

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 18 MARCH 2005**

**04/0569/FL: PROPOSED ERECTION OF TWO DETACHED  
DWELLINGHOUSES AND TWO DOUBLE GARAGES  
AT PLOTS 2 AND 3 CUTSBURN ROAD, STEWARTON  
BY SIAN & RONA GILMARTIN**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 The proposed development is for the erection of 2 detached two storey dwellings and detached double garages. The dwellings and garages are proposed to be finished in white cement render and buff brick.

**2. RECOMMENDATION**

**2.1 The application should be approved subject to the conditions indicated 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 unless material considerations indicate otherwise.

3.2 It is considered that the proposed development meets the requirements of Policies RES1, RES22 and ENV7 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 an unfavourable recommendation. 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 and should that decision be on the basis of the principle of residential development, then the application will require to be referred to the Development Services Committee as this would 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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**04/0569/FL: PROPOSED ERECTION OF TWO DETACHED  
DWELLINGHOUSES AND TWO DOUBLE GARAGES  
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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 of land located at Cutsburn Road, Stewarton. The application site is bound by the proposed residential properties of plots 1 and 4 Cutsburn Road to the east and west, Cutsburn Road and the properties of Golf Loan to the north and agricultural land to the south.

2.2 **Proposed Development:** The proposed development is for the erection of 2 detached two storey dwellings and detached double garages. The dwellings and garages are proposed to be finished in white cement render and buff brick.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Transco and Scottish Power have been consulted as part of this application and have offered no objections.

***Noted.***

3.2 East Ayrshire Council's Roads and Transportation Division have been consulted and requested that any consent granted should be conditioned in the same way as consent no. 03/0994/FL. No building work should commence on site until traffic calming to Cutsburn Road has been undertaken.

***Noted. A condition to this effect can be applied to any consent granted.***

3.3 Scottish Water indicate that there is a public water main in the adjacent street and a public sewerage system is also available.

***Noted.***

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

***Noted.***

#### **4. REPRESENTATIONS**

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

4.1 This area is too close to our property and will impinge on our privacy as the proposed development is directly opposite our property. We purchased our home for countryside outlooks and the privacy this afforded.

***The proposed dwellings are all located at least 30 metres from the existing residences on Golf Loan to the north of the site. It is considered that the degree of separation between the proposed development and adjacent residential development is such that privacy will not be prejudiced to a degree which would materially affect existing standards of residential amenity.***

4.2 The proposed development will increase the level of traffic and make this road more dangerous due to residents accessing their homes on and off an already extremely busy road.

***It is considered that the increase in traffic levels as a consequence of this development will be insignificant in relation to current traffic levels on Cutsburn Road. Traffic calming measures and a new footpath are proposed as part of the wider development. As a consequence, it is the opinion of this Division that the proposed development will result in improved safety standards on this road for motorists and pedestrians. The Council's Roads and Transportation Division have not objected to the proposed development.***

4.3 The Dickie development between Loudon Street and Cutstraw Road, Stewarton, has been under way since the summer and has meant a huge increase in traffic, pollution, and noise levels. This development is not due for completion until March and has caused a great deal of disruption which we feel would be compounded by this proposal. This proposal will cause greater volumes of residential traffic.

***The Council's Roads and Transportation Division have not objected to the proposed development. Whilst it is acknowledged that there will be some disturbance to neighbouring properties during the period of construction, the relatively small scale of the development should be borne in mind. With regard to construction work and the proximity of the site to an established residential area, it would be appropriate to impose a condition on any planning permission granted to limit construction works on the site taking place at inappropriate times of the day, in the interests of residential amenity. Whilst the proposed development will result in the loss of an area of open space, the site occupies part of an area identified within the Local Plan for residential development. With regard to outlook, it is considered that the degree of separation between the proposed development and adjacent residential development is such that outlook will not be significantly affected to a degree which would compromise reasonable standards of residential amenity. Additionally, the right to a view is not a material consideration in the determination of an application for planning permission.***

4.4 The proposed development will increase the level of traffic and make this road more dangerous due to residents accessing their homes on and off an already extremely busy road.

***It is considered that the increase in traffic levels as a consequence of this development will be insignificant in relation to current traffic levels on Cutsburn Road. Traffic calming measures and a new footpath are proposed as part of application 03/0994/FL. As a consequence, it is the opinion of this Division that the proposed development will result in improved safety standards on this road for motorists and pedestrians. The Council's Roads and Transportation Division have not objected to the proposed development.***

4.5 Cutsburn Road is a main route for children attending Nether Robertland Primary School and Stewarton Academy. The increase in residential traffic will have a knock-on effect for their safety on arrival and departure from school.

***See response comments provided in paragraph 4.4 of the report.***

4.6 This proposal will place an increased pressure on all local facilities, especially the aforementioned schools.

***The site has been allocated for residential development purposes in the East Ayrshire Local Plan adopted in 2003.***

4.7 The proposal will result in a loss of amenity for the area.

***Whilst the proposed development will result in the loss of an area of open space, the site occupies part of an area identified within the Local Plan for residential development. Whilst the site is 'greenfield', it is not considered to be of significant amenity value in its current state. It is also not considered that the proposed development will detract from adjacent standards of residential amenity.***

4.8 It will put extra pressure on an already dated sewerage system and any resulting problems from this increased strain could be catastrophic. What will the effects be on the water flow and water pressures?

