

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 28 APRIL 2006

**06/0028/FL: PROPOSED CHANGE OF USE FROM PUBLIC OPEN SPACE
TO GARDEN GROUND, ERECTION OF GARAGE AND FENCE
AT DRUMBROCHAN ROAD, CUMNOCK
BY MR MICHAEL KELSO**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the change of use of approximately 113 square metres of public open space to private garden ground and for the erection of a single mono-pitched roofed garage and timber fence to the rear of the property. It is proposed to demolish the existing flat roofed single garage located within the site. The proposed replacement garage to be located to the rear of the property has a floor area of 27 square metres and measures 2.9 metres in height. The external walls of the garage will be finished in render to match the existing dwellinghouse, the mono-pitched garage roof will be finished with brown plastic coated metal with a matching brown coloured metal roller shutter garage door. It is proposed to erect a 1.8 metre high timber fence along the southern boundary of the application site.

2. RECOMMENDATION

2.1 It is recommended that the application be approved, subject to conditions.

3. SUMMARY OF ANALYSIS

3.1 As is indicated at Section 5 of the report, the application is in accordance with the Adopted East Ayrshire Local plan and 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.

3.2 As is indicated in Section 6 of the report there are material considerations relevant to this application. Cumnock Community Council has raised objection to the proposal. However, the remaining consultees have no adverse comments to make regarding the proposed development. With regard to the concerns raised by Cumnock Community Council it is considered that sufficient open space will

remain within the immediate area to compensate for the loss of a small area of public open space. In addition, the proposal meets the requirements of the Council's Roads Division and would not result in an adverse affect on road safety. No letters of objection were received from notified neighbours.

3.3 To take account of a reference in the submitted information to the proposed fence, it would be appropriate to condition the submission of final fence design details.

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 there would be no significant breach of 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.

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 28 APRIL 2006

**06/0028/FL: PROPOSED CHANGE OF USE FROM PUBLIC OPEN SPACE TO
GARDEN GROUND, ERECTION OF GARAGE AND FENCE
AT DRUMBROCHAN ROAD, CUMNOCK
BY MR MICHAEL KELSO**

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 located at the junction of Barrmill Road and Drumbrochan Road. A single storey, detached bungalow and garage are located within the application site. The site is bounded to the north by Barrmill Road and immediately to the west by a public footpath and an area of public open space leading onto Drumbrochan Road. The site is bounded to the west by a detached bungalow of similar scale and size, while to the south by an area of grassed public open space. The application site slopes downwards from north to south.

2.2 **Proposed Development:** Full planning consent is sought for the change of use of approximately 113 square metres of public open space to private garden ground and for the erection of a single mono-pitched roofed garage and timber fence to the rear of the property. It is proposed to demolish the existing flat roofed single garage located within the site. The proposed replacement garage to be located to the rear of the property has a floor area of 27 square metres and measures 2.9 metres in height. The external walls of the garage will be finished in render to match the existing dwellinghouse, the garage roof will be finished with brown plastic coated metal with a matching brown coloured metal roller shutter garage door. It is proposed to erect a 1.8 metre high timber fence along the southern boundary of the application site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Cumnock Community Council have raised adverse comments regarding the proposed development. The Community Council's reasons for objection are,

the sale of Council owned ground and that the application site is situated on a blind corner at Drumbrochan Road.

The sale of Council owned land is not in itself considered to be a material planning consideration. Whilst the application site is situated on a road corner at Drumbrochan Road, it is considered that the development proposal will meet the visibility splay required by the Council's Roads and Transportation Division and would not consequently cause adverse road safety issues which would merit refusal of the application.

3.2 East Ayrshire Council's Roads and Transportation Division raise no objections to the proposal, subject to conditions relating to length and width of the driveway, sightline requirements, gates and surface water.

These issues can be resolved by way of planning conditions, should consent be granted.

3.3 Scotland Gas Networks raise no objections to the proposal, but suggest that the applicant contact Scotland Gas Network to ascertain the location of any gas pipes in proximity to the site.

This issue can be highlighted by an advisory note, should consent be granted.

3.4 Scottish Power raise no objections to the proposal.

Noted.

3.5 East Ayrshire Council's Head of Legal and Administrative Services has no comment to make on the proposal.

Noted.

3.6 East Ayrshire Council's Department of Neighbourhood Services raise concerns over issues of maintenance of the public open space and the proposed removal of two trees within the application site.

These issues can be resolved by way of a planning condition, allowing for replacement tree planting should consent be granted.

3.7 Scottish Water has no comments to make on the proposal.

Noted.

4. REPRESENTATIONS

4.1 There are no letters of objection received from notified neighbours or other third parties in connection with the proposal.

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 Adopted East Ayrshire Local Plan (EALP) and Approved Ayrshire Joint Structure Plan. The Structure Plan addresses issues of a more strategic nature requiring that prime importance be applied to the Local Plan.

