

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 28 APRIL 2006

**05/1305/FL: ERECTION OF TWO DWELLINGHOUSES AT GROUND
ADJACENT TO 25 LOCH ROAD, MAUCHLINE**

APPLICATION BY MR E SHANKLAND

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of two single storey dwellinghouses with a shared access road taken from the existing turning area of Loch Road. The finishing materials proposed for the dwellings are noted as white dry dash and red facing brick covering the external walls with a flat grey concrete roof tile.

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; however it is considered that these are not of sufficient weight to warrant the refusal of this application.

3.2 The application site lies within the settlement boundary of Mauchline on vacant overgrown land to the east of Loch Road. It is proposed that access to the site be taken by extending the existing Loch Road turning area by utilising a portion of the garden ground of 25 Loch Road owned by the applicant. The two proposed dwellings are considered to be appropriate in terms of design and scale with both sites incorporating a sufficient level of private open space.

3.3 The consultation responses would indicate that approval of this application is appropriate and it is considered that with the imposition of

conditions to any consent granted the third party letters of objection would not carry significant weight to justify the refusal of this 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 would not require to be referred to the Development Services Committee as it would not 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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APPLICATION BY MR E SHANKLAND

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 the subject of objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The red line application site is located within the settlement boundary of Mauchline on land at the east end of Loch Road directly adjacent to the property of 25 Loch Road. The land is currently undeveloped, overgrown, slightly undulating ground with scattered areas of vegetation. Along the western section of the site a small narrow watercourse passes through providing a natural boundary with the adjacent dwellings. The site is not clearly visible from Loch Road with a raised brick built flower bed and wooden slatted fence providing screening. The surrounding properties largely consist of 2 storey terraced dwellings along the north and eastern sections of Loch Road with a bungalow occupying a location directly adjacent to the application site.

2.2 The application site extends to include an area of some 1600 metres² which in its current condition is largely made up of overgrown ground.

2.3 **Proposed Development:** Full planning permission is sought for the erection of two single storey dwellinghouses with a shared access road taken from the existing turning area of Loch Road. The finishing materials proposed for the dwellings are noted as white dry dash and red facing brick covering the external walls with a flat grey concrete roof tile.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Mauchline 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) No surface water shall be allowed to discharge from driveways onto existing public road.
- (ii) A minimum of two off road parking spaces shall be provided for each dwelling.
- (iii) The private driveways shall require to be paved for a minimum distance of two meters from the rear of the footway to avoid the overcarry of loose material onto the public road.
- (iv) Any gates shall require to open inwards away from the public road.
- (v) Any garages shall be set back a minimum distance of 6 metres from the rear of the footway.
- (vi) Access to the site shall be taken via a standard driveway access crossing to East Ayrshire Roads Department standards.
- (vii) The parking area within 25 Loch Road is to be repositioned within the existing garden to ensure no loss of parking provision to the existing property.
- (viii) Following removal of the flower bed the adjacent footway will require to be extended.

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

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

Noted.

3.4 The Scottish Environment Protection Agency has no objections in principle to the development provided 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.

A note can be attached to any consent granted for the development to meet the requirements of the Scottish Environment Protection Agency.

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

Noted.

4. REPRESENTATIONS

4.1 Three separate letters of representations have been received with regard to the proposed development. The main points of these are summarised below:-

4.2 I must object to the project on the basis of the proposed access road. This proposed access as well as bringing the road to an unacceptable proximity to the existing block of houses proposes utilization of what was the parking area provided for this portion of the street and which was ultimately cordoned off, reclaimed and planted due to subsidence in this area.

The Roads and Transportation Division as a statutory consultee in this planning application have no objections to the proposal in terms of road safety, subject to conditions as listed in section 3.2 of the report. The proposed access road will be in close proximity to the neighbouring property of 25 Loch Road which is noted as under the applicant's ownership. However the Roads and Transportation Division have requested that the parking area within 25 Loch Road is repositioned within the existing garden to ensure no loss of parking provision to the existing property.

4.3 In any case any development in this area will result in the loss of subsidence governing work already carried out and in the loss of several trees in the immediate vicinity which will be contributing to binding the area with their root systems.

The above point relating to the possibility of subsidence, although important is not a planning matter and the responsibility for ensuring ground stability lies with the owner/applicant.

4.4 Whilst the housing site in itself may look okay the access road into it does not appear to boast any kind of turning point at all which in turn could mean that services e.g. bucket lorries would have to reverse the full length of the access road.

The Roads and Transportation Division have provided detailed comments and as the proposal is creating only two houses there is no requirement for the adoption of the new proposed section of road. However this would indicate that refuse collection will be taken at the entrance to the proposed new access.

4.5 The present existing butt shown on the drawings was erected to prevent vehicles parking and turning in an area that is subject to severe subsidence. Already the associated boundary fence erected by the Council is starting to show signs of movement and has fallen away from the upright position.

