

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 1 FEBRUARY 2002**

**01/0779/FL: PROPOSED ERECTION OF DWELLINGHOUSE AT PLOT E OLD  
GLASGOW ROAD STEWARTON BY G RYAN**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the erection of a two storey, four bedroom dwellinghouse. It is proposed that the dwellinghouse will be externally finished with grey concrete tiles and render. The applicant proposes to provide two in-curtilage car parking spaces.

#### **2. RECOMMENDATION**

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

#### **3. CONCLUSIONS**

3.1 As indicated at paragraph 5.2 of the report, the proposed development 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 indicated at para 6.1 of the report, there are material considerations relevant to the development of the application, but in this regard the East Ayrshire Local Plan (Finalised Version with Modifications) is also supportive of the proposed development.

3.2 The objection from the West of Scotland Water Authority can be addressed with the use of a suspensive condition on the planning permission.

3.3 The points of objection detailed in Section 4 of the report are not considered to justify a refusal of the application.

## **CONTRARY DECISION**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control on the basis of the principle of development on this site, then it would require to be referred to the Development Services Committee.

**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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### Report by Head of Planning and Building Control

#### 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present to the Local Planning Committee a full planning application for determination under the Scheme of Delegation as the application is subject to objections.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site forms part of a larger site which is presently being developed on a plot by plot basis and lies adjacent to Old Glasgow Road, Stewarton. The site is generally level and is bordered to the west by Old Glasgow Road. The northern boundary of the site is formed by a watercourse (the East Burn). Some vegetation is present within the site adjacent to the watercourse. Further vegetation, on the opposite bank of the watercourse also helps screen the site from adjacent dwellings. Several dwellinghouses are presently under construction within the larger site. Existing residential properties lie in proximity to the proposed dwellinghouse, on the opposite side of Old Glasgow Road and beyond the watercourse on the northern boundary.

2.2. **Proposed Development:** Full planning permission is sought for the erection of a two storey, four bedroom dwellinghouse. It is proposed that the dwellinghouse will be externally finished with grey concrete tiles and render. The applicant proposes to provide two in-curtilage car parking spaces.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objection to the proposed development subject to conditions in respect of the standard and formation of the access and the provision of car parking spaces.

***Should the application be approved, appropriate conditions in respect of the above can be included in the planning permission.***

3.2 East Ayrshire Council Roads and Transportation Division, Flooding Section has no objection to the proposal, provided the finished floor level of the dwellinghouse is set

at 94.4 metres OD (in accordance with the recommendations of the Stewarton Flood Study prepared by the Babbie Group). The Section also states that, during flood situations, the riverbank along the northern boundary of the site may be susceptible to erosive action and that the responsibility for the maintenance of bank lies with the landowner. The Section further states that Japanese Knotweed exists along the river bank which should be treated before it compromises the stability of the bank.

***The existing levels of the site lie at between 94.5 metres OD and 93.4 metres OD. It is therefore considered that, should the application be approved, an appropriate condition be included on the planning permission requiring that the finished floor level be set at 94.4. Appropriate notes can also be attached to the planning permission in respect of the landowner's responsibility for the maintenance of the bank and the treatment of the Japanese Knotweed.***

3.3 The West of Scotland Water Authority has objected to the proposal on the grounds that the increase in surcharging to the main sewage system caused by the proposed development will be unacceptable. They further advise that an improvement scheme has been identified and included within the 2002/2006 financial expenditure allocation.

***Should the application be approved, an appropriate suspensive condition can be included on the planning permission requiring that no works shall start on site until such time as the applicant can provide written confirmation from the West of Scotland Water Authority that it is satisfied with the proposed drainage arrangements.***

3.4 The Scottish Environment Protection Agency has no objection to the proposal, provided drainage arrangements are to its satisfaction. With regard to the risk of flooding on the site, SEPA has stated that they are satisfied that the original Stewarton Flood Study for the site has been carried out using appropriate flood estimation techniques and using suitably conservative parameters. SEPA has therefore indicated that it has no objection to the proposal, with respect to flood risk, provided finished floor levels are set at 94.4 m OD. SEPA also states that the Stewarton Flood Study highlights the potential for bank erosion to take place during flood events and, as such, mitigation measures should be implemented as required.

***Should the application be approved, a note in respect of the drainage arrangements an be attached to the planning permission. With regard to flood risk, it has been noted in 3.2 above that a condition can be included on the planning permission requiring that the finished floor***

***level of the dwelling be set at 94.4m OD. SEPA's comments in respect of the finished road level is noted. Notwithstanding the comments in respect of the river bank in paragraph 3.2 above, a condition can be attached to any grant of planning permission to ensure that the***

***applicant/property owners maintain the bank, such that erosion is prevented and that the river flow is maintained free from obstruction/trees/vegetation and other potential blockages.***

3.5 The Coal Authority has no objection to the proposal.

***Noted.***

3.6 Stewarton Community Council has not responded to the consultation letter at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

Two letters of objection including that from the West of Scotland Water Authority, have been received. WOSWA's comments are detailed in Section 3 of the report. One letter with 2 signatories, has been received from the occupiers of a dwellinghouse adjacent to the northern site boundary, beyond the watercourse. Their grounds of objection can be summarised as follows.

