

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 28 APRIL 2006

**06/0160/FL: PROPOSED ERECTION OF ONE AND A HALF STOREY
DWELLING AT 33 ARRAN DRIVE, AUCHINLECK**

APPLICATION BY MR B BAIN

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a single detached one and a half storey dwellinghouse incorporating two pitched roof dormers to the front. The proposed finishing materials are wet dash render with 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; however it is considered that these are not of sufficient weight to warrant the refusal of this application.

3.2 The application site falls within the settlement boundary of Auchinleck positioned within a largely residential area. Although the site is small in scale the proposed dwelling is perceived to be of an appropriate size and scale with both the plot and the surrounding dwellinghouses with the minimum level of private open space being achieved.

3.3 The consultation responses would indicate that approval of this application would be appropriate and it is considered that the single letter of objection does 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 will not require to be referred to the Development Services Committee because 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 B BAIN

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 forms an area of ground triangular in shape directly adjacent to 33/35 Arran Drive lying to the north west of the settlement of Auchinleck. The land is currently undeveloped and well maintained and used as part of the garden ground for the adjoining property. The site fronts onto the flatted properties of number 2 – 8 Arran Drive and to the rear the site is bounded by the rear gardens of numbers 1 – 4 William McComb Court. To the north west the site bounds the curtilage of the residential dwellings of 33 and 35 Arran Drive. It is noted on the site plan that the applicant has ownership of a strip of ground within the curtilage of number 33 and 35 Arran Drive.

2.2 The application site extends to an approximate area of 288 metres² comprising of level undeveloped ground.

2.3 **Proposed Development:** Full planning permission is sought for the erection of a single detached one and a half storey dwellinghouse incorporating two pitched roof dormers to the front. The proposed finishing materials are wet dash render with red facing brick, grey concrete roof tiles and white uPVC window units.

3. CONSULTATIONS AND ISSUES RAISED

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

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 the 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) The proposed double driveway shall not be less than 5.0 metres wide.
- (v) Any gates shall require to open inwards away from the public road.
- (vi) Access to the site shall be taken via a standard driveway access crossing to East Ayrshire Roads Department standards.

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 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 respect to the surface water discharge from the site.

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

3.5 Transco has no objections in principle to the proposed development however advise that a site visit should be undertaken prior to any works commencing on site due to the presence of sensitive plant in this area. It is further noted that a 63mm p/e low pressure main may require to be diverted.

Notes can be attached to any consent granted for the development to meet the requirements of Transco.

4. REPRESENTATIONS

4.1 One letter of representation has been received with regards to the proposed development. The main points of this are summarised below:-

4.2 This objection is on the grounds that the proposed development of the building shall result in there being a lack of natural light into my bedroom and kitchen which receive very minimal light at the moment.

The closest part of the proposal will be approximately 8 metres from the rear elevation of the row of dwellings lying to the rear. As the rear gardens of the terraced row of four on William McComb Court all face north the level of direct natural light will already be at a minimum. The proposed dwelling is approximately 7.4 metres in height and it is not considered that the height and the distance to the dwelling in question will cause any further detriment to the level of natural light received.

4.3 Also I have received medical advice to rest in bed during the day. Thus during the development of this property I will be unable to do this.

Unfortunately this statement cannot be considered to be a planning consideration. It is during the daylight hours that one would reasonably expect development at any location to be undertaken.

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.

It should be ensured that 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 type and private open space is 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 and representations.

Consultations Responses

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

Representations

6.3 The single letter of objection received highlights valid planning considerations with respect to the effect on the level of day light entering the

property directly to the rear of the proposal. However as the dwelling in question is approximately eight meters from the closest section of the proposal and is located to the north of that property, it is not considered that the level of natural light will be dramatically reduced.

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 falls within the settlement boundary of Auchinleck positioned within a largely residential area. Although the site is small in scale the proposed dwelling is perceived to be of an appropriate size and scale with both the plot and the surrounding dwellinghouses with the minimum level of private open space being achieved.

8.3 The consultation responses would indicate that approval of this application would be appropriate and it is considered that the single letter of objection does 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 will not require to be referred to the Development Services Committee because 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. Letter 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: 06/0160/FL

Location	33 ARRAN DRIVE, AUCHINLECK
Nature of Proposal:	ERECTION OF ONE AND A HALF STOREY DWELLING
Name and Address of Applicant:	MR B BAIN 38 OAKBANK DRIVE CUMNOCK
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 provision 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 1.8 metre high wooden fence shall not extend past the front building line along the northern boundary of the site.

REASON: In the interests of the visual amenity.

3. 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.

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. Notwithstanding the submitted plans, parking spaces for two cars shall be provided and maintained within the site area.

REASON: In the interest of road safety.

6. Notwithstanding the submitted plans the driveway shall not be less than 6.0 metres in length by 4.8 metres wide.

REASON: In the interests 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.

NOTE TO APPLICANT

1. The applicant shall make early contact with Transco, at 95 Kilbirnie Sreet, Glasgow G5 8JD to discuss any necessary measures relative to Transco apparatus in the vicinity.

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