Issues relating to the subsidence are important to ensure no further damage is created, however this can be included as a condition of any planning consent granted that prior to the commencement of any development a detailed site investigation will be required to determine the effect of the proposal on the ground conditions and the a further condition can be included to ensure a suitable new retaining wall is erected in its place along the entrance section to the proposed road.

4.6 Do the proposals show adequate planning to prevent any heavy construction traffic to cause subsidence, slippage and subsequent damage to my property? Will the road once constructed be of sufficient capability for the carriage of any emergency vehicles that may require access to the proposed new properties without also causing the same type of damage?

See comments as per section 4.5.

4.7 Will nearby residents have sufficient turning space for their cars to allow safe access and egress?

The Roads and Transportation Division are required to provide detailed comments on the proposal in terms of road safety. No issues relating to road safety have been identified which can not be addressed with the imposition of suitable conditions which are noted in section 3.2 of this report. The information submitted would suggest that the existing residents turning arrangement will not be adversely affected by the proposal.

4.8 Can residents of Loch Road and adjacent properties be safely protected from any construction traffic that may use the road for access to the site?

Although this is an understandable concern, Loch Road is a public road and unfortunately protection from construction traffic is not a valid planning ground for objection.

4.9 My wife and I have spent a great deal of time, effort and cost on our garden which is alongside the Loch Road boundary fence. We wish to prevent any damage to the garden and stress to ourselves. My wife and I are both retired and enjoy the pleasure of our back garden and this should not be allowed to be endangered in any way whatsoever.

The proposed access road to the application site is immediately adjacent to the boundary of the above mentioned property divided by a small watercourse. In response to the removal of a raised retaining flower bed, adjacent to both the proposed access road and rear section of a neighbouring garden, a condition can be attached to any consent granted ensuring that a further retaining/feature wall is constructed in place of the flower bed on the north western section of the application site. This would assist in supporting the ground contained within the adjacent neighbouring property.

4.10 An application for planning has already been considered and refused for development of this land. We are unaware of any significant changes which would now make development acceptable.

An outline planning application was made in 1993 for the erection of a single dwellinghouse on the proposed site. However this differed from the present application as a new private access road was proposed which was to be taken from the High Street rather than utilising the existing access of Loch Road. This was subsequently deferred by the Roads Department at the time and the application was refused on road safety grounds.

4.11 It appears from the plans that access to the land will be from Loch Road. This will increase the amount of traffic on what is a narrow street.

Access is proposed to be taken from Loch Road which currently has a narrow turning area at its end. The new access would be taken on land to the eastern corner of this area widening the area for turning somewhat. The Roads and Transportation Division have provided detailed comments and have provided no adverse comments on the increased traffic using Loch Road.

4.12 We assume adequate consideration has been given to any affects on the water courses surrounding the land from the proposed development.

As part of the Planning Application process the Scottish Environment Protection Agency (SEPA) are consulted on the proposed development works and asked to provide detailed comments highlighted in section 3 of this report. The consultation response makes no reference to any adverse affects on the adjacent watercourse as a result of the development. However as the proposal will require crossing the small watercourse and will involve the development of ground immediately adjacent, a condition can be attached to ensure that the watercourse is not adversely affected by any development works.

4.13 We would expect adequate assurance that there will be no impact on our property and that drainage will ensure there is no runoff.

As stated above SEPA have provided no objections to the proposal however request that all surface water be excluded from the foul drainage and discharged to a separate soakaway or a watercourse via a suitably designed SUDS system.

4.14 If for reasons we are not party to at this moment the planning were to be successful we would expect a sufficiently high fence or hedge will be put in place to ensure privacy both for ourselves and the residents of the proposed new properties.

The application site occupies ground at a lower level than the dwellings to the west and is of a suitable distance to minimise any issues of overlooking. However in the interests of privacy for both the existing dwellings to the west of the site and the proposed new dwellings a condition can be attached to any consent ensuring suitable boundary screening along the western boundary of the site.

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 (1999) 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 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;

Residential use of this site is unlikely to have any detrimental impact on the surrounding natural and built environment and adjacent uses as it is proposed within an existing residential area.

- (ii) transportation and infrastructure implications;

This is subject to satisfactory responses from the Roads Division and other consultees.

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

There are similar houses and densities adjacent to the proposed site.

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

The proposal meets with the Council's Design Guidance relating to New Residential Development.

- 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.

It is considered that the proposed house types and private open space are consistent with policy and therefore, 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, representations and planning history of the site.

Consultations Responses

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

Representations

- 6.3 Noted within all the letters of objection are issues relating to the access arrangements and associated ground stability. However with the imposition of appropriate conditions such issues can be mitigated.