4.1 The proposed dwelling is two storeys in height, whereas the objectors were of the view that only 1 and half storey houses would be erected on the site.

***Given that the site lies within the settlement boundary, it is not considered necessary to restrict the height of the dwelling to 1½ storeys. Two other 2 storey dwellinghouses are presently under construction adjacent to the application site, on another plot within the development.***

4.2 Windows of the proposed house would look directly into the objectors' property and decking area.

***The windows on the rear of the proposed dwelling do not look directly into any windows on the objectors' dwellinghouse. The proposed dwelling would be located some 20 metres from and at an oblique angle to the objectors' decking. Furthermore, a mature area of vegetation on the objectors' side of the burn would help to screen the proposed dwelling from the objectors' property. A row of vegetation on the application side of the burn appears to have been partly removed. It is considered, nevertheless, that should the application be approved a condition can be included on the planning permission requiring the retention of that hedge feature and additional planting on the northern boundary of the application site to provide further screening.***

4.3 The objectors request that all trees be retained within the site and that the hedges on the boundary of the site, adjacent to the watercourse, not be reduced in size in any way.

***The trees within the site are immature, make little contribution to visual amenity and take up a major part of the garden ground of the proposed dwelling. It is therefore considered that their retention cannot be justified in this instance. The boundary hedge however potentially made an important contribution to visual amenity and to the privacy of the occupiers of both the existing and the proposed dwellinghouses. However, as noted, parts of that hedge have been removed from the site. It is therefore considered that, as noted in 4.2 above, should the application be approved, an appropriate condition can be included on the planning permission to secure the retention/replacement of the boundary hedgerow.***

4.4 The objectors also request that other planning decisions in respect of the site will be adhered to.

***The application will be determined having regard to the provisions of the development plan and the relevant material considerations.***

## **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 Stewarton Local Plan (1987). The Adopted Local Plan was prepared in the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the application site lies within the settlement boundary of Stewarton and falls to be determined with regard to Policy 4.1.2 of the Adopted Stewarton Local Plan. Policy 4.1.2 states:

*“Housing development shall be allowed on sites within the urban envelopes of:-  
Stewarton  
Fenwick  
Dunlop*

*as defined on the Proposals Map, where*

*(1) the proposed development is in Stewarton, on a site of not more than 0.5 hectares and with a maximum of ten dwellings; or in Fenwick and Dunlop on a site of not more than 0.3 hectares and with a maximum of three dwellings; and in each case is not likely to be detrimental to or be adversely affected by adjacent uses.”*

***The larger development site lies within the urban envelope of Stewarton as defined in the Adopted Local Plan and has been divided into 6 plots. It is also considered that adjacent land uses would not have a detrimental impact on the proposed use, given that the surrounding land uses are predominantly residential. It is therefore considered that the proposal complies with the terms of Policy 4.1.2 of the Adopted Local Plan.***

## **6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS**

6.1 The other principal material considerations relevant to the determination of this application are the East Ayrshire Local Plan, Finalised Version with Modifications, the objections detailed above and the site's planning history.

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.

6.3 The application site forms part of a larger site identified for residential purposes in the EALP. Policy RES1 states that the Council will encourage and support residential development on designated sites.

***It is considered that the proposal is consistent with the site's designation and with the terms of Policy RES 1.***

6.4 The application also requires to be determined with regard to Policy RES 22. Policy RES 22 provides that all developers are required to observe minimum private open space standards of 100 square metres.

***Given that the proposal provides over 120 square metres of private garden ground to the rear of the property; it is considered that it complies with the terms of Policy RES 22 of the East Ayrshire Local Plan (Finalised Version with Modifications)***

6.5 Policy ENV 7 requires that development proposals comply fully with the Council's existing and emerging Design Guidance and policy documents.

***It is considered that the proposal is generally appropriate with regard to the available design guidance.***

6.6 Planning permission 01/0373/FL for the erection of a two storey dwellinghouse on the site was approved by the Northern Area Local Planning Committee on 31 August 2001.

***Noted.***

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

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

## **8. CONCLUSIONS**

8.1 As indicated at paragraph 5.2 above, the proposed development 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 indicated at para 6.1 above, there are material considerations relevant to the development of the application, and in this regard the East Ayrshire Local Plan (Finalised Version with Modifications) is also supportive of the proposed development.

