

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 21 APRIL 2006

**05/0458/FL: PROPOSED CHANGE OF USE FROM PUBLIC OPEN SPACE TO
PRIVATE GARDEN GROUND
LAND TO REAR OF PLOTS 10 & 11 OLD GLASGOW ROAD, STEWARTON
BY MR CRAIG & MR GILMARTIN**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposal aims to change the use of 5100 sq m of public open space into private garden ground for plots 10 and 11 at Old Glasgow Road, Stewarton. The applicant has indicated that a 2 metre high timber fence would be erected on the new boundaries of the garden areas. The proposal also indicates that the 10m wide landscape zone along the southern boundary of the site, would be relocated along the internal boundaries of the application site, within the proposed garden extensions.

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 the report the application is considered to be contrary to the terms of the Development Plan. Therefore it should be refused unless material considerations indicate otherwise.

3.2 As per Section 6 of the report there are material considerations relevant to the application however it is not considered that these indicate that the application should be approved contrary to the Development Plan.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standards,

the application will require to be referred to the Development Services Committee as that would be a significant departure from Council policy.

Alan Neish
Head of Planning, Development and Building Standards

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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Report by Head of Planning, Development and Building Standards

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 it is recommended for refusal and is the subject of objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a 5100 sq m area of open space, which forms part of the John Dickie Homes Development site on Old Glasgow Road, Stewarton. The site is bounded to the north by new houses on the development site while its remaining boundaries adjoin the housing site's public open space and adjacent agricultural land. The planning consent for the John Dickie Homes development site indicates that a 10 m wide landscaped zone is to be planted along the southern boundary of the housing site within the public open space area. The application site overlaps part of this area.

2.2 **Proposed Development:** The proposal aims to change the use of 5100 sq m of public open space into private garden ground for plots 10 and 11 at Old Glasgow Road, Stewarton. The applicant has indicated that a 2 metre high timber fence would be erected on the new boundaries of the garden areas. The proposal also indicates that the 10m wide landscape zone along the southern boundary of the site, would be relocated along the internal boundaries of the application site, within the proposed garden extensions.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Stewarton and District Community Council indicate that as the area of ground is quite extensive in relation to either of the plots, the change of use to garden ground is only acceptable if the Planning Authority grant planning permission on a permanent basis and do not leave it open for a future application

for further private houses on the site. Otherwise they object to the proposal on the grounds that it would lead to overdevelopment of the approved site and that there may be further difficulties with sewerage and drainage, leading to possible effluent discharge into the River Annick.

The concerns of the Community Council are noted however the application is for the change of use of the public open space into private garden ground. Any future proposals for the site would be the subject of further planning applications and those proposals would be assessed on their merits at that time.

4. REPRESENTATIONS

4.1 No letters of representation have been received from any third parties.

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 and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 With regard to the Structure Plan there are no policies relevant to the assessment of this application.

East Ayrshire Local Plan

5.3 The application site forms part of an area of safeguarded open space identified in the Adopted East Ayrshire Local Plan. Policy TLR8 presumes against development on safeguarded areas of public and private recreational or amenity open space as identified on the Local Plan maps and on other undeveloped land within settlement boundaries which contributes to the setting, character and appearance of the settlement concerned. However, certain types of development on existing areas of maintained amenity or recreational open space will be considered appropriate, as follows:-

- (i) laying out of new playing fields, bowling greens, putting greens;
- (ii) creation of all-weather sports facilities;
- (iii) creation of new children's play areas; and

- (iv) development of pavilions or other ancillary facilities to serve any existing or proposed outdoor sport and recreational activities in the area.

5.4 Policy TLR9 states that the Council will only permit the development of private and public recreational or amenity open space for purposes other than those described in Policy TLR8 above, in three exceptional circumstances.

- (i) the retention or enhancement of the facilities can best be achieved by the redevelopment of part of the site and where the development would not adversely affect the overall sporting, recreational and amenity value of the site itself; or
- (ii) alternative provision of equal community benefit and accessibility can be made available within close proximity to the site; or
- (iii) there is a clear, long term excess of pitches, playing fields and amenity open space in the wider area.

This proposal does not meet any of the criteria set out in either Policy TLR 8 or Policy TLR9 and is therefore considered contrary to both policies.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, planning history and the impact on the amenity of the area.

Consultation Responses

6.2 The consultation response from the Community Council is not supportive of the application.

Planning History

6.3 Planning Consent 04/0269/FL was granted for the erection of 30 no. dwellinghouses and the formation of 2 no. plots, associated vehicular and pedestrian access, including road calming of Old Glasgow Road at this locality. Said consent required that a 10 m tree belt be provided, on the southern boundary to maintain a landscape setting for the development and provision of an area of open space.

Impact on the Amenity of the Area

6.4 The re-positioning of the tree line boundary, required under consent 04/0269/FL, at the lower level than the original tree line would mean that the housing site at this location would be more visually intrusive when viewed from the south. This matter would also be exacerbated by the location of the new tree boundary within the applicant's 2 metre high boundary fence. Therefore, it is considered that the loss of this area of safeguarded open space and the relocation of the boundary planting would have a detrimental effect on the visual and environmental amenity of the area.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications arising from the proposal.

8. CONCLUSIONS

8.1 As indicated in the report the application is considered to be contrary to the terms of the Development Plan. Therefore it should be refused unless material considerations indicate otherwise.

8.2 As per Section 6 of the report there are material considerations relevant to the application however it is not considered that these indicate that the application should be approved contrary to the Development Plan.

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, Development and Building Standards, the application will require to be referred to the Development Services Committee as that would be a significant departure from Council policy.

Alan Neish
Head of Planning, Development and Building Standards

05 April 2006
(CSI/MMM/SA)

FV-KD

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Adopted East Ayrshire Local Plan (2003).
5. Planning Consent 04/0269/FL.

Anyone wishing to inspect the above papers please contact Craig Iles, Senior Planning Officer, on 01563 576772.

Implementation Officer: Dave Morris

050458FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0458/FL

Site of Proposal:	Site behind Plots 10 & 11 Old Glasgow Road STEWARTON KA3 5HU
Nature of Proposal:	Proposed Change of Use of Open Space to Garden Ground
Name & Address of Applicant:	Bob Craig & Jim Gilmartin C & G Properties Ltd 54A High Street STEWARTON KA3 5DB
Name & Address of Agent:	Robert G Lang Chartered Architect 25 Bellevue Crescent AYR KA7 2DP

DPOs Reference: CSI/MMM

The above FULL application should be refused on the following grounds:-

1. The proposal would result in the loss of amenity and public open space and would detract from the character and appearance of the settlement at this location and therefore fails to accord with Policy TLR 8 and Policy TLR 9 of the adopted East Ayrshire Local Plan.

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