

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 06 SEPTEMBER 2002

**02/0550/FL: PROPOSED ERECTION OF DWELLINGHOUSE, OPPOSITE
83 - 85 CONNEL PARK, NEW CUMNOCK**

APPLICATION BY MR & MRS J. WALLS

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of one dwellinghouse within the site. The proposed dwellinghouse is of single storey, 'L' shape construction providing a total of three bedrooms, four living areas, kitchen, bathroom and an integral garage and store. The frontage of the site is characterised by a wide footpath and the proposed dwellinghouse will be set back 13 metres from the kerb line of the footpath. Access will be taken from the B741.

1.2 The proposed dwellinghouse will be finished externally in a white dry dash render with a reconstituted stone being used in the basecourse and elevational features of the dwellinghouse. It is proposed to use a slate substitute tile on the roof finish of the dwellinghouse.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As is indicated in Section 5 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.

3.2 The proposed dwellinghouse would constitute an extension to an existing group of dwellings located within the rural area. Outline planning permission, albeit for a larger site, has previously been granted for a dwellinghouse at this location.

3.3 In terms of the letter 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. With respect to objections regarding the design of the proposed dwellinghouse, it is considered that the style and design of the dwellinghouse is acceptable for this semi-rural location. Furthermore, the right to a view is not a material consideration in the determination of this application.

CONTRARY DECISION NOTE

Should the Committee agree to refuse the application 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 such a decision would not represent a significant departure from the provisions of the East Ayrshire Local Plan (Finalised Version with Modifications).

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 & MRS J. 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 a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as the proposed development is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The site lies on the north side of Connel Park, New Cumnock (B741 road) and comprises part of an agricultural field opposite existing residential properties at Connel Park. 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 bounded to the north, west and east by this agricultural field and to the south by Connel Park and a row of five dwellings. The site is approximately 750 m² in area with a frontage of 27 metres.

2.2 **Proposed Development:** Full planning permission is sought for the erection of one dwellinghouse within the site. The proposed dwellinghouse is of single storey, 'L' shape construction providing a total of three bedrooms, four living areas, kitchen, bathroom and an integral garage and store. The frontage of the site is characterised by a wide footpath and the proposed dwellinghouse will be set back 13 metres from the kerb line of the footpath. Access will be taken from the B741.

2.3 The proposed dwellinghouse will be finished externally in a white dry dash render with a reconstituted stone being used in the basecourse and elevational features of the dwellinghouse. It is proposed to use a slate substitute tile on the roof finish of the dwellinghouse.

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 via a standard driveway crossing to East Ayrshire Roads standards. 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 these areas. 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 Scottish Water advises that separate application will have to be made for the provision of site water mains, if required and service connections. It is strongly recommended that a cold water storage system be provided having an actual capacity of 200 litres. Scottish Water recommends the best practice is for the applicant to drain surface water to a soakaway or similar. Only if this is impracticable will Scottish Water re-examine the application.

A note can be attached to any consent granted for the development to advise early contact with Scottish Water regarding service provision.

3.5 The Coal Authority indicates 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.

3.6 The Scottish Environment Protection Agency has no objections to the proposed development.

Noted.

4. REPRESENTATIONS

4.1 One letter of objection has been received. The points of objection are summarised as follows:

4.2 The suburban nature of this house is very much at odds with its rural setting.

It is considered the design of the proposed dwellinghouse is appropriate to its semi-rural location. The design incorporates a number of traditional features including fenestration with a vertical emphasis, the incorporation of smooth cement bands around door and window openings and the introduction of brick mullions in the front elevation fenestration

4.3 All other buildings in the street are very symmetrical and with their two storey structures often belie their actual size. The proposed building will sprawl across the site with its particularly large roof space. As the site is in a dip and the road is higher, this vast amount of concrete tiled roof will be particularly noticeable and unsightly. We would suggest at least proper slate would be an improvement.

While it is accepted that the existing residential properties in the immediate vicinity of the application site present a symmetrical design. It is not considered that the proposed dwellinghouse would have any significant impact on the visual amenity of the area. Following the submission of amended proposals, it is considered that the general design of the dwellinghouse is acceptable for its semi-rural location. The existing residential properties are not two storeys in construction but rather one and a half storey as they have dormer extensions in the roof space. As the site lies below the level of the existing B741 road and as the proposed dwellinghouse will be set back 13 metres from the kerb line of the existing footpath, it is considered that this will further minimise any visual impact relative to the roof of the dwelling. It is considered that the use of a slate size tile would be appropriate to this location and a condition can be attached to any consent granted for the development to address this issue.

4.4 We are also worried that a recent new build at Bank Glen used red roof tiles; this is not a roof covering traditional to this area. A more pleasing and apt new build would be the one just up the road at Craigbank that fits into its rural setting far better.

