

## **EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 27 JANUARY 2006**

**05/0818/FL: ERECTION OF TWO DETACHED DWELLINGHOUSES AT PLOT  
OF GROUND ADJACENT TO ARMOUR WYND, DALMELLINGTON**

**APPLICATION BY ROBERT JOHNSTONE & SON LTD**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 Full planning permission is sought for the erection of two identical detached one and a half storey dwellings incorporating a dual access. The proposed finishing materials are noted as roughcast with rustic red facing brick, grey concrete roof tiles and white uPVC window units.

#### **2. RECOMMENDATION**

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

#### **3. SUMMARY OF ANALYSIS**

3.1 As indicated in section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application.

3.2 The site is noted within the East Ayrshire Local Plan as forming part of the Development Opportunity Site 074h, therefore the principal of residential development at this location has been established. The initial design was for the erection of two semi detached properties which was considered unsuitable at this location. Subsequently an amendment was made to the plans now proposing two detached dwellings which are perceived as a more appropriate development for this particular location.

3.3 To conclude, the consultation responses and representations received would indicate that the approval of this application would be appropriate given the attachment of an appropriate condition relating to a detailed tree root

investigation which shall be to the satisfaction of the Planning Authority and carried out prior to any works commencing on site.

### **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 such refusal be on the basis of the principle of residential development at this location, then the application will require to be referred to the Development Services Committee because it would be a significant departure from the East Ayrshire Local Plan.

**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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05/0818/FL: ERECTION OF TWO DETACHED DWELLINGHOUSES AT PLOT OF GROUND ADJACENT TO ARMOUR WYND, DALMELLINGTON

APPLICATION BY ROBERT JOHNSTONE & SON LTD

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 proposal is subject to objections.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The site lies approximately 36 metres from the entrance to Armour Wynd which is located to the north of Dalmellington with access taken from the B741 Dalmellington to New Cumnock Road. The site is bounded to the rear by the garden ground of two properties, these being Gillies Knowe and Roulea, both of which are positioned on elevated ground and bounded by a 1.8 metre wooden fence. A number of mature trees are positioned along the length of this boundary with the majority falling within the garden ground of the two neighbouring dwellings. Glebe House Nursing Home is located immediately to the west of the red line site with a similar one and a half storey new dwellinghouse in the process of construction, positioned immediately to the east of the site.

2.2 The site extends to an approximate area of 1000 metres<sup>2</sup> comprising of level undeveloped overgrown ground within an area identified within the Adopted East Ayrshire Local Plan 2003 as a site suitable for residential development.

2.3 **Proposed Development:** Full planning permission is sought for the erection of two identical detached one and a half storey dwellings incorporating a dual access. The proposed finishing materials are noted as roughcast with rustic red facing brick, grey concrete roof tiles and white uPVC window units.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Dalmellington Community Council has not responded to the consultation letter at the time of writing this report

***Noted***

3.2 East Ayrshire Council Roads and Transportation Division has no objections to the proposed development subject to the following road safety requirements being met:

- (i) The access to each plot shall be taken via a twinned dropped kerb footway access crossing off Armour Wynd and the existing access crossing on the plot frontage must be closed off and the footway and kerb reinstated to East Ayrshire Council standards.
- (ii) Two number of road car parking spaces shall require to be provided for each dwelling.
- (iii) Each proposed driveway/parking area should not be less than 10 metres in length by 2.5 metres wide.
- (iv) Any garages must be set back a minimum distance of 6m from the rear of the footway
- (v) The private driveway will require to be paved for a minimum distance of 2 metres from the rear of the footway, to avoid the over carry of loose material onto the public road.
- (vi) Any gates will require to open inwards, away from the public road.
- (vii) No surface water shall be allowed to discharge from the site onto the public road.
- (viii) No boundary walls/hedges/fences along the public road boundary must exceed 1 metre in height.

***Conditions can be attached to any consent granted for the development to meet the requirements of the Roads Division***

3.3 The Scottish Environment Protection Agency has no objections in principle to the development providing that all foul drainage from the development is connected to the public sewerage system in accordance with Scottish Water requirements. Surface water must be excluded from the foul drainage system to minimise the amount of drainage being treated and should be discharged to a separate soakaway or a watercourse via a suitably designed SUDS system.

***Notes can be attached to any consent granted for the development to meet the requirements of the Scottish Environment Protection Agency***

3.4 Power Systems has no adverse comments to make on this application.

***Noted.***

3.5 Transco has no adverse comments to make on this application.

***Noted.***

3.6 Scottish Water has no objections in principle to the proposed development provided that a separate application is made to Scottish Water Planning and Development Services team for permission to connect to the public wastewater system and/or water network. In addition, a separate drainage system may be required with respects to the surface water discharge from the site.

***Notes can be attached to any consent granted for the development to meet the requirements of the Scottish Water***

#### **4. REPRESENTATIONS**

4.1 Two representations have been received with regards to the proposed development. The main points of which are summarised below:

4.2 I am writing to express my concern at the above proposal and in particular the potential damage that may be caused to the root systems of trees within our property. I am worried that the excavation required for these new buildings will come dangerously close to the root systems of the trees causing them to become unstable if not killing them outright.

***The proposed development backs on to a relatively small section of the rear garden ground belonging to the objector creating a distance of some 6 metres between the first proposed dwelling and the existing rear boundary fence. A number of mature trees are present along this boundary albeit most falling within the garden ground of the objector. It is a valid concern that any excavation works may cause damage to the established root system of the mentioned trees which will be within approximately 6 metres from the proposed dwellings. Therefore it is considered appropriate in the interest of public safety to attach a condition requiring the developer to undertake a tree root investigation to ensure the established rooting systems of the trees will not be adversely affected by the proposed development.***

4.3 My concern is well founded as during or just after the building of my neighbours house several years ago, the root system of a similar, though possibly smaller tree was damaged causing the tree to fall blocking Cumnock

Road. Should the same result occur due to the building of these new houses the potential for property damage or even worse personal injury is a serious possibility.

