

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 16 MAY 2008

**08/0044/FL: ERECTION OF TWO DWELLINGS IN EXISTING GARDEN
GROUND AT THE HAWTHORNS, SKELDON MILL, HOLLYBUSH**

APPLICATION BY WEST PARTNERSHIP LIMITED

Report by Head of Planning and Economic Development

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of two dwellings within the garden ground of The Hawthorns. Plot 1 is positioned directly to the north of the existing dwelling with Plot 2 occupying a location to the east, both proposed dwellings sharing a new access taken directly from the adjacent B7034 public road. The dwellings proposed are two-storey in construction and of a similar scale to that of The Hawthorns and the other existing houses. The proposed dwellings are of a high design standard presenting interesting features (including a two-storey style porch on the rear elevation, external chimney, sash and case style windows, good window proportions, banding and mullions) and are in keeping with the rural character of the locality. The external material finishes are noted as buff stone and white render cover for the external walls with the roof finish noted as slate grey tiles.

1.2 Although the proposed development would result in the loss of a significant part of the existing curtilage of The Hawthorns, their remains sufficient garden ground for amenity and private space for the existing dwelling.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet but that the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a legal agreement, under Section 75 of the Town and Country Planning (Scotland) Act 1997, with the developer and adjacent land owner in terms of the obligation to secure sightlines as described in section 8.4 of the report.

3. SUMMARY OF ANALYSIS

3.1 As indicated in section 5 of 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 at Section 6 of the report, there are material considerations relevant to this application but they are not considered to be of sufficient weight to justify refusal of the application.

3.2 The full planning application under consideration is for the residential development of two dwellings within the curtilage of an existing dwellinghouse. As the application site falls within the defined settlement boundary of Skeldon, the proposed development would be consistent with the policy provisions of the development plan. There are no significant adverse issues arising from the consultations received although the applicant will require to demonstrate an acceptable means of draining the application site.

3.3 The proposed development has been the subject of a number of letters of representation from local residents of Auchendoon/Skeldon making reference to issues regarding the impact of the additional houses on density levels and the adverse affect on the wildlife habitats due to the loss of trees/hedgerow. It is considered that although such issues are important, there are no statutory designations affording protection within this area and mitigation measures can be conditioned in any consent granted. Therefore the issues raised are considered to have been adequately addressed and are not of sufficient weight to merit refusal of the application.

3.4 The application shows compliance with the policies contained within the East Ayrshire Local Plan, specifically policies RES5 and RES22 and the design and proportions of both houses are acceptable for their location. In light of this and taking account of all material considerations in respect of the proposed development, the application should be approved. It should be noted that the applicant will require to enter into a Section 75 Legal Agreement together with the adjacent land owner in order to achieve the required sightlines of 2.5m by 160m noted in the consultation response from the Roads and Transportation Division (section 3.4).

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development the application on the basis of the principle of the proposed development, it will require to be referred to the Principal Planning Committee because it would represent a significant departure from the development plan.

Alan Neish
Head of Planning and Economic Development

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 WEST PARTNERSHIP LIMITED

Report by Head of Planning and Economic Development

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 thirteen objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies within the garden ground of an existing dwellinghouse known as The Hawthorns, within the small settlement envelope of Skeldon located on the outskirts of Hollybush. The existing dwelling takes access from a private access road, bounding the application site to the west, which in turn accesses onto the B7034 Hollybush – Dalrymple Road. The existing house is two-storey in construction with a relatively individual design and of a significant size. Due to its position/orientation within the plot, an extensive area of garden ground lies to the rear of the house which in turn is bounded to the north by the B7034 road. This boundary to the north is defined by a significantly prominent native hedgerow consisting of a beech and hawthorn mix with further mature planting surrounding the existing dwelling.

2.2 To the south a similar two storey dwelling occupies an equally large plot surrounded by semi-mature and mature tree planting and is orientated in symmetry with the Hawthorns. The ground to the east is occupied by another two storey dwellinghouse set in large semi mature garden grounds. The application site area extends to approximately 2000m² of generally level and well drained ground.

2.3 **Proposed Development:** Full planning permission is sought for the erection of two dwellings within the garden ground of The Hawthorns. Plot 1 is positioned directly to the north of the existing dwelling with Plot 2 occupying a location to the east, both proposed dwellings sharing a new access taken directly from the adjacent B7034 public road. The dwellings proposed are two-storey in construction and of a similar scale to that of The Hawthorns and the other

existing houses. The proposed dwellings are of a high design standard presenting interesting features (including a two-storey style porch on the rear elevation, external chimney, sash and case style windows, good window proportions, banding and mullions) and are in keeping with the rural character of the locality. The external material finishes are noted as buff stone and white render cover for the external walls with the roof finish noted as slate grey tiles.