***Scottish Water have raised no objection to the proposed development. Nevertheless, the applicant will require to agree water supply and drainage arrangements to the satisfaction of Scottish Water should planning permission be agreed.***

4.9 Planning permission for a similar proposal was rejected several years ago when Stewarton did not even have as many new developments in progress.

***The current application requires to be considered in the light of the East Ayrshire Local Plan and the site has been identified as a housing site within this Plan.***

4.10 We still have reservations for the development of 4 dwellings as per the application of November 2003.

***Noted. Planning consent 03/0994/FL granted full permission to the erection of 4 houses and the formation of 3 plots and was granted on 17 January 2005. This was issued following conclusion of a legal agreement securing contribution to the Sports Leisure Recreation Fund, landscaping to the rear of the site and formation of a footway further up Cutsburn Road.***

4.11 The main issues relating to Plots 2 & 3 is that, where the previous application for 4 dwellings (in November 2003) cover a larger area, Plots 2 & 3 seem to be similar sized dwellings, however over a smaller area of land, and are opposite two houses (10 & 12 Golf Loan), which are semi-detached. This would seriously affect the privacy and quality of outlook.

***See response in section 4.1 of the Report.***

4.12 We would be happier for an alternative ie one house, 2 smaller houses or even 2 bungalows. Bungalows would still be in keeping with lower Cutstraw Road which has a mix of both.

***Noted, but it is considered that the site is of sufficient size to accommodate the units proposed.***

## **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 RES1 encourages and supports the residential development of those Development Opportunity Sites identified for housing purposes on the individual Local Plan maps and reserves them for residential and associated recreational and amenity open space development.

***The application site forms part of a larger site identified for residential development in the EALP. Two plots at this location is therefore acceptable in principle.***

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 minimum private open space standards are met by this development.***

5.5 Policy ENV7 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. The policy also states that 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.

***The design of the houses is generally acceptable. The house types and finishes will be conditioned so that they are compatible with adjacent proposed plots in accordance with the Council's Design Guidance and Policy documents relating to this type of development.***

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

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

### Consultations

6.2 The consultation responses have offered no objection to the proposed development.

### Representations

6.3 The issues raised by the objector have been assessed in Section 4 above and are considered to be of insufficient weight to justify the refusal of the application in this instance.

### Impact on the Amenity of the Area and Neighbours

6.4 The circumstances of the proposed development are such that it is considered that the proposals can be accommodated without detriment to the surrounding area.

### Planning History

6.5 These two plots comprise two of the three plots approved as part of planning consent 03/0994/FL.

## **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 unless material considerations indicate otherwise.

8.2 It is considered that the proposed development meets the requirements of Policies RES1, RES22 and ENV7 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 an unfavourable recommendation. 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 indicated 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 and should that decision be on the basis of the principle of residential development, then the application will require to be referred to the Development Services Committee as this would be a significant departure from Policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

10 March 2005  
(EMcL/MMM)

FV/DVM

## **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 Eddie McLennaghan on 01563 576787.

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

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Site of Proposal: Plots 2 and 3 Cutsburn Road  
STEWARTON KA3 5HX

Nature of Proposal: Proposed Erection of Two Detached  
Dwellinghouses and Two double Garages

Name & Address of Applicant: Sian & Rona Gilmartin  
Windyridge  
22 Bowes Rigg  
STEWARTON KA3 5EN

Name & Address of Agent:

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DPOs Reference: EMcL/MMM

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

1. Notwithstanding the plans hereby approved, the external surface of the walls shall be rendered or roughcast in a colour to be agreed in writing with the Planning Authority prior to the commencement of development.

REASON In the interests of visual amenity.

2. Notwithstanding the plans hereby approved details/samples of the roofing material to be used in the construction of the dwellings shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on site.

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 proposed garages shall be of a permanent construction and be finished in the same materials as the dwellinghouses to which they relate.

REASON To ensure that the proposed garages match the approved dwellinghouses in the terms of materials and design. In the interests of visual amenity.

5. Prior to the occupation of the dwellings the traffic calming scheme associated with planning consent no. 03/0994/FL shall have been constructed and put in place.

REASON In the interests of road safety.

6. Notwithstanding the plans hereby approved the road footway operations and associated pathway required in relation to planning consent 03/0994/FL shall have been constructed to East Ayrshire Council's Roads and Transportation Division's standards and put in place prior to the occupation of the dwellings hereby approved.

REASON In the interests of road safety.

7. Construction works on site shall not take place prior to 0800 hours and after 1700 hours on Mondays to Fridays, and not at any time on Saturdays or Sundays.

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

8. During construction, the developer of the plot shall ensure that adequate and continuing measures are taken to ensure that roads and footpaths adjoining the site are maintained free from mud and other material carried from the site by construction and any other vehicles.

REASON In the interests of road safety and residential amenity.

9. Notwithstanding the plans hereby approved no building materials shall be stored on the public footway adjacent to the site during the construction of the dwellings.

REASON In the interests of road safety and residential amenity.

NOTES TO APPLICANT:-

1. The applicant should make early contact with Transco (0141 418 4093) as the development may affect Transco apparatus in the area.
2. The applicant should make early contact with Scottish Water (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. The applicant should make early contact with Scottish Power 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.

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