***The damage to the root system of mature trees during the excavation and construction phase of the proposal could have consequences for the stability and health of the existing trees. Therefore it is considered appropriate and important that the developer carry out a detailed tree root investigation to the satisfaction of the Planning Authority before any development commences on site. This can be required by a condition on any consent granted.***

## **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).

### Ayrshire Joint Structure Plan

5.2 There are no policies relevant to this application contained within the Ayrshire Joint Structure Plan.

### 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 principle of housing development at this location is acceptable as the site forms part of a larger residential development opportunity site 074H.***

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 with the Council's minimum private open space standards.***

5.5 Policy ENV4 seeks to ensure that all development within or affecting the setting of a Conservation Area or affecting the appearance or setting of a Listed Building, is sympathetic to the area or building concerned in terms of its layout,

size, scale, design, siting, materials and colour of finish. The policy also states that development proposals should seek to preserve, enhance or incorporate features, which contribute positively to the character or appearance of the area and have due regard to the architectural and historic qualities of the area or building concerned.

***The design of the proposed houses is acceptable for this location.***

***As this site is identified within the East Ayrshire Local Plan as a Development Opportunity Site and the proposed house types meet with the Council's design criteria, it is therefore considered that this proposal is supported by the development plan.***

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

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representations and the statement of support.

### Consultations Responses

6.2 The consultation responses received would indicate that the approval of the application would be appropriate.

### Representations

6.3 The two, third party representations received show valid concerns with respect to the effect the proposed development could have on the stability of some mature trees bounding the site. However, it is considered that this point has been sufficiently addressed in Section 4 of the report and therefore it is considered that it is not of sufficient weight to merit refusal of the application.

## **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 accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate

otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application.

8.2 The site is noted within the East Ayrshire Local Plan as forming part of the Development Opportunity Site 074h, therefore the principal of residential development at this location has been established. The initial design was for the erection of two semi detached properties which was considered unsuitable at this location. Subsequently an amendment was made to the plans now proposing two detached dwellings which are perceived as a more appropriate development for this particular location.

8.3 To conclude, the consultation responses and representations received would indicate that the approval of this application would be appropriate given the attachment of an appropriate condition relating to a detailed tree root investigation which shall be to the satisfaction of the Planning Authority and carried out prior to any works commencing on site.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions listed 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 such refusal be on the basis of the principle of residential development at this location, then the application will require to be referred to the Development Services Committee because it would be a significant departure from the East Ayrshire Local Plan.

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

10 January 2006  
RG/SMB  
FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Two Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).

Anyone wishing to inspect the above background papers should contact Mr Ghosh on 01563 555483.

**Implementation Officer: Dave Morris**

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/0818/FL

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Location	Plot Of Ground Adjacent To Armour Wynd, Dalmellington
Nature of Proposal:	ERECTION OF TWO DETACHED DWELLINGHOUSES
Name and Address of Applicant:	ROBERT JOHNSTONE AND SONS LTD GALLOWHILL LESMAHAGOW ROAD, STRATHAVEN
Name and Address of Agent	MR M BOSTON ARCHITECTURAL SERVICES LTD 34 MAIN STREET PRESTWICK KA9 1NX

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DPO's Ref: Robin Ghosh  
PPO's Ref: Hugh Melvin

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

1) Prior to the commencement of any development works on site the applicant shall submit to the Planning Authority, for prior written approval, a detailed foundation plan highlighting any potential tree roots which may be affected by excavation works and presenting working and/or construction practices such that any roots found are protected as far as possible. These practices may include the foundation being excavated manually.

REASON: To ensure that the adjacent mature trees, located outwith the site area are not adversely affected by any excavation works in the interests of public safety.

2) Notwithstanding the submitted plans, the roof tiles and facing brick are not hereby approved, and details/samples of roof tiles and facing brick shall be submitted to and approved by the Planning Authority before any development commences on site

REASON: In the interest of visual amenity.

3) Notwithstanding the submitted plans access to each plot shall be taken via a twinned dropped kerb footway access crossing off Armour Wynd and the existing access crossing on the plot frontage shall be closed off and the footway and the kerb reinstated to EAC standards.

REASON: In the interests of public and road safety.

4) No surface water shall issue from the site onto the public road. The first two metres of the driveway shall be surfaced in order to prevent deleterious materials being deposited onto the public road.

REASON: To ensure the provision and maintenance of a secure road surface in the interest of road and public safety.

5) Notwithstanding the submitted plans, parking spaces for two cars shall be provided and maintained within the site for each dwelling.

REASON: In the interest of road safety.

6) Notwithstanding the submitted plans each of the proposed driveways shall not be less than 10 metres in length by 2.5 metres wide.

REASON: In the interest of road safety.

7) Notwithstanding the submitted plans, any access gates to be provided shall open away from the public road to prevent obstruction.

REASON: In the interest of road safety

8) Notwithstanding the submitted plans, any garage to be erected shall be set back a minimum distance of 6 metres from the rear of the footway

REASON: In the interests of road safety

## **NOTES**

- 1) The applicant shall make early contact with the Scottish Environment Protection Agency (SEPA) with respects to a surface water treatment system. SEPA can be contacted on 01292 294000.
- 2) The applicant shall make early contact with Scottish Water with respect to securing a connection to the public waste water system, prior to commencing work on site.