2.4 Although the proposed development would result in the loss of a significant part of the existing curtilage of The Hawthorns, their remains sufficient garden ground for amenity and private space for the existing dwelling.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Dalrymple Community Council has not responded at the time of writing this report.

Noted.

3.2 Scottish Power and Scottish Water have no objections to the proposed development.

Noted.

3.3 The Scottish Environment Protection Agency has no objection in principle to the proposed development provided that the applicant can demonstrate to the satisfaction of SEPA that a sustainable sewerage treatment and effluent disposal system is achievable at this location.

Noted.

3.4 East Ayrshire Council Roads and Transportation Division has no objection to the proposal subject to the following conditions:

- (i) Visibility sightline splay areas of 2.5m by 160m shall be formed and maintained at the new access from the B7034, with no obstruction greater in height than 1m allowed within these areas.
- (ii) A 3m wide 20m long servicing layby / visitor parking area shall be formed by the applicant adjacent to the public road.
- (iii) Three off road car parking spaces shall be provided for each dwelling plus one visitor space per dwelling.
- (iv) Any garages shall be set back 6m from the rear of the road verge.
- (v) The private driveway shall be paved for a minimum distance of 2m from the verge to avoid the over-carry of loose material onto the public road.
- (vi) An internal car turning area shall be formed within the site to allow vehicles to enter and leave in forward gear.

Conditions can be attached to any consent granted for the development to meet the requirements of the Roads and Transportation Division. However, in order to achieve the required visibility sightline splays a Section 75 Agreement will be required in order for the applicant to secure control over the ground outwith the application within which the visibility sightlines fall.

4. REPRESENTATIONS

4.1 In total 13 letters of objection have been received in which the main points of objection are summarised as follows:-

4.2 The development would constitute a substantial and adverse change to the established density of housing in the Auchendoon area and Skeldon Mill settlement.

The density of the settlement of Auchendoon/Skeldon is low with the majority of dwellings enjoying large mature garden grounds. The proposal will alter the density within the immediate area however when considering the level of garden ground provided both in terms of the proposed dwellings and the existing dwelling of The Hawthorns, this would still remain in excess of the Council's minimum standards. It is not considered that overall, the increase in density is significant, nor would it adversely affect the overall character of the area.

4.3 The development would result in a substantial degradation of the local environment as a result of tree felling.

The area of garden ground proposed for Plot 2 currently consists of a strip of tree planting on ground immediately to the rear of the hedge which runs the length of the application site. Although the trees add to the visual amenity of this rural hamlet they do not benefit from any protection status and could therefore be felled without the need for planning permission. While the proposal will result in tree felling, it is considered that this could be redressed by a condition requiring replacement planting.

4.4 The development has no adequate drainage.

The proposed drainage arrangements are noted in the application form as a connection to the main sewer; however this has been confirmed as an error. A number of the objection letters have pointed out this issue; that no sewer is within the vicinity. Therefore the proposal would require a private system for drainage. It is not a requirement as part of the planning submission for the specific details of the means of drainage to be noted on plans, however an

area has been identified for a Sustainable Urban Drainage System (SUDS). SEPA has indicated that it has no objections in principle to the proposed development provided that the applicant can demonstrate that a sustainable sewerage treatment and effluent disposal system is achievable at this location. A condition can be attached to any consent granted for the proposed development to meet the requirements of SEPA.

4.5 The development will have a detrimental effect on the local wildlife as a consequence of tree felling and possible hedgerow removal.

A number of objectors have noted the levels of wildlife within the Skeldon Mill settlement; however it is not considered that the development of the two dwellings would adversely affect the habitat of wildlife within the garden ground of the Hawthorns to any significant degree. There are no statutory or non-statutory nature conservation designations affecting the application site.

4.6 The proposed new access to the development from the B7034 constitutes a potential traffic safety hazard.

The Roads and Transportation Division has been involved in assessing the suitability of the new access point and, provided that the conditions noted in section 3.4 above are fully met, it is not considered that the proposed development will have a detrimental affect on public road safety. However in order to achieve the required visibility splay areas (which fall outwith the application site boundary and on land currently outwith the control of the applicant) the applicant will be required to enter into a section 75 legal agreement with the adjoining land owner to secure the requisite sightlines.

4.7 The existing electricity box that supports the thirteen properties within the estate is already working at its full capacity.

Scottish Power has no objections to the proposed development but the developer would have to make contact with Scottish Power in order to secure a connection to the local supply grid.

