

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 18 MARCH 2005

**04/1173/FL: PROPOSED ERECTION OF DWELLING
AT VACANT LAND, EWING WAY, STEWARTON
BY MR & MRS MORTON**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposed development is for the erection of one dwelling at a vacant plot in Ewing Way. The proposed dwelling is single storey with an integral garage and will be finished in white render and rough stone and will incorporate grey concrete interlocking roof tiles.

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 unless material considerations indicate otherwise.

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 letters of objection are noted but are not in themselves 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 the application will not require to be referred to the Development Services Committee.

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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04/1173/FL: PROPOSED ERECTION OF DWELLING AT VACANT LAND, EWING WAY, STEWARTON BY MR & MRS MORTON

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 vacant plot of land located at Ewing Way in Stewarton. The vacant plot is bounded by the residential properties of Ewing Way to the south and west, residential properties of Braehead Glebe and Balmoral Wynd and St Columba's Parish Church to the north.

2.2 **Proposed Development:** The proposed development is for the erection of one dwelling at a vacant plot in Ewing Way. The proposed dwelling is single storey with an integral garage and will be finished in white render and rough stone and will incorporate grey concrete interlocking roof tiles.

3. CONSULTATIONS AND ISSUES RAISED

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

Noted. Scottish Water point to the availability of a public sewer and a public water main.

3.2 Stewarton Community Council have offered comment with respect to the felling of the two healthy trees overhanging the site. They have no objection to the house in principle but object to the removal of trees covered by a Tree Preservation Order without just cause.

Noted. Consent to remove trees is not specifically sought within the context of this application. A separate application for permission to lop off those branches of the two relevant trees where they overhang the development site has been submitted and is being considered separately. Both these trees have been found to be unhealthy. See para 3.3 below.

3.3 East Ayrshire Council Department of Neighbourhood Services have offered the following comments:-

I can confirm my concerns regarding two Fagus Sylvatica (Beech) trees overhanging the site from the adjacent property. One of these trees has fungal rot (Daldinia concentrica) towards the base of the trunk, which indicates a weakness of the wood structure. The other tree has a cavity at its trunk base which is also a weak area. Due to both trees leaning towards the proposed house area, I recommend felling and replacing with suitable species within the location. The roots of the remaining large tree would require a protective fence erected 8m from its trunk.

Noted. Being covered by a Tree Preservation Order the necessary application for lopping of overhanging branches has been submitted and has the support of the Council's Arboricultural Officer. The applicant has contacted one of the objectors confirming his attempt to get consent from the Council for lopping and asking beyond that for their agreement to a complete felling with subsequent replacement planting. Should that legal authority not be forthcoming from the owner the application for lopping would remove sufficient of the threat to the adjacent land that development of a house would be without risk.

3.4 The Roads and Transportation Division have no objection subject to conditions and notes concerning the new access, parking and the availability of the turning head, being applied to any consent.

Appropriate notes and conditions can be attached to any consent.

4. REPRESENTATIONS

Two letters of objection have been received with respect to this application the grounds for which are outlined below:-

4.1 The building line to the rear of the property will extend approximately 15 metres beyond the existing building line of the adjoining property at 17 Ewing Way and in my representation represents an over-development of the site.

The proposal comfortably meets the Council's minimum private open space standards and design guidance for this type of development.

4.2 The site has a considerable incline away from Ewing Way in the general direction of St Columba's Church. The slope is also considerably raised from the level of my home and rear garden.

Noted. The proposed dwelling will be built into the slope and will sit slightly higher than the adjacent properties. The height differential is not considered sufficient to warrant refusal.

4.3 The proposed dwelling has a rear projection to form a living room and lounge, which will extend some 15 metres beyond the existing rear building line. Aside from the visual impact of the rear projection, the windows of the living room and half-landing area will directly overlook my home and garden from an elevated position. The finished height of the rear projection is not shown on the plans available and is of concern.

The proposal meets the Council's design guidance and its visual impact is not considered to be to the detriment of the site or neighbouring properties. The living room has no windows facing the rear garden of the objector and the landing window has approximately 20 metres separation distance to the rear of 5 Braehead Glebe. The rear projection will be built into the slope and will sit slightly higher than the adjacent properties, however this height differential is not considered sufficient to warrant refusal. A sectional drawing has been submitted which confirms the finished floor level for the rear living room at 84.4 m AOD with a maximum roof height of 88.3 m AOD. The roof height of the rear living room and lounge varies between 3.8 and, at the rearmost eave, 0.0 metres above the existing ground level, (before formation of the cut).

4.4 In my representation the living room and lounge projection to the rear of the proposed dwelling is inappropriate for the surroundings and will both overshadow and restrict my privacy.