8.2 The objection from the West of Scotland Water Authority can be addressed with the use of a suspensive condition on the planning permission.

8.3 The points of objection detailed in Section 4 of the report are not considered to justify a refusal of the application.

## **9. RECOMMENDATION**

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

**Alan Neish**  
**Head of Planning and Building Control**  
17 December 2001 (DS/SA)  
FV-AN

## **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Consultation responses.
3. Letter of Objection.
4. East Ayrshire Local Plan (Finalised Version with Modifications)
5. Adopted Stewarton Local Plan.
6. Approved Strathclyde Structure Plan.
7. Approved Ayrshire Joint Structure Plan.
8. Previous application No 01/0373/FL

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EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0779/FL

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Site of Proposal: Plot E  
Old Glasgow Road  
STEWARTON

Natural of Proposal: Proposed new dwelling

Name & Address of Applicant: G Ryan  
2 Fourth Avenue  
Millerston  
GLASGOW

Name & Address of Agent:

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DPOs Reference: DS/SA

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 submitted on 31 October 2001 as revised by the amended elevational drawings received by the Planning Authority on 13 November 2001.

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

(2) No work shall commence on site until such time as the applicant has provided the Planning Authority with written confirmation from the West of Scotland Water Authority that it is satisfied with the proposed drainage arrangements.

REASON To ensure that adequate drainage is provided.

(3) The access to the site shall be by means of a standard footway crossing, constructed in accordance with the East Ayrshire Council Roads Development Guide 1996.

REASON In the interests of public road safety.

(4) The driveway to the plot shall be suitably surfaced such that no surface water discharges or loose material is carried out on to the public road.

REASON In the interests of public road safety.

(5) Any access gates shall open inwards only, away from the public road.

REASON In the interests of public road safety.

(6) Notwithstanding any specification on the approved plans or application form, three in-curtilage car parking spaces shall be provided within the site and thereafter maintained free from obstruction at all times.

REASON To ensure that adequate car parking is provided.

(7) Notwithstanding any specification on the approved plans or application form, the finished ground floor level of the dwellinghouse shall be 94.4 metres OD and the precise location of the house within the plot shall be agreed in writing by the Planning Authority prior to the commencement of any work on site.

REASON To accord with the recommendation of the Stewarton Flood Study, to ensure that the proposed dwelling is adequately protected against flooding and to confirm the precise location of the house within the site.

(8) Notwithstanding any specification on the approved plans or application form, samples of all external construction materials including the proposed finish to the roof shall be submitted to and approved by the Planning Authority, prior to the commencement of any work on site.

REASON In the interests of visual amenity.

(9) Notwithstanding any specification on the approved plans or application form, details of the design and location of any fences, walls or other means of enclosure shall be submitted to and approved by the Planning Authority, prior to the commencement of any work on site.

REASON In the interests of visual amenity.

(10) Notwithstanding any specification on the approved plans or application form the hawthorn hedging along the northern boundary of the site shall be retained. A landscaping scheme in respect of infilling/replanting/retention of the hawthorn hedge along the northern boundary of the site shall be submitted to and approved by the Planning Authority, prior to the commencement of any work on site. Thereafter, no lopping of the hedge shall be undertaken without the prior written approval of the Planning Authority.

REASON In the interests of visual, environmental and residential amenity.

(11) No materials resulting from the process of developing this house shall be permitted to find their way into the adjoining watercourse (East Burn).

REASON To prevent any disruption of the flow of the East Burn.

(12) Notwithstanding the provisions of the Town and Country Planning (General Planning Development) (Scotland) Order 1992, any detached garage to be erected within the site shall be externally finished in materials which match the dwellinghouse approved.

REASON In the interests of visual amenity.

(13) Notwithstanding any specification in the approved plans or application form, the applicant/property owner shall maintain the riverbank commensurate with the plot boundary such that it is protected from erosion. In that respect, the flow of the river shall be maintained free at all times from trees, vegetation and other potential blockages.

REASON To ensure that a clear river flow is maintained and to protect against erosion.

NOTES:

(1) The applicant is advised to make early contact with the West of Scotland Water Authority, 35 Glenburn Road, Prestwick with regard to water supply and drainage.

(2) The applicant is advised to make early contact with the Scottish Environment Protection Agency, 2 Alloway Place, Ayr with regard to drainage arrangements.

(3) All drainage arrangements shall comply with the requirements of the West of Scotland Water Authority and Scottish Environment Protection Agency.

(4) The applicant is advised that the responsibility for the maintenance of the bank of the watercourse lies with the landowner.

(5) The applicant is advised to make early contact with the Scottish Environment Protection Agency with regard to the treatment of the Japanese Knotweed present along the riverbank which may otherwise compromise the stability of the bank.

**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**