

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 18 FEBRUARY 2005

**04/0818/FL: PROPOSED ERECTION OF 4 DWELLINGHOUSES WITH
GARAGES AND ACCESS ROAD AT BRIDGEND, STEWARTON
BY TRAVIS HOMES LTD.**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the erection of four terraced dwellinghouses with garages and associated gardens and a new access road. A retaining wall is proposed on the south-west boundary of the site to enable adequate usable garden ground to be provided for the dwellinghouses. Where the proposal bounds onto Bridgend the residential unit proposes to be of single storey. As the proposal returns into the site it increases in height to one and half storey dwellings fronting onto the new access road. The proposal includes a landscaped strip (varying between 2m - 5m wide) along the northern boundary of the site adjacent to the new access road.

2. RECOMMENDATION

2.1 **It is recommended that the application for planning permission be approved subject to the conditions listed on the attached sheet but that permission not be issued until the Solicitor to the Council has concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant in respect of the TLR5 Fund as detailed in paragraph 7.2.**

3. CONCLUSIONS

3.1 As is 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 however none are of significant enough weight as would merit the refusal of the 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 the application 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 an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a vacant overgrown area of land in a poor state of repair of approximately 0.220 hectares. The site is bounded to the western and southern boundaries by residential properties. Vacant industrial units bound the site to the southern boundary across Bridgend. A section of the northern boundary of the site is bounded by vacant overgrown land with the remain bounding onto the rear of Kersland Gate. The residential unit to the west of the site is a grade B listed building. The site rises over several metres away from its' Bridgend frontage.

2.2 **Proposed Development:** Full planning consent is sought for the erection of four terraced dwellinghouses with garages and associated gardens and a new access road. A retaining wall is proposed on the south-west boundary of the site to enable adequate usable garden ground to be provided for the dwellinghouses. Where the proposal bounds onto Bridgend the residential unit proposes to be of single storey. As the proposal returns into the site it increases in height to one and half storey dwellings fronting onto the new access road. The proposal includes a landscaped strip (varying between 2m - 5m wide) along the northern boundary of the site adjacent to the new access road.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have no objections in relation to flooding issues associated with the Annick Water. With regard to road and development layout they have no objection to the

proposal subject to the attachment of the appropriate planning conditions to the grant of any planning consent.

Noted

3.2 East Ayrshire Council's Arboriculturalist has indicated that the construction of the access road will have a detrimental impact on the existing trees on the north-western boundary of the site. The Arboriculturalist considers that the trees are not of significant value to merit retention however replacement planting should be provided within the development to compensate for the tree loss.

A condition can be attached to any grant of planning consent relating to the provision of replacement landscaping within the development

3.3 Transco have no adverse comments to offer on the proposals.

Noted.

3.4 Scottish Water have no objection to the proposal

Noted

3.5 Scottish Environment Protection Agency have raised issues in relation to potential site contamination, the capacity of the public sewer to accept foul drainage and the need for a Sustainable Urban Drainage System. They also note that the site lies just outwith the identified flood envelope in the area and that this matter should be assessed by the Council's own flooding experts to determine its suitability for development.

The issues of site contamination and the Sustainable Urban Drainage system can be addressed through the attachment of appropriate planning conditions to the grant of any planning consent. In relation to the potential flooding of the site the Council's Roads(Flooding)section indicate that they have no objection to the proposal. A note to the applicant can address the issue of connection to the public sewer in respect of foul drainage.

3.6 Architectural Heritage Society of Scotland say the proposal has some commendable features but query the use of UPVC doors and windows and the asymmetrically placed door panels.

These comments have been noted and it is considered that taken as a whole, the development will suitably compliment the town.

3.7 Stewarton & District Community Council have not replied to their consultation at the time of writing this report.

Noted.

4. REPRESENTATIONS

There is one letter of objection in relation to this proposal commenting as follows:-

4.1 The difference in level between the new development and the existing property at 23 Kersland Gate is not clear.

The road of the proposed development, which is the closest part of the development to Kersland gate, will be located approximately 0.5 metres above the adjacent ground level of the rear garden at 23 Kersland Gate. The 2 metre wide landscape strip will then be graded to match to existing adjacent ground levels.

