary to the Council's Policies for new residential development within the countryside, there is a valid full planning consent for the siting of a dwellinghouse within the site, and the principle has therefore already been established. There is no objection to the principle of an energy efficient dwellinghouse, and indeed it is to be encouraged. Notwithstanding this, it is considered that the design of the dwelling does not respect its rural landscape setting. The design of the house has no balanced composition and the rear elevation, which is two storey in appearance, comprises a large featureless area of blank wall. The siting of the wind turbine within the proposed location is considered acceptable.

8.3. In terms of the letter of objection, it is agreed that the design of the dwellinghouse is not traditional. Some aspects of the dwellinghouse would individually however be considered an acceptable deviation from the Council design guidance, however collectively these result in a dwellinghouse that is considered unacceptable in terms of design. Whilst the wind turbine would be visually prominent within the surrounding area, given its limited height of 6.6 metres, its impact on the landscape would be not be significant enough to warrant refusal. Notwithstanding this, the application cannot be approved in part.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons listed 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 as it would not be a significant departure from Council policy.

Alan Neish
Head of Planning and Building Control

22 May 2002
VE/VE
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses.
4. Letter of Representation.
5. Adopted Cumnock and Auchinleck Local Plan (1992).
6. Approved Ayrshire Joint Structure Plan (1999).
7. East Ayrshire Local Plan, Finalised Version with Modifications (2001).
8. Approved Strathclyde Structure Plan.
9. Planning Ref. No. CD/91/119, CD/94/0255/DP & 99/0588/FL.

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

Implementation Officer: Dave Morris

Application no: 02/0129/FL

Location	Little Darmalloch Glenmuir Cumnock
Nature of Proposal:	Proposed new energy efficient dwellinghouse and 6.6 metre high wind turbine
Name and Address of Applicant:	Lucy Kelvin 187 Peat Road GLASGOW K53 6LA
Name and Address of Agent	Robert Potter & Partners 4 Park Circus Place GLASGOW G3 6AN

DPO's Ref: [Vivien Emery]
PPO's Ref: []

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

1. The proposed development would constitute the erection of a new dwelling which would not be appropriate, in terms of design, to the particular location in which it is proposed, and would therefore not be in accordance with the Council's Design Guidance and would be contrary to Policy ENV7 of the East Ayrshire Local Plan (Finalised Version with Modifications) 2001
2. The proposed dwellinghouse would not reflect the nature of the rural area in terms of its design and would therefore be contrary to Policy 79 of the adopted Cumnock and Auchinleck Local Plan
3. In pursuit of a dwellinghouse that is energy efficient, the applicants have failed to strike an appropriate balance in terms of securing a design which is also respectful of the rural setting and the local architectural vernacular.

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AGENDA