

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 17 FEBRUARY 2006

**05/0039/FL: PROPOSED ERECTION OF ONE PAIR OF SEMI-DETACHED
HOUSES**

**AT LAND BETWEEN 10 & 12 BONNET COURT, STEWARTON
BY MOULDS OF KILMARNOCK**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposed development is for the erection of one pair of semi-detached dwellinghouses. The proposed dwellings are 2 storey in height and are to be finished in facing brick and concrete roof tiles to match the surrounding properties. Each provides 100sq meters of private garden ground and two off road parking spaces.

2. RECOMMENDATION

2.1 The application should be approved subject to the conditions on the attached sheet.

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development accords with the Development Plan and therefore the application should be approved.

3.2 It is considered that the proposed development meets the requirements of Policies RES4 and RES22, as the development complies with both the Council's Design Guidance and policy documents relating to this type of development in terms of design and layout.

3.3 In terms of the application, the consultations received are generally supportive. The submitted letter of objection is noted but is not in itself considered to be of sufficient weight to justify a refusal of the application. The overall impact of the proposed development can be accommodated without detriment to the amenity of the surrounding area.

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 the application will not require to be referred to the Development Services Committee. As this would not be a significant departure from 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 an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a vacant plot located at Bonnet Court in Stewarton. The application site is bound by the residential properties of Bonnet Court and Balmoral Wynd to the north, east and west and by the Annick Water and agricultural land to the south.

2.2 **Proposed Development:** The proposed development is for the erection of one pair of semi-detached dwellinghouses. The proposed dwellings are 2 storey in height and are to be finished in facing brick and concrete roof tiles to match the surrounding properties. Each provides 100sq meters of private garden ground and two off road parking spaces.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scotland Gas Networks indicate that a 250mm medium pressure PE gas main runs through the above site. The pipe carries a building proximity distance restriction of 3 metres on either side. They indicate that a three metre building exclusion zone (including garages and huts) along the length of the pipe within the property should be imposed on any planning consent. They also indicate that all building works should be carried out in accordance with the Transco Document "Measures to be taken to protect Transco plant" and the HSG guidance note HS(G) 47 "Avoiding Danger from Underground Services.

Although stated as 2.0 metres in their standard response, Scotland Gas Networks have specifically advised the Council, by letter, on 22 February 2005, that a 3.0 metre building exclusion zone is required in this case, a condition can be attached to any grant of planning permission restricting development on the application site. A note can also be attached to any grant of planning permission relating to the working practices required by Transco.

3.2 Scottish Power have indicated no objection to the proposal.

Noted

3.3 SEPA indicate that the proposal should utilise a sustainable urban drainage system to dispose of the surface water from the site. They also indicate that the application site lies within the flood envelope of the Annick Water and that any development is carried out in accordance with the principles of SPP7 Planning and Flooding.

Following this consultation and the views of the Council's Roads and Transportation Division (Flooding) section the developer has located the floor of the dwellinghouse above the expected flood level for a 1 in 100 year flood event to the level shown on the proposed plans, which is considered acceptable.

3.4 Scottish Water have no objection to the proposal.

Noted

3.5 East Ayrshire Council's Roads and Transportation Division have no objections.

Noted

3.6 East Ayrshire Council's Roads and Transportation Division (Flooding section) welcome the raised floor level of the house however indicate that the use of water resistant construction methods in the design of the house would help minimize the possible effects of flooding from the Annick Water.

A condition can be attached to any grant of planning permission addressing this matter.

3.7 Stewarton Community Council had not responded to their consultation at the time of writing this report.

Noted.

3.8 East Ayrshire Council's Environmental Health section indicate that the Bonnet Court site was the former site of the gas works in Stewarton. Therefore it is recommended that prior to the commencement of the development a full site investigation is carried out in line with PAN 33 to assess the risk of exposure to contaminants in the soils (if present) to key receptors.

Conditions can be attached to any grant of planning consent addressing any contamination issues.

4. REPRESENTATIONS

One letter of objection has been received with respect to this application and the grounds of which are outlined below:-

4.1 What health and safety precautions do Moulds of Kilmarnock intend to take during the building of the properties to ensure that they do not breach the gas mains pipe that runs through the land?

The applicant has indicated the gas main in their application drawings and is therefore aware of the pipe's existence. Scotland Gas Networks have been consulted as part of this application and have indicated the safety measures to be taken with respect to the proposed development. A copy of the safety procedures to be undertaken will be forwarded to the applicant coupled with a note on the consent advising the applicant to contact Scotland Gas Networks, prior to the commencement of development. In addition, it is proposed to attach a condition to any grant of planning consent preventing further development within the application site, without further planning consent.

4.2 I would like Transco to review those health and safety precautions proposed by Moulds and agree that they are satisfactory. I would like a letter to that effect also.

This matter is covered in section 4.1 above, and should the objector seek further assurance from Scotland Gas Networks, he should approach them direct.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that 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.

Approved Ayrshire Joint Structure Plan

5.2 The application does not raise any strategic issues that would require assessment against the provisions of the Approved Ayrshire Joint Structure Plan.

Adopted East Ayrshire Local Plan

5.3 Policy RES4 states that, within Settlement Boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites, including those sites created through the large scale demolition of existing housing, not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed against a set of four stated criteria, as follows:

- (i) impact on the surrounding natural and built environment and adjacent uses;

The proposed development would have minimal impact on the surrounding natural and built environment.

- (ii) transportation and infrastructure implications;

The Council's Roads Division and other consultees have offered no objections subject to the attachment of appropriate planning conditions to the proposed development and are generally supportive.