4.2 Who will be responsible for maintenance of boundary treatment?

The maintenance of boundary treatment would generally be the responsibility of the owners of that boundary. The applicant indicates that they intend that boundary walls and fences be repaired as necessary, however, a condition requiring precise confirmation of future maintenance can be attached to any consent granted.

4.3 New dwellings would invade privacy.

It is considered that the proposed development will not have a significant detrimental impact on the residential amenity of the adjacent properties by reason of the orientation between the objectors house and those proposed.

4.4 Will this development have any impact on the future extension of my property.

The proposal is not likely to have an impact on the ability of the adjacent residents to extend their property, however, where planning consent is required, each application will be dealt with on its individual merits.

4.5 What is to happen to trees/bushes currently situated on the development side of the boundary?

The submitted plans show new landscaping adjacent to the mutual boundary and the retention of two existing trees on the north east boundary of the site. However the Roads Department have indicated that planting within the 2 metre service strip would be unacceptable. The Council's Arboriculturalist has indicated that the construction of the access road will have a detrimental impact on the existing trees on the northwestern boundary of the site. As indicated above the Arboriculturalist considers that the trees are not of significant value to merit retention however replacement planting should be provided within the development to compensate for the tree loss. A condition can be attached to any grant of planning permission addressing this matter.

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).

Approved Ayrshire Joint Structure Plan (AJSP)

5.2 It is not considered that there are any relevant policies in the AJSP relevant to the location of the site within the Stewarton settlement boundary therefore greater weight must be attached to the EALP.

Adopted East Ayrshire Local Plan (EALP)

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;

This proposal is for suitably designed housing development and is located within the settlement of Stewarton. Residential development is therefore acceptable in principle.

- (ii) transportation and infrastructure implications;

The East Ayrshire Council Roads and Transportation Division have no adverse comments to make on this application, subject to the attachment of appropriate planning conditions to the grant of any planning consent.

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

The proposed development provides densities and house types which are compatible with this area of Stewarton

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

The proposal reflects the requirements of the design guidance and adheres to the requirements of the private garden space standards and the window to window relationships between dwellings.

5.4 Policy RES 22 requires all developers to observe the minimum standards for the provision of private open space detailed in Schedule 4 of the Local Plan.

The proposed development ensures that each residential unit accords with the requirements of Schedule 4 of the Local Plan.

5.5 Policy TLR5 of the Adopted Local Plan confirms that developers will be requested to enter into an agreement with the Council to make contributions to the provision of appropriate leisure and recreational facilities in the local area.

The applicant has indicated that they do wish to contribute to the TLR5 fund.

5.6 Policy ENV7 of the EALP is relevant and advises that all developers will be expected to fully comply with the Council's Design Guidance and policy documents relating to and advising on the particular type of development proposed. The design guidance for new residential development states that house types for individual or small-scale residential developments must reflect and respect the built form of the surrounding area by reflecting the existing buildings in terms of design, storey height, scale, density and external finishes. Furthermore, the Design Guidance also states that any new housing development shall not result in unacceptable overlooking or have a visually intrusive impact.

It is considered that the proposed terraced development relates to the streetscape in the vicinity and utilises the natural contours of the site to create an attractive cul-de-sac.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses received which are addressed in Section 3 of this report, the letters of objection addressed in Section 4 of this report, the planning history and the impact on the amenity of the area.

Consultation Responses

6.2 The consultation responses are detailed in the report and are considered to be supportive of the application.

Letter of Objection

6.3 The submitted letter of objection has been assessed and is not considered to raise issues of sufficient weight to justify refusal of the application in this case.

6.4 The aspect of the amenity of the area has been assessed and it is considered that the proposal can be accommodated without any detrimental impact on the area.

Planning History

6.5 Planning Application 04/0284/FL for the erection of four detached dwellinghouses submitted by Travis Homes Ltd was withdrawn by the applicant in favour of the current proposal.

6.6 An outline planning application 02/0095/OL for the erection of two dwellinghouses on part of the site was withdrawn in May 2003.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. The applicants agreement to make a contribution to the Sports, Leisure and Recreation Fund in terms of Policy TLR 5 will require a legal agreement to be entered into between the Council and the applicant under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997.

8. CONCLUSIONS

8.1 As is 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 however none are of significant enough weight as would merit the refusal of the application.

