

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 15 DECEMBER 2006

**06/0953/FL: AMENDMENTS TO AND RE-POSITIONING OF HOUSE TYPE,
GARAGE AND FOOTPATH AT PLOT 5 OF APPROVED RESIDENTIAL
DEVELOPMENT
AT LAND ON EAST SIDE OF WATERSLAP, FENWICK
BY DICKIE AND MOORE LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought to amend and reposition the house and garage, and the footpath next to Plot 5 of this six house residential development. The footpath remains to the west of the house and shows minor positional changes. Access to the house remains from the turning circle as does access to the footpath. The height of one and a half to two storeys would remain unchanged as would the materials of re-constituted stone and render with a slate roof. The proposed house is effectively handed from the approved position.

2. RECOMMENDATION

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

3. CONCLUSIONS

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 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 there are material considerations relevant to this application. The Roads Division has no adverse comments to make in relation to the proposed development. The issues raised by the objectors, whilst noted, are not considered of such weight as to merit refusal of the planning application.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards it will not require to be referred to the Development Services Committee as there would be no significant breach of 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 subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is 0.78ha in area and is located to the south east of Laigh Fenwick. The site is roughly an inverted L-shape turned through 180°, it is bound to the north by the Fenwick Water and Waterslap to the west, to the east side is Firbank, a relatively modern suburban style bungalow with large leylandii trees separating the two. To the immediate south of the site is the C66 and fields. Construction access to the site is currently from the C66 between Brookfield and Firbank however access will be taken from Waterslap upon completion of the development.

2.2 **Proposed Development:** Full planning consent is sought to amend and reposition the house and garage, and the footpath next to Plot 5 of this six house residential development. The footpath remains to the west of the house and shows minor positional changes. Access to the house remains from the turning circle as does access to the footpath. The height of one and a half to two storeys would remain unchanged as would the materials of re-constituted stone and render with a slate roof. The proposed house is effectively handed from the approved position.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no objections to the development

Noted.

3.2 Fenwick Community Council have not responded to their consultation, at the time of writing this report.

Noted.

4. REPRESENTATIONS

Two letters of objection have been received and a summary of their grounds of objection are detailed below.

4.1 The re-positioning of house number 5 enables the developer to build another house on the site. As Fenwick and in particular Laigh Fenwick is a 'Conservation' Village, an extra house will change the appearance of one of the oldest streets in Fenwick.

The application under consideration does not relate to a new house as stated by the objector. The Council has not received a planning application for a further house at this development therefore must only consider the merits of the current application. As the previous consent allowed a house on this site, amendments and repositioning of the house, garage and footpath will not significantly alter the appearance of the area, from that previously approved.

4.2 If permission is granted for yet another house in Waterslap, especially in a back garden, this will encourage an application for a further 3 houses on the west side of the river and will decimate this once picturesque setting.

This application is not for a new house, only amendments to and repositioning of the house type, garage and footpath therefore this application does not relate to an additional new house within the development.

4.3 There are three more suitable sites in and around Fenwick that would be more suitable for residential developments. The Local Plan highlights Fenwick contributing a number of houses between now and 2012 and the three sites would mean there is no need to further reduce the remaining green sites in and around Fenwick.

This application does not include new residential development but only relates to amendments to and repositioning of a house type, garage and footpath to a previous consent for a total of six residential units.

4.4 Whilst in principle the objector has no concerns regarding the amendments and repositioning of the house and garage, the objector would have concerns if the footpath is repositioned to the east side of plot 5, nearer to his house, known as Firbank.

The footpath is not being repositioned to the east side of plot five and remains to the west of plot five, as intended in the original consent.

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 (EALP).

Adopted Ayrshire Joint Structure Plan

5.2 There are no policies within the Ayrshire Joint Structure Plan relevant to the determination of this planning application.

Adopted East Ayrshire Local Plan

5.3 Policy ENV 7 of the Local Plan 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.

It is considered that the proposal meets with the Councils Design Guidance Number 2: New Residential Development. The original consent conforms to the design guidance and the amendments and repositioning of this house does not alter the overall quality of the design or detract from the style and character of this housing development.

5.4 Policy ENV 15 of the Local Plan states that the Council will actively seek to preserve and supplement existing broadleaf and native tree species throughout East Ayrshire. In particular, the Council will:

- (i) strongly encourage the protection and positive management of remaining areas of ancient and semi-natural woodland. The retention and positive management of existing hedgerows and any proposals for new hedgerow planting will be supported;

This proposal does not affect any woodland or involve hedgerows.

