

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 17 MARCH 2006**

**05/1045/FL: CHANGE OF HOUSE TYPES FOR PLOTS 3 & 4 AND  
REALIGNMENT OF ROAD AFFECTING PLOTS 3, 4 AND 7  
AT BRIDGEND, STEWARTON  
BY JOHN HENRY HOMES**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 The application site is the cul-de-sac section of the development approved under 04/1138/FL for the residential development on Bridgend. This proposal involves the substitution of two house types within the cul-de-sac on plots 3 and 4 as well as the realignment of the roadway requiring minor amendments to the boundaries of Plots 3, 4 and 7.

#### **2. RECOMMENDATION**

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

#### **3. CONCLUSIONS**

3.1 As indicated in section 5 of the report, the application is considered to be in compliance 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.

#### **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 taken on the basis of the principle of residential development, then, the application will require to be referred to the Development Services Committee because such a decision would represent a substantial departure from 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 the proposed development is subject to objections.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The site extends to approximately 0.3 hectares and lies adjacent to the Annick Water at the western end of Bridgend. The site has been cleared of its former industrial buildings and is generally level. Construction works have commenced on the site under a previous planning permission.

2.2 The site is bounded to the west by an area of public open space and to the north by the Travis Homes housing site. The Annick Water forms the southern site boundary while the eastern boundary of the site is the remainder of the John Henry Homes construction site.

2.3 **Proposed Development:** The application site is the cul-de-sac section of the development approved under 04/1138/FL for the residential development on Bridgend. This proposal involves the substitution of two house types within the cul-de-sac on plots 3 and 4 as well as the realignment of the roadway requiring minor amendments to the boundaries of Plots 3, 4 and 7.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no objection to the proposal

***Noted.***

3.2 Transco has forwarded a copy of its record plan showing the location of their plant and has recommended that the applicant contact their Glasgow operations office prior to the commencement of works on site.

***A copy of the Transco consultation response can be forwarded to the applicant and an advisory note attached to any decision notice issued.***

3.3 Stewarton and District Community Council have objected to the proposal on the basis that the houses are too big for the plots and that the house on plot 3 overlaps the footpath. The houses appear to have a small garden areas.

***The three plots affected by this application all meet the required 100 sq metres of private garden ground. The original application drawings did have a minor error which has been corrected.***

3.4 The houses are very close to the footpath and would block the 90m sightline from the cul-de-sac. Off road parking spaces are inadequate.

***The Roads Division have indicated no objection to the proposal.***

3.5 The boundary line linking Plots1 and 5 does not show the proximity of the river to this boundary and we have concerns regarding the proximity of the houses to the river.

***This application does not relate to Plots 1 and 5 which lie between the site and the river.***

#### **4. REPRESENTATIONS**

4.1 No objections have been received from members of the public in relation to this proposal however as indicated above the Community Council have objected.

#### **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 (2003).

##### Approved Ayrshire Joint Structure Plan

5.2 There are no structure plan policies relevant to this proposal.

## East Ayrshire Local Plan

5.3 Planning Consent 04/1138/FL, for the overall residential development of the Bridgend site was assessed in terms of Policies IND 8, RES 4, RES 19, RES 21, RES 22, ENV 17 and ENV 18 of the East Ayrshire Local Plan and was found to be an acceptable development.

5.4 This proposal, which is a minor variation of the original approved housing scheme, requires to be assessed against Policy RES 22 of the Local Plan. It states that all developers will require to observe the minimum private open space criteria and standards detailed in Schedule 4 of the Local Plan.

***The proposed development meets the required private garden ground standards.***

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

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and the planning history of the site.

### Consultation Responses

6.2 With the exception of the Community Council the consultation responses are shown to be supportive of the application.

### Impact on Amenity

6.3 As this proposal is an amendment of a larger scheme it is proposed that the relevant conditions of the original consent be attached to any grant of planning consent. It is considered that the proposed changes to the residential development will not have a detrimental impact on the amenity of the surrounding area.

### Planning History

6.4 Planning Permission 04/1138/FL was granted consent on 04 October 2005 for a residential development of the site. Said consent included a Section 75 Agreement for the upgrading of the adjacent area of open space and the provision of appropriate traffic calming.

6.5 Planning Permission 03/1030/FL was granted on 04 October 2004 for 56 houses at this location. Said consent included a Section 75 Agreement for the upgrading of the adjacent area of open space and the provision of appropriate traffic calming.