Planning History

6.4 The application site has been the subject of one planning application, made in 1993. Details of this are provided below:

- 93/0301/OL – An outline planning application for the erection of a single dwellinghouse was refused under delegated powers on 23rd February 1994. The application was refused on the grounds that the dwellinghouse was located on land outwith the settlement boundary and the proposed access road was inappropriate.

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; however it is considered that these are not of sufficient weight to warrant the refusal of this application.

8.2 The application site lies within the settlement boundary of Mauchline on vacant overgrown land to the east of Loch Road. It is proposed that access to the site be taken by extending the existing Loch Road turning area by utilising a portion of the garden ground of 25 Loch Road owned by the applicant. The two proposed dwellings are considered to be appropriate in terms of design and scale with both sites incorporating a sufficient level of private open space.

8.3 The consultation responses would indicate that approval of this application is appropriate and it is considered that with the imposition of conditions to any consent granted the third party letters of objection would not carry significant weight to justify the refusal of this application.

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, the application would not require to be referred to the Development Services Committee as it would not be a significant departure from the East Ayrshire Local Plan.

Alan Neish
Head of Planning, Development and Building Standards

10 April 2006
RG/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. 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: 05/1305/FL

Location	LAND ADJACENT 25 LOCH ROAD, MAUCHLINE
Nature of Proposal:	ERECTION OF TWO DWELLINGHOUSES
Name and Address of Applicant:	MR E SHANKLAND 25 LOCH ROAD MAUCHLINE
Name and Address of Agent	N/A

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

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

- 1) Notwithstanding the provisionS of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, (or any order or enactment replacing this) no extensions or garages shall be erected on the site unless a further specific planning application is submitted to and approved by the Planning Authority.

REASON: To enable the Planning Authority to ensure that such structures are provided in a manner compatible with the visual amenity of the area.

- 2) Notwithstanding the submitted plans the garages as shown on the site layout plan are not hereby approved. Details of the proposed garages shall be submitted to and approved by the Planning Authority prior to the commencement of any works on site.

REASON: To enable the Planning Authority to ensure that the garages are of a suitable size and design compatible with the visual amenity of the area.

- 3) Notwithstanding the submitted plans, parking spaces for two cars shall be provided and maintained for each dwelling.

REASON: In the interest of road safety.

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

REASON: In the interest of road safety.

- 5) Access to the site shall be taken via a standard driveway access crossing to East Ayrshire Roads Division standards.

REASON: In the interest of road safety.

- 6) 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.

- 7) Notwithstanding the submitted plans the parking area within 25 Loch Road shall be repositioned within the existing garden to ensure no loss of parking provision to the existing property.

REASON: In the interest of road safety.

- 8) Notwithstanding the submitted plans any garages shall be set back a minimum distance of 2 metres from the rear of the footway.

REASON: In the interest of road safety.

- 9) Prior to the commencement of any development work the footway adjacent to the flower bed will require to be extended following removal of the flowerbed.

REASON: In the interest of road safety.

- 10) Prior to the commencement of any development work details of a retaining/feature wall to replace the raised flower bed along the north west boundary shall be submitted to and approved by the Planning Authority and implemented on site within two months of works commencing.

REASON: In the interests of residential amenity.

- 11) Notwithstanding the submitted plans no construction materials shall enter or be stored within close proximity to the adjacent watercourse.

REASON: In the interest of environmental protection.

- 12) Notwithstanding the submitted plans the southern and eastern boundaries of the site (as shown in yellow on the docketed approved plan) shall be defined by either a dry stone wall or a native hedgerow, full details of which shall be submitted to and agreed by the Planning Authority within 2 months of the dwellinghouse being completed on site. These boundary features shall be provided within six months of the house being completed.

REASON: In the interests of visual amenity and to prevent an inappropriate suburban interface with the rural area which would be detrimental to the landscape character of the area.

- 13) Notwithstanding the submitted plans, and prior to the occupation of the dwellinghouses, the western and northern boundaries of the site shall be defined by a vertically profiled wooden fence, details of which shall be submitted to and approved by the Planning Authority prior to the commencement of development.

REASON: In the interests of visual amenity.

14. Prior to the commencement of development on site, the applicant shall have submitted to and received written approval from the Planning Authority in respect of a detailed site investigation addressing the prevailing ground conditions and any measures necessary to address past subsidence on the site. The investigation shall be undertaken by an appropriately qualified professional and shall also consider the combined impact, if any, of construction vehicles and the subsequent development itself on adjoining property.

REASON – To ensure that full account is taken of the past record of subsidence in respect of the application site.

NOTE TO APPLICANT

1. All foul drainage from the development should be connected to the public sewerage system and surface water should be excluded from the foul drainage system. The means of achieving this should be agreed with the Scottish Environment Protection Agency. All waste materials removed from the site shall be removed by a licensed waste carrier and disposed at a suitably licensed site.

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