A condition can be attached to any consent granted for the proposed development requiring the use of a grey slate or tile that would be appropriate for this location. The applicant in any case is proposing the use of a grey tile. Otherwise comments as per response to paragraph 4.2 above.

4.5 On a more positive note we are glad to see the inclusion of mullions between the windows but as the proud owners of timber sash and case windows, we are disappointed to see the use of uPVC glazing. Timber is far more traditional as is a wet dash render, not the harsh white dry render proposed.

The proposed fenestration of the dwellinghouse is considered to be acceptable for this location. It should be noted that four of the five dwellinghouses in the immediate vicinity of the application site have uPVC windows with some of the original mullion features removed to accommodate picture windows. While the objector's property does indeed have timber sash and case windows, the two dormer extensions on the front elevation have aluminium windows.

4.6 We would suggest instead of picking such a bland and uninspiring design that the persons involved actually looked at the individual site concerned and come up with something far more suitable.

Comments as per responses to paragraphs 4.2 and 4.3 above.

4.7 We have had the most wonderful country views in the 22 years we have lived at Connel Park and we feel that this is truly a blot on the landscape.

Comments as per responses to paragraphs 4.2 and 4.3 above. The right to a view is not a material consideration in the determination of this application.

4.8 We are wholly against the building of any new houses in Connel Park, as they will ruin the amenity of the area. We feel that there are more suitable sites in the Leggate and especially in Bank Glen.

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).

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. 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 that 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.

5.3 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 consistent 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, the planning history of the site and the representation 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.

- (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 4 above and highlight concerns with regard to the design of the proposed dwellinghouse

and the use of finishing materials. However, it is considered that the grounds of objection either do not merit refusal of the proposed development or can be addressed through the imposition of appropriate conditions on any consent granted.

Consultation Replies

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

Planning History

6.9 Outline consent for the erection of one dwellinghouse on a larger area that includes the current application site was approved by the Southern Local Planning Committee at its meeting on 30 November 2001 (Ref. No. 01/0704/OL). A related Reserved Matters application (Ref. No. 02/0401/RM) was submitted for consideration on 25 May 2002 but this was withdrawn from consideration on 12 July 2002 in favour of the current amended application for a smaller site than that granted consent at the outline stage. Design changes requested as part of this Reserved Matters application have also been incorporated within the current 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 is indicated in Section 5 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. Outline planning permission, albeit for a larger site, has previously been granted for a dwellinghouse at this location.

8.3 In terms of the letter 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. With respect to objections regarding the design of the proposed dwellinghouse, it is considered that the style and design of the dwellinghouse

is acceptable for this semi-rural location. 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.

CONTRARY DECISION NOTE

Should the Committee agree to refuse the application 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 such a decision would not represent a significant departure from the provisions of the East Ayrshire Local Plan (Finalised Version with Modifications).

Alan Neish
Head of Planning and Building Control
21 August 2002
HM/HM
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses.
4. Letter of Representation.
5. Adopted 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.
9. Previous applications 01/ 704/OL and 02/0401/RM

Any person wishing to inspect the background papers listed above, should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

Application no: 02/0550/FL

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: [HM]
PPO's Ref; []

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

1. Notwithstanding the approved plans and the application form, the use of buff coloured stone on the basecourse and elevational details of the proposed dwellinghouse is not hereby approved. The basecourse and elevational details shall be finished in either red sandstone or similar coloured reconstituted stone, or red facing brick. Prior to the commencement of construction works on site, the applicant shall submit to, and have approved by the Planning Authority, a sample of the external wall finishes to be used in the proposed dwellinghouse.

REASON – In the interests of visual amenity.

2. Prior to the commencement of construction works on site, the applicant shall submit to, and have approved by the Planning Authority, a sample of the tile to be used in the roof finish of the proposed dwellinghouse.

REASON – In the interests of visual amenity.

3. The proposed front boundary wall shall be finished in the same materials to match the external finishes of the proposed dwellinghouse.

REASON – In the interests of visual amenity.

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

REASON – In the interests of public road safety.

5. Visibility sightline splay areas of 2 metres by 20 metres will require to be formed and maintained at the access onto the B741, with no obstruction to visibility greater than 1 metre in height being allowed within these areas.

REASON – In the interests of public road safety.

6. Two off road car parking spaces shall be formed and thereafter maintained within the curtilage of the proposed dwellinghouse.

REASON – In the interests of public road safety and residential amenity.

7. The private access driveway shall be paved for a minimum distance of 2 metres from the rear of the existing footway to avoid overcarry of loose material onto the B741 public road. The driveway shall incorporate a turning area to allow vehicles to enter and leave the site in forward gear. Any access gates shall open inwards, away from the B741 public road.

REASON – In the interests of public road safety.

NOTES TO APPLICANT

1. The applicant shall make early contact with Scottish 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.
3. A road opening permit shall be required for any works required within the public road.

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VIEWING PLEASE CONTACT (01563) 555320.**

AGENDA