4.8 The two proposed properties would limit the garden ground of both the existing property and the new houses.

The existing property of The Hawthorns and the two new dwellings proposed are afforded curtilages which more than meet the minimum standards in terms of private enclosed garden ground as required by local plan policies (see below).

4.9 The rural balance of wildlife would be in jeopardy as there remains in this area a population of red squirrels and owls and their habitat would be under threat if trees and hedgerows were disturbed.

The removal of a number of trees and the partial removal of a section of hedgerow to secure visibility splay areas will potentially remove a natural habitat for many different forms of wildlife but, as noted above, the trees and hedgerow in question are not afforded any protection status and could be removed without planning consent. However any consent granted would ensure tree loss is kept to a minimum that a further planting scheme submitted to the Planning Authority for prior approval which shall include the replanting of a native hedgerow along the site frontage to the rear of the required visibility splays.

4.10 The effect on privacy and overlooking from Plot 2 would be severely compromised.

The proposed dwelling within Plot 2 is noted as being located some 23m from the nearest adjacent property. The orientation of the proposed dwelling in plot 2 faces north and does not front onto/towards the adjacent property. The only window on the elevation closest to the neighbouring property is a relatively small staircase window with no other principal windows on the side elevation. In this regard, it is not considered that there will be any significant impact on the privacy or residential amenity of the objector's property.

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 Approved Ayrshire Joint Structure Plan (2007) and the Adopted East Ayrshire Local Plan (2003).

Approved Ayrshire Joint Structure Plan

5.2 There are no policies contained within the structure plan which are especially relevant to this application.

Noted.

East Ayrshire Local Plan

5.3 Policy RES5 states that, within Settlement Boundaries, the Council will be supportive of the sub-division of existing house curtilages for the development of dwellinghouses subject to three criteria being met, as follows:

(i) the proposal being fully in keeping with the existing residential character and appearance of the area within which it is located;

The existing residential character of the area will be affected to a degree as a result of the introduction of the two houses. However the scale and design of housing proposed is considered compatible with its surroundings and the impact would not be such as to sustain a refusal.

(ii) the proposal meeting all the design requirements of the Council and not creating unacceptable damage to the amenity of surrounding properties; and

It is considered that the proposed houses are of a high design standard and are generally acceptable for this area; therefore only limited damage to the amenity of the surrounding area would arise as a result of the development.

(iii) acceptable levels of privacy being maintained to neighbouring properties and to the new housing proposed.

Acceptable levels of privacy can be maintained for all properties.

5.4 Policy RES22 requires all developers to observe the minimum standards for the provision of private open space detailed in Schedule 4 of the Local Plan.

Both the proposed and existing houses more than meet with the Council's minimum private open space standards. Although the residential character of Skeldon Mill will be affected by the proposal, on balance, it is considered that the proposal is acceptable in planning policy terms as private open space standards can be met, the houses have their own road frontage and access, and the design of the houses is acceptable.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and the representations received.

Consultation Responses

6.2 The consultation responses have not raised any issues which would indicate that the application should be refused.

Representations

6.3 It is considered that some of the points of objection raise valid concerns about the impact of the proposal on the small settlement of Skeldon Mill, particularly those associated with road safety issues, drainage and impacts on the amenity and wildlife prevalent within the area. However, following a detailed assessment it is considered these issues can be addressed by the imposition of conditions or are not of sufficient weight to merit refusal of the application.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. Legal implications will arise should permission be granted through the requirement for a Section 75 Agreement to secure the required access sightline splay areas as these fall outwith the application site boundary.

Noted.

8. CONCLUSIONS

8.1 As indicated in section 5 of 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 at Section 6 of the report, there are material considerations relevant to this application but they are not considered to be of sufficient weight to justify refusal of the application.

8.2 The full planning application under consideration is for the residential development of two dwellings within the curtilage of an existing dwellinghouse. As the application site falls within the defined settlement boundary of Skeldon, the proposed development would be consistent with the policy provisions of the development plan. There are no significant adverse issues arising from the consultations received although the applicant will require to demonstrate an acceptable means of draining the application site.

8.3 The proposed development has been the subject of a number of letters of representation from local residents of Auchendoon/Skeldon making reference to issues regarding the impact of the additional houses on density levels and the adverse affect on the wildlife habitats due to the loss of trees/hedgerow. It is considered that although such issues are important, there are no statutory designations affording protection within this area and mitigation measures can be conditioned in any consent granted. Therefore the issues raised are considered to have been adequately addressed and are not of sufficient weight to merit refusal of the application.