- (ii) protect those individual, groups and areas of trees which contribute significantly to the landscape quality of both the built and rural environment, through the serving of Tree Preservation Orders;

The line of leylandii trees, along the eastern boundary, do not significantly contribute to the landscape and are considered likely to have a detrimental effect on the proposed house and the neighbouring property. These trees are not covered by the Tree Preservation Order on the site.

- (iii) encourage the development of Community Woodlands within, in close proximity to, and forming linkages between, the area settlements;

The proposal does not relate to the above.

- (iv) encourage tree planting of broadleaf or native species at the approaches to the built up areas and along strategic and tourist route corridors throughout the area;

The line of leylandii to be felled are not a broadleaf variety nor native species however the overshadowing caused by the trees as well as their dominance at the side of Plot 5 will significantly detract from the setting and amenity of this part of Fenwick.

- (v) encourage individual landowners to increase the amount of amenity, particularly broadleaf and native tree species on their land.

The application site already contains trees of both broadleaf and native variety, some having an attached Tree Preservation Order, however further space is limited for new trees.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation response and representations received that are addressed in Sections 3 and 4 of this report, the planning history of the site and the impact on the amenity of the area.

Consultation Responses

6.2 It is not considered that any aspects of the consultation response have raised any issues that would warrant refusal of this application.

Representation Received

6.3 The concerns of the objectors are not significant in the determination of this application as this application is not for another house within the original development and the footpath does not move to the eastern side of Plot 5.

Planning History

6.4 Planning application 04/0031/FL for residential development comprising 6 no detached private dwellings with access from Waterslap was refused by the Northern Area Local Planning Committee on 23 April 2004, however it was subsequently granted on appeal by the Scottish Ministers.

The application was refused on the grounds that the proposal was contrary to Local Plan Policies RES 2 and RES 13 of the East Ayrshire Local Plan, contrary to policies ADS 3 and G 5 of the Approved Ayrshire Joint Structure Plan and vehicular access to the site would involve the felling of a mature Horse Chestnut tree which was considered to have a high amenity value and contributed to the character of the area approaching Laigh Fenwick. The applicant appealed the decision and following Public Local Inquiry the application was approved subject to conditions.

Impact on the Amenity of the Area

6.5 It is considered that the proposal will have a limited impact on the amenity of the surrounding area. The original consent granted permission for a house on this site and the current proposal for amendments and alterations does not significantly alter the original consent. The footpath also remains to the western side of plot 5. A line of leylandii trees overshadows the neighbouring property of Firbank however the removal of these trees and replacement with a 1.8 metre high fence will stop the overshadowing of Firbank whilst retaining a degree of privacy. The removal of these trees will enhance the amenity and setting of the proposed house, the overall housing layout and the neighbouring property.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of this application.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report, the 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.

8.2 As indicated in Section 6 there are material considerations relevant to this application. The Roads Division has no adverse comments to make in relation to the proposed development. The issues raised by the objectors, whilst noted, are not considered of such weight as to merit refusal of the planning application.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the condition on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards it will not require to be referred to the Development Services Committee as there would be no significant breach of Council Policy.

Alan Neish
Head of Planning, Development and Building Standards

05 December 2006
(DW/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Adopted East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan.
6. Planning Application No: 04/0031/FL.

Anyone wishing to inspect the above papers please contact David Wilson, Planning Officer, on 01563 576779.

Implementation Officer: Dave Morris
060953FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0031/FL

Site of Proposal:	Land East side of Waterslap FENWICK KA3 6AJ
Nature of Proposal:	Amendments to and Re-positioning of House Type, Garage and Footpath at Plot 5 of Approved Residential Development.
Name & Address of Applicant:	Dickie and Moore Ltd Building 1 Waverley House Hamilton Business Park HAMILTON ML3 0QA
Name & Address of Agent:	G D Lodge Architects Empire House 131 West Nile Street GLASGOW G1 2RX

DPOs Reference: DW/MMM

The above FULL application should be granted subject to the following conditions: -

1. Prior to any building works commencing on Plot 5, the conifer hedge running along the eastern boundary of the site adjacent to the neighbouring property Firbank on Raith Road, shall be removed and a 1.8 metre high timber close boarded fence shall be erected in the position shown in blue on approved drawing no. 080 dated 05 October 2006.

REASON In the interests of road safety and residential amenity.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**