6.6 03/0783/FL: An application for full planning permission for proposed new build private development at Bridgend, Stewarton was withdrawn on 20 November 2003.

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

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

## **8. CONCLUSIONS**

8.1 As indicated in section 5 of the report, the application is considered to be in compliance 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.

## **9. RECOMMENDATION**

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

## **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 taken on the basis of the principle of residential development, then, the application will require to be referred to the Development Services Committee because such a decision would represent a substantial departure from Council Policy.

**Alan Neish**  
**Head of Planning and Building Control**

08 March 2006  
(CSI/MMM)

FV/DVM

## LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certifications.
3. Consultation Responses.
4. Adopted East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan (1999).
6. Planning Application Reference Nos: 04/1138/FL, 03/0783/FL and 03/1030/FL.

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 &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

05/1045/FL

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Site of Proposal:	Plots 3 and 4 Bridgend Stewarton KILMARNOCK KA3 5BF
Nature of Proposal:	Change of House Type for Plots 3 and 4 and Local Road Realignment affecting Plots 3, 4 and 7
Name & Address of Applicant:	John Henry Homes Stewarton Ltd The Studio Old Mains Cadzow Avenue GLASGOW G46 6RD
Name & Address of Agent:	Jacobsen French The Studio Old Mains Cadzow Avenue GLASGOW G46 6RD

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DPOs Reference: CSI/MMM

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

1. Prior to the commencement of works on site, samples of all materials to be used for the external finishes of the buildings and surfaces of the internal access road and parking spaces shall be submitted to and approved in writing by the Council as Planning Authority and thereafter implemented as approved.

REASON To ensure that full details of all the external finishes of the buildings and internal road and parking spaces including colours, are agreed.

2. Prior to the commencement of works on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved in writing by the Planning Authority. Prior to the

occupation of any dwellinghouses within the site, the SUDS arrangement approved under the terms of this condition shall be installed and be fully operational.

REASON To ensure the provision of adequate surface water drainage within the site.

3. Site clearance and external construction works shall take place only between 8 am and 6pm, Monday to Friday, and between 9.00 am and 1.00 pm on Saturdays. No such works shall be undertaken at any time on Sundays.

REASON In the interests of the residential amenity of the surrounding area.

4. Prior to the occupation of any of the residential units to which they relate, vehicle car parking spaces shall be provided in accordance with the approved plans.

REASON To ensure appropriate parking facilities are available within the site for incoming residents.

5. The proposed scheme of traffic calming shall be completed to the satisfaction of the Planning Authority prior to the occupation of any of the dwellinghouses.

REASON In the interests of road safety.

6. Details of the location, design and construction of all permanent fences and walls to be erected on the site shall be submitted to and approved in writing by the Planning Authority before any development commences on the site and thereafter implemented as approved.

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

7. Prior to the commencement of development on site the applicant shall submit either written confirmation of the suitability of the proposed bin storage arrangements to accommodate the Council's three bin re-cycling scheme, or revised drawings indicating appropriate revisions to the submitted bin store details. Thereafter, the bin storage shall be provided as agreed by the Planning Authority.

REASON In the interests of visual and residential amenity.

#### NOTES TO APPLICANT:-

1. Prior to the commencement of development on the site, the applicant should satisfy himself as to the suitability of the site for construction purposes.

2. A copy of the consultation response received from Transco is attached. The developer is strongly advised to note same and take any appropriate recommended action.
3. SEPA have advised that all drainage arrangements should be to the public sewer and consideration given to the use of Sustainable Urban Drainage (SUDS) techniques for the disposal of surface water. SEPA have further advised that any waste arising should be disposed of at a suitably authorised site. The developer is advised to contact SEPA at 2 Alloway Place, Ayr, KA7 2AA, Tel 01292 294 000, particularly with regard to confirming the consequences, if any, of surface water drainage connection to the public sewer.
4. The applicant should make early contact with Scottish Water at their Office at 35 Glenburn Road, Prestwick, KA9 2NS, Tel 0845 601 8855.
5. Following the advice in Note 3 above, the developer is advised that the Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific arrangements 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. The developer should not assume that East Ayrshire Council will undertake maintenance unless there is a site specific agreement to that effect. Where the developer makes his own maintenance arrangements, the Council will require to be convinced that these will work without impact on Council interests.
6. The applicant will require to secure the necessary Roads Construction Consent, details of which should be discussed with the Roads and Transportation Division of East Ayrshire Council.
7. The applicant should contact Scottish Power to discuss alteration/protection of their apparatus within the site.
8. 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. 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.

**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.**