- (iii) compatibility with surrounding densities and housing types; and

The proposed houses are considered to be compatible with surrounding densities, house types and styles.

- (iv) compliance with the Council's Development Promotion and Design Guidance.

The design of the houses will comply with the Council's guidance and match in with the surrounding area.

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.

The proposal meets the Council's minimum private open space standards.

5.5 The proposed development meets the criteria of both Policy RES4 and RES22 in terms of design, siting and impact on the residential amenity of neighbouring properties and as such should be approved.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultations received and the impact of the proposal on the amenity of the area and immediate neighbours.

Consultations and Representations

6.2 The consultation responses and representations received are detailed in Section 3 and Section 4 of this report. The consultations are generally supportive and offer no objections subject to the attachment of appropriate conditions. The representations have been considered in Section 4.

Impact on the Amenity of the Area and Neighbours

6.3 The circumstances of the proposed development are such that it is considered that the proposed development can be accommodated without a detrimental impact on the residential amenity of the area and neighbours. Furthermore it is considered that the proposed development will be a significant improvement of the appearance of the current site and will improve the area as a whole.

Planning History

6.4 There is no recent planning history for this application site.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As indicated at Section 5 of the report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development accords with the Development Plan and therefore the application should be approved.

8.2 It is considered that the proposed development meets the requirements of Policies RES4 and RES22, as the development complies with both the Council's Design Guidance and policy documents relating to this type of development in terms of design and layout.

8.3 In terms of the application, the consultations received are generally supportive. The submitted letter of objection is noted but is not in itself considered to be of sufficient weight to justify a refusal of the application. The overall impact of the proposed development can be accommodated without detriment to the amenity of the surrounding area.

9. RECOMMENDATION

9.1 The application should be approved subject to the conditions 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 the application will not require to be referred to the Development Services Committee as this would not be a significant departure from policy.

Alan Neish
Head of Planning, Development and Building Standards

CSI/RH
08 February 2006

LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Letter of Objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.

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

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Site of Proposal:	Land between 10 & 12 Bonnet Court Stewarton
Nature of Proposal:	Proposed erection of one pair of semi-detached dwellinghouses
Name & Address of Applicant:	Moulds of Kilmarnock 5-13 East Netherton Street Kilmarnock
Name & Address of Agent:	Munro Architects 23 Portland Road Kilmarnock

DPOs Reference: CSI/RH

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 13 January 2005 as revised by the amended plans received by the Planning Authority on 20 December 2005.

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

2. Notwithstanding the plans hereby approved, the external surface of the walls shall be finished in facing brick in a colour to be agreed in writing by the Planning Authority prior to the commencement of development.

REASON In the interests of visual amenity

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 in writing before any development commences on the site.

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

4. Notwithstanding the plans hereby approved the public footway shall be kept clear of building materials for the duration of the construction of the dwellings.

REASON In the interests of road safety and residential amenity

5. Construction works on site shall not take place prior to 08:00 hours and after 18:00 hours on Mondays to Fridays, 09:00 hours and 13:00 hours on Saturdays and not at any time on Sundays.

REASON To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interests of residential amenity.

6. Notwithstanding the approved plans the ground floor of the dwellings shall be in a form of construction and materials appropriate to resist deterioration during a flood event.

REASON In the interest of residential amenity.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order revoking and re-enacting that order, permitted development classes 1-7 of Schedule 1 of the said Order are hereby removed in relation to the application site.

REASON To enable the Planning Authority to retain control over future development on the site in the interests of residential amenity and public safety, given the proximity of the gas mains.

8. No development shall begin on site (with the exception of site investigative works), until a comprehensive contaminated land investigation has been submitted to, and approved in writing by the Planning Authority.

The investigation shall be conducted in line with BS 10175: 2001 code of practise for "*The investigation of potentially contaminated sites*" and will contain details of proposals to deal with contamination (if present) to include:

- (i) The nature, extent and type(s) of contamination on the site;
- (ii) A specific risk assessment of all relevant pollutant linkages.
- (iii) Remedial measures to treat/remove contamination to ensure the site is fit for the use proposed.
- (iv) Measures to deal with unsuspected contamination discovered during construction works;

REASON To ensure potential risks arising from previous site uses have been fully assessed.

9. Under the terms of Condition 8 above, and prior to any further site development, the developer shall submit a report, confirming that the remedial works have been carried out in accordance with the remediation plan.

REASON To provide verification that remediation has been carried out in accordance with the remediation plan and to the Authority's satisfaction.

NOTES:-

1. **Early contact should be made with Scotland Gas Networks at 95 Kilbirnie Street, Glasgow on 0141 418 4093 as Scotland Gas Networks apparatus is located on the site and in order to prevent damage to said apparatus. Any proposed works shall be carried out in accordance with Transco Document "Measures to be taken to protect Transco Plant" and HSG guidance note HS (G) 47 "Avoiding Danger from underground Services".**
2. The applicant should make early contact with Scottish Water on 0845 601 8855 as there is an existing public water main located in the street adjacent to the site which may be suitable to provide a supply to the proposed development. A separate application will have to be made for the provision of site water mains, if required, and service connections.
3. Early contact should be made with Power Systems at St Vincent Street, Glasgow on 0141 567 4155 as Scottish Power apparatus may be located on or adjacent to the site in order to prevent damage to said apparatus.
4. Early contact should be made with East Ayrshire Council's Roads and Transportation Division to ensure that all necessary permits are obtained prior to the commencement of work on site.
5. Early contact should be made with East Ayrshire Council's Roads Division as a watercourse is located to the rear of the site in order to discuss any flooding issues.

**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.**