

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 1 FEBRUARY 2002

01/0752/FL: PROPOSED ERECTION OF 1½ STOREY DWELLING AND CHANGE OF USE OF EXISTING AGRICULTURAL GRAZING LAND TO PRIVATE GARDEN GROUND AT 34 MAIN ROAD, CROOKEDHOLM BY MR D FERGUSON

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to erect a 3 bedroom 1½ storey dwellinghouse. The proposal includes a conservatory on the south east elevation. It is proposed to finish the house with white dry dash roughcast, buff stone base course and dark red concrete tiles. The application also includes the change of use of an adjoining area of agricultural land (approximately 5m by 26m) to form private garden ground for the dwelling.

2. RECOMMENDATION

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

3. CONCLUSION

3.1 As is indicated at paragraph 5.2 above, the application is considered to be contrary to 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 refused unless material considerations indicate otherwise. As is indicated at paragraph 6.1 above, 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.

CONTRARY DECISION

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee as it will not be a significant departure in terms of the principle 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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01/0752/FL: PROPOSED ERECTION OF 1½ STOREY DWELLING AND CHANGE OF USE OF EXISTING AGRICULTURAL GRAZING LAND TO PRIVATE GARDEN GROUND AT 34 MAIN ROAD, CROOKEDHOLM BY MR D FERGUSON

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application which is to be considered by the Local Planning Committee under the scheme of delegation because it has been the subject of an objection and involves a minor departure from the East Ayrshire Local Plan (Finalised Version with Modifications).

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located centrally within Crookedholm on land south-east of the existing house at 34 Main Road, Crookedholm. The site is served by a private access road from Main Road.

2.2 **Proposed Development:** It is proposed to erect a 3 bedroom, 1½ storey dwellinghouse. The proposal includes a conservatory on the south east elevation. It is proposed to finish the house with white dry dash roughcast, buff stone base course and dark red concrete tiles. The application also includes the change of use of an adjoining area of agricultural land (approximately 5m by 26m) to form private garden ground for the dwelling.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads Division have no objection to the proposal and advised that the site of the dwelling is not subject to flooding. However, in extreme conditions it is possible that the access road to the dwelling may flood and the applicant should be advised of this.

Noted.

3.2 The Scottish Environment Protection Agency (SEPA) have no objection to the proposal on the understanding that the foul drainage is connected to the public sewer. The applicant should consult with West of Scotland Water in this regard.

Noted.

3.3 West of Scotland Water Authority (WOSW) have stated that the existing downstream combined sewer overflow has been classified as UNSATISFACTORY,

preliminary investigation suggests that upgrading of the sewerage system will be outwith reasonable cost. Increase in surcharging caused by the proposed development will also be unacceptable. WOSW therefore object to the progression of the development on the above grounds.

A suspensive condition can be attached to any grant of planning permission which will require the applicant to agree a sewerage system which will be acceptable to WOSW prior to any development commencing.

3.4 Scottish Power have advised of the position of their apparatus and draw attention to the advice given in their guidance notes for avoiding danger from underground services and overhead lines.

Noted.

3.5 The Coal Authority have stated that the property is within the likely zone of influence on the surface from workings in 4 seams of coal at 100m to 180m depth, the last date of working being 1931. Ground movement from the abovementioned past coal working should by now have ceased. The Authority have no adverse comments on the application.

Noted.

3.6 Transco have advised on the location of their plant and note that reference should be made to the guidance "Measures to be taken to protect Transco Plant".

Noted.

3.7 Hurlford and Crookedholm Community Council have not responded at the time of writing.

Noted.

4. REPRESENTATIONS

One objection has been received from WOSW which is detailed in para 3.3 above.

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 Kilmarnock Local Plan (1986).

5.2 In terms of the Adopted Local Plan, the application site is located outwith the settlement boundary of Crookedholm and would require to be assessed against

Policy 5.10.5. Since the proposed dwelling is not for an agricultural worker, this proposal is contrary to adopted local plan 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) and the planning history.

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 a prime material consideration.

6.3 The application site straddles the Crookedholm settlement boundary as indicated in the East Ayrshire Local Plan, with the proposed house being located within that part of the site within the settlement boundary and the rear garden ground for the proposed house lying outwith the boundary.

6.4 Policy RES 5 states that the Council will be supportive of the sub-division of existing house curtilages for the development of dwellinghouses subject to the following criteria being met:

- (i) the proposal is fully in keeping with the existing residential character and appearance of the area within which it is located;
- (ii) the proposal meets all the design requirements of the Council and does not create unacceptable damage to the amenity of surrounding properties; and
- (iii) acceptable levels of privacy are maintained to neighbouring properties and to the new housing proposed.

Backland development (i.e. the erection of any dwellinghouse situated to the rear of an existing building/or without a proper road frontage) will not be permitted where, in the opinion of the Council, this would adversely affect the amenity of the area, the setting of either the proposed or original building on the site, or the amenity of neighbouring properties.

Although located within the curtilage of an existing residential property, the site is not located within a general residential area. However, it is considered that, with the positioning of the house in the position proposed, acceptable levels of privacy should be maintained to both the existing and proposed houses. It is considered that the proposal will not have any undue adverse effect on the amenity of the existing house or surrounding properties either in design or locational terms. The proposed development does not have a proper road frontage, sharing its access with the existing house on the site but the proposal cannot, strictly speaking, be considered to constitute 'backland development' in

terms of policy RES 5, being located within the front garden ground of the existing dwelling.

The proposed change of use from agricultural grazing ground to private garden ground in association with the proposed development is also considered to be acceptable.

Planning History

6.5 In terms of the planning history of the site, outline planning permission was granted on 24 November 2000 for the erection of a 1½ storey dwelling with garage.

The principal of a dwellinghouse on this site has therefore recently been agreed.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSION

8.1 As is indicated at paragraph 5.2 above, the application is considered to be contrary to 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 refused unless material considerations indicate otherwise. As is indicated at paragraph 6.1 above, 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.

9. RECOMMENDATION

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

CONTRARY DECISION

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee as it will not be a significant departure in terms of the principle of the East Ayrshire Local Plan (Finalised Version with Modifications).

Alan Neish
Head of Planning and Building Control

14 January 2002 (YN/SA)

FV/AN

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letters of objection/support/representation.
5. Approved Ayrshire Joint Structure Plan.
6. Approved Strathclyde Structure Plan.
7. Adopted Kilmarnock Local Plan.
8. East Ayrshire Council Local Plan (Finalised Version with Modifications).
9. Previous Planning Applications 00/0521/OL

Any person wishing to inspect the background papers listed above should contact Yvonne Nisbet on 01563 576771.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No. 01/0609/FL

Site of Proposal: 34 Main Road
CROOKEDHOLM

Nature of Proposal: Proposed Erection of Single One and a Half
Storey Dwelling and Change of Use of Existing
Agricultural Grazing Land to Private Garden
Ground.

Name & Address of Applicant: Mr D Ferguson
34 Main Road
CROOKEDHOLM
Kilmarnock
KA3 6JS

DPO's Ref: YN/SA

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

(1) Notwithstanding the plans hereby approved, details/samples of all external materials shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON In the interests of visual amenity.

(2) Prior to the commencement of any development the applicant shall satisfy the requirements of West of Scotland Water with regard to the sewerage system. Such details shall be submitted to and approved by the Planning Authority before any development commences on site.

REASON In the interests of public safety.

(3) Notwithstanding the submitted plans, details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site. Such fences and walls as approved shall be erected on site prior to occupation of the dwellinghouse.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual 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.**

AGENDA