The living room and lounge area is approximately 23 metres from the property of 5 Baehead Glebe and it is not considered that the proposed dwelling will cause overshadowing. The living room has no windows facing the rear garden of the objector and the landing window has approximately 20 metres separation distance to the rear of 5 Braehead Glebe. It is therefore considered that there will be no significant impact on the privacy of the adjacent property of 5 Braehead Glebe.

4.5 The plans continue to make reference to 2 No trees to be removed. I believe this relates to the proposed removal of two trees which are situated within my rear garden and which form part of a group of mature trees protected by a Tree Preservation Order. Two of these trees do indeed overhang the site of the proposed development and have done so for several decades. The Tree Preservation official with East Ayrshire Council visited the trees only 9 months or so ago and confirmed that they are in good health.

Plans now with the Division confirm the intention to cut back these two trees. The applicant has separately made contact with the objector to the east of the site enquiring whether they might gain the objector's permission to fell the trees, however, the proposal subject of the separate Tree Preservation Order application is simply to cut them back in line with the mutual boundary. The Council's Arboricultural Officer has confirmed as recently as 15 February 2005 that the two beech trees are diseased.

4.6 In my representation I submit that the proposed removal of two mature trees to facilitate the erection of a dwelling is unjustifiable. It would also significantly reduce the visual amenity of this part of Stewarton and have a negative environmental impact.

The trees in question have been assessed by the Council's Arboricultural Officer who has recommended that the trees be removed and replaced for the reasons outlined in section 3 above. Removal of the trees would be the most effective way of addressing their poor condition, however, removal of branches overhanging the application site would render the trees safe.

4.7 I would object to this if the house is two storey and set near the end of our garden area at the rear of our property. As I have concerns that this will block and limit sunlight into our garden and compromise our privacy.

The proposed dwelling is single storey and is set approximately 16 metres away from the property in question. The proposed development will not have a significant detrimental impact on the neighbouring property.

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;

It is not considered that the proposed development will have any adverse impact on the surrounding natural and built environment. The consequent works to trees overhanging the site are justified on safety grounds and are the subject of a separate Tree Preservation Order application.

- (ii) transportation and infrastructure implications;

The Council's Roads Division and other service providers have been consulted with respect to the above application and have offered no objections.

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

The proposed house is considered to be compatible with surrounding densities and house types.

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

The design of the house has been assessed in terms of East Ayrshire Council's Design Guidance and is considered to be acceptable.

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, representations and the impact of the proposal on the amenity of the area and immediate neighbours.

Consultations

6.2 The consultation responses, other than that from the Community Council, offer no objection to the proposed development. Given the comments from the Arboricultural Officer, there is a case for either cutting back or felling of two overhanging beech trees currently covered by a Tree Preservation Order.

Representations

6.3 The issues raised by the objectors 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.

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 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 letters of objection are noted but are not in themselves 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 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 there would be no 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. Letters 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 & COUNTRY PLANNING (SCOTLAND) ACT 1997

Site of Proposal:	Vacant Land Ewing Way STEWARTON
Nature of Proposal:	Proposed Erection of Dwelling
Name & Address of Applicant:	Mr & Mrs Morton 13 Manor Avenue KILMARNOCK
Name & Address of Agent:	Thomson Dawes Architects 21 Portland Road KILMARNOCK

DPOs Reference: EMcL/MMM

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 19 November 2004 as revised by the amended plans received by the Planning Authority on the 15 December 2004.

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 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

3. Notwithstanding the plans hereby approved details/samples of the roofing material to be used in the construction of the dwelling 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

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 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

5. The new access crossing for vehicles must be widened to accommodate parking for two vehicles to sit side by side within the front garden with access to the front door also being taken into account.

REASON In the interests of road safety and residential amenity.

6. Notwithstanding the plans hereby approved the turning head area shall be kept clear for the duration of the construction of the dwelling.

REASON In the interests of road safety and residential amenity.

7. There shall be no commencement of development on site until there has been granted appropriate permission to remove the threat to the safety of persons using the site which arises from the overhanging of the site by two *Fagus Sylvatica* (Beech) trees.

REASON These trees are currently assessed as being diseased and their removal or lopping to render them safe will require permission under the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas)(Scotland) Regulations 1975.

8. Further to Condition 7 above, there shall be submitted for approval by the Planning Authority a tree planting scheme that addresses the impact in terms of loss of planting/screening, arising from the works to the two beech trees. The new planting shall be implemented during the first appropriate planting season following occupation of the dwellinghouse hereby approved.

REASON In the interests of visual amenity.

NOTES:-

1. Early contact should be made with Keith Stewart at East Ayrshire Roads and Transportation Division on 01563 576358 to ensure that all necessary permits are obtained prior to the commencement of work on site.

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 Transco at 95 Kilbirnie Street, Glasgow on 0141 418 4093 as Transco apparatus may be located on or adjacent to the site in order to prevent damage to said apparatus.

**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.**