9. RECOMMENDATION

9.1 It is recommended that the application for planning permission be approved subject to the conditions listed on the attached sheet but that permission not be issued until the Solicitor to the Council has concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant in respect of the TLR5 Fund as detailed in paragraph 7.2.

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

4 February 2005
CSI/IMB

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letters of objection
5. Adopted East Ayrshire Local Plan
6. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Craig Iles on 01563 576772

Implementation Officer: Dave Morris

TP24

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/0818/FL

Site of Proposal:	Bridgend STEWARTON
Nature of Proposal:	Proposed 4 No. dwellings with garages and new access road.
Name & Address of Applicant:	Travis Homes Ltd Balgraymill Farm Off Cutstraw Road FENWICK KA3 6BB
Name & Address of Agent:	

DPOs Reference: CSI/IMB

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 received on 12 July 2004 and the amended plans received by the Planning Authority on 02 November 2004.

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

2. Before any work commences on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved by the Planning Authority in writing. The Sustainable Urban Drainage System shall thereafter be installed on site prior to the occupation of the dwellinghouses.

REASON To ensure that adequate drainage is provided.

3. Before the commencement of the development on site details of the landscape on the northern boundary shall be submitted to and approved by the Planning Authority. This landscaping shall be implemented not later than the next available planting season after the development has commenced to the satisfaction of the Planning Authority and in accordance with the approved

plans. The details shall also include maintenance arrangements for all public, landscaped areas on the site.

REASON In the interests of residential and visual amenity.

4. 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 and thereafter implemented as approved. The details shall include the arrangements to be put in place for the maintenance of said walls and fences; in particular those abutting onto property adjoining the site.

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

5. Notwithstanding the approved drawings, details and samples of all proposed external materials shall be submitted, in writing, to and approved by the Planning Authority prior to the commencement of the development, and thereafter implemented as approved.

REASON In the interests of visual amenity.

6. Notwithstanding the approved drawings full engineering details of the retaining wall proposed for the south west boundary of the site shall be submitted to and approved by the Planning Authority prior to the commencement of the development and thereafter implemented as approved.

REASON In the interests of visual amenity.

7. Notwithstanding the approved plans the boundary wall fronting onto Bridgend shall be re-located to behind line of the service strip. Details of this shall be submitted to and approval by the Planning Authority prior to the commencement of the development on site.

REASON To ensure the service strip is not inhibited by development.

8. Notwithstanding the approved plans the access/egress from Plot A onto Bridgend shall be widened to 5 metres. Details shall be submitted to and approval by the Planning Authority prior to the commencement of the development on site.

REASON In the interest of road safety.

9. Notwithstanding the approved plans plot D shall provide three off road parking spaces within its curtilage. Details shall be submitted to and approval by the Planning Authority prior to the commencement of the development on site.

REASON To ensure adequate off street parking is provided on site.

10. Notwithstanding the approved plans the runway width of houses B & C should be increased to 7.5 metres wide. Details shall be submitted to and approved by the Planning Authority prior to the commencement of the development on site.

REASON To ensure adequate off street parking is provided on site.

11. Notwithstanding the approved plans no trees shall be planted within 5 metres of the public highway.

REASON In the interest of road safety.

12. Notwithstanding the approved plans the boundary wall fronting onto Bridgend shall be relocated to behind the line of the service strip.

REASON To ensure the service strip is not inhibited by development.

13. Notwithstanding the approved plans Plot D shall provide three off road parking spaces within its curtilage. Details shall be submitted to and approved by the Planning Authority prior to the commencement of the development on site.

REASON To ensure adequate off street parking is provided on site.

NOTES TO APPLICANT

1. The applicant is strongly advised to make early contact with SEPA and Scottish Water to confirm that there is sufficient capacity in the existing public sewer to accommodate the proposed development to their satisfaction.

2. The developer shall make early contact with the Scottish Environment Protection Agency and Scottish Water to confirm their request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.

3. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.

4. This site is known/suspected to be contaminated. You should be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

5. The Local Planning Authority has determined the application on the basis of the information available to it. This does not necessarily mean that the land is free from contamination.

later than the next available planting season after the development has commenced to the satisfaction of the Planning Authority.

**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.**