8.4 The application shows compliance with the policies contained within the East Ayrshire Local Plan, specifically policies RES5 and RES22 and the design and proportions of both houses are acceptable for their location. In light of this and taking account of all material considerations in respect of the proposed development, the application should be approved. It should be noted that the applicant will require to enter into a Section 75 Legal Agreement together with the adjacent land owner in order to achieve the required sightlines of 2.5m by 160m noted in the consultation response from the Roads and Transportation Division (section 3.4).

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet but that the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a legal agreement, under Section 75 of the Town and Country Planning (Scotland) Act 1997, with the developer and adjacent land owner in terms of the obligation to secure sightlines as described in section 8.4 of the report.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development the application will not require to be referred to the Principal Planning Committee because it would not be a significant departure from the development plan.

Alan Neish
Head of Planning and Economic Development

1 May 2008
FVDVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (2007)

Anyone wishing to inspect the above background papers should contact Robin Ghosh on 01563 555483.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 08/0044/FL

Location	THE HAWTHORNS, SKELDON MILL, HOLLYBUSH
Nature of Proposal:	ERECTION OF TWO DWELLINGS IN EXISTING GARDEN GROUND
Name and Address of Applicant:	WEST PARTNERSHIP LTD 5 BEACON DRIVE SUNDERLAND
Name and Address of Agent	ELEVATION 11 CAIRNFORE AVENUE TROON

DPO's Ref: Robin Ghosh
PPO's Ref: Hugh Melvin

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 received by the Planning Authority on 18 January 2008 and the amended site plans received by the Planning Authority on 04 March 2008.

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

- 2) Notwithstanding the submitted plans, the external wall coverings are not hereby approved. Details/samples of the external wall finishes shall be submitted to and approved by the Planning Authority before any development commences on site and thereafter implemented as approved.

REASON: In the interests of visual amenity.

- 3) Notwithstanding the details on the plans hereby approved the roof shall have a natural slate finish unless an alternative receives the prior written approval of the Planning Authority.

REASON: In the interests of visual amenity.

- 4) All external doors and garage doors shall be of a vertically lined timber finish which shall be painted or stained in a suitable colour, details of which shall be submitted to and approved by the Planning Authority.

REASON: In the interests of visual amenity.

- 5) Notwithstanding the details on the plans hereby approved the windows to be installed, shall be installed as sash and case look alike units with a 50mm stepped transom at the mid rail and shall be maintained as such thereafter to the satisfaction of the Planning Authority.

REASON: In the interests of visual amenity.

- 6) Construction works on site shall not be carried out prior to 0800 hours and after 1700 hours on Monday to Saturdays, and not at any time on Sundays.

REASON: To prevent noise disturbance extending into hours during which other sources of noise have subsided in the interest of nearby residential amenity.

- 7) Where possible within the application site boundary, the junction visibility splay areas of 2.5 metres by 160 metres shall be formed and maintained at the new access with no obstruction to visibility greater than 1 metre in height being allowed within these areas.

REASON: In the interests of road safety.

- 8) A minimum of three off road car parking spaces (2.5m x 5m) shall be provided for each dwellinghouse together with one visitor space per dwellinghouse.

REASON: In the interests of road safety.

- 9) Any garages shall be set back a minimum distance of 6m from the rear of any footpath.

REASON: In the interests of road safety.

- 10) The private driveways shall be hard surfaced over their full width for a minimum distance of 2m from the rear of the proposed new footway to avoid the over-carry of loose material onto the public road.

REASON: In the interests of road safety.

- 11) An internal car turning area shall be formed within each plot to allow vehicles to enter and leave in forward gear.

REASON: In the interests of road safety.

- 12) A 3.0m wide by 20m long servicing layby/visitor parking layby shall be formed by the applicant adjacent to the public road, prior to the occupation of the first

dwellinghouse to the satisfaction of the Planning Authority in consultation with the Roads Authority

REASON: In the interests of road safety

- 13) Notwithstanding the submitted plans, details of a replacement hedgerow fronting onto the B7034, outwith the required visibility splay areas, shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any development works on site. The submitted details shall include a tree and shrub re-planting scheme on land immediately to the rear of the visibility splay areas along the north boundary and shall include the numbers, specific species and areas proposed for planting. The approved scheme shall be implemented within the next available planting season following the occupation of the proposed dwellings, or at the written request of the Planning Authority.

REASON: In the interests of the rural visual amenity.

- 14) No development shall take place on site until the applicant has provided written confirmation from the Scottish Environment Protection Agency that it has agreed the design of a suitable sustainable sewerage treatment and effluent disposal system to serve the proposed development.

REASON – To ensure that site is properly drained.