Adopted East Ayrshire Local Plan

5.2 Policy TLR8 presumes against development on safeguarded areas of public and private, recreational or amenity open space and on other undeveloped land within settlement boundaries which contributes to the setting, character and appearance of the settlement concerned.

5.3 Policy TLR9 of the EALP is also relevant and permits the development of private and public recreational or amenity space for purposes other than those described in Policy TLR8 in exceptional circumstances where:

- i) the retention or enhancement of the facilities can best be achieved by the redevelopment of part of the site and where the development would not adversely affect the overall, sporting, recreational and amenity value of the site itself; or
- ii) alternative provision of equal community benefit and accessibility can be made available within close proximity to the site; or
- iii) there is a clear, long term excess of pitches, playing fields and amenity open space in the wider area.

It is considered that the proposed development is located in close proximity to two areas of open space in the immediate vicinity and as such the proposal would not be detrimental to the amenity of other residential properties in the area. Furthermore the proposal involves taking only a minimal area of open space for private garden ground with the majority of the open space being retained for public use. Consequently, the proposal would not lead to a significant loss of public open space within the area, the amenity of the area would be

maintained and therefore, the proposal is considered to accord with Policy TLR 9 (ii).

5.3 Policy ENV7 states that all developers will be expected to comply fully with the Council's existing and emerging Design Guidance and Policy documents relating to and advising on the particular type of development proposed. Developments which do not meet the required design standards detailed in these documents will require to be fully justified and may not be supported by the Council. In this instance the Council's Householder Design Guidance applies.

It is considered that the design and finished materials of the proposed single garage meet the requirements of the Council's Householder Design Guidance.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation replies detailed in Section 3 of the report and the impact on the amenity of the area.

Consultation Responses

6.2 The consultation responses are detailed at section 3 of the report and raise issues that are not considered to be sufficient to override the development plan. It is not considered that any aspects of the consultation replies received indicate that the application should be refused.

Impact on the Amenity of the Area

6.3 The application will have no significant impact on the residential or visual amenity of the area.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are financial and legal implications for the Council in the determination of this application, as the Council is the owner of the area of public open space concerned.

8. CONCLUSIONS

8.1 As is indicated at Section 5 of the report, the application is in accordance with the Adopted East Ayrshire Local Plan and 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.

8.2 As is indicated in Section 6 of the report there are material considerations relevant to this application. With regard to the issues raised by Cumnock Community Council, it is considered that sufficient open space will remain within the immediate vicinity to compensate for the loss of a small area of public open space. In addition, the proposed development conforms to the Council's Roads Division Standards and as such would not result in adverse road safety issues at the site which would merit refusal of the application.

8.3 To take account of a reference in the submitted information to the proposed fence style, it would be appropriate to condition the submission of final fence design details.

9. RECOMMENDATION

9.1 It is recommended that the application be approved, subject to conditions.

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 there would be no significant breach of policy.

Alan Neish
Head of Planning, Development and Building Standards

4 April 2006 (JL/SA)
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plan.
2. Statutory Letters/Certificates.
3. Consultation Replies.

4. Approved Ayrshire Joint Structure Plan.
5. Adopted East Ayrshire Local Plan.

Anyone wishing to inspect the above papers please contact Jane Little, Planning Officer on 01563 576768.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0028/FL

Site of Proposal: Drumbrochan Road
CUMNOCK

Nature of Proposal: Proposed Change of Use from Public Open Space to Garden Ground, the erection of a garage and fence.

Name & Address of Applicant: Mr Michael Kelso
102 Barrhill Road
CUMNOCK

Name & Address of Agent:

DPOs Reference: (JL/SA)

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

1. Notwithstanding the submitted plans, details of the design of the proposed new boundary fence and its subsequent maintenance shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on the site and thereafter implemented and maintained as approved.

REASON In the interests of visual and residential amenity.

2. Prior to the garage coming into use, visibility sightline splay areas of 2.0 metres by 20 metres will require to be formed at the access point with no obstruction greater in height than 1.0 metres allowed within the splay area formed and thereafter be retained and maintained as required.

REASON In the interests of road safety.

3. Notwithstanding the plans hereby approved, the private driveway within the site shall be implemented and maintained at a minimum width of 4.8 metres.

REASON In the interests of road safety.

4. Access to the site shall be taken via a standard driveway access crossing to East Ayrshire Council's Roads Division Standards.

REASON: In the interests of road safety.

5. Prior to the commencement of the development hereby approved, two replacement trees (replacing those existing and to be removed from within the open space area) shall have been planted within the open space area. Species and size of the trees shall have been to the satisfaction of the Department of Neighbourhood Services and the Planning Authority.

REASON – In the interests of visual amenity and to maintain the existing visual contribution of the trees to the amenity of the area.

NOTES TO APPLICANT

1. The applicant shall contact the Council's Roads and Transportation Division to obtain any necessary Road Opening Permit
2. The applicant shall contact Scotland Gas Networks on 0800 111999 to ascertain the location of any gas pipes in proximity to the site.
3. All construction works and materials shall be confined to the applicant's site and shall not encroach on the remaining area of public open space.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**