

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 02 DECEMBER 2005

**05/0360/FL: PROPOSED DEVELOPMENT OF LAND TO BUILD 3 HOUSES AT
LAND TO THE REAR OF 26 BARBIESTON ROAD, DALRYMPLE**

APPLICATION BY ALLOWAY DEVELOPMENT LTD

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of three, 3-bedroom, 2 storey dwellings incorporating 2 integral and one detached garages, forming a small courtyard development. The site plan indicates that the proposed dwellings and associated garages will be positioned within the central section of the site. Each proposed dwelling is attached to the neighbouring dwelling via the garage unit, with the exception of the eastern dwelling which has a detached garage positioned to the south east perpendicular to the dwelling house. The building line of the proposed 3 units will be slightly staggered with small front gardens and a generous enclosed rear garden area. The site will be bounded by a 1.8m high larch board fencing to the rear and sides.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet but that the issue of the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in Paragraph 7.1 of this report.

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 representations made show a degree of concern with respect to the proposed development and its impact. It is however, not considered that the proposal will detrimentally affect the immediate residential amenity of neighbouring properties and the amenity of the area to any significant degree. In many ways the development will assist in improving an area of currently overgrown ground and assist in enhancing the immediate visual amenity of the area.

3.3 The siting, design and layout of the proposed development is acceptable and compliant with East Ayrshire Council's Design Guidance, subject to appropriate conditions to ensure that the external finishing materials of the development have the prior written approval of the Planning Authority to ensure the development fits in with the surrounding properties.

3.4 The proposal shows compliance with the relevant policy RES1 and RES22 of the East Ayrshire Local Plan. The proposal will provide sufficient private open space for all the dwellings creating a good area of enclosed rear garden ground conforming to Schedule 4 of the Local Plan.

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 development 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 ALLOWAY DEVELOPMENT 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 proposed development is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies within land to the rear of no. 26 Barbieston Road, Dalrymple. The site is positioned outwith the nearby Conservation Area and approximately 100 metres east of the junction with Burnton Road, forming a rectangular area with direct access available onto Barbieston Road.

2.2 The area within the redline site is flat and extends to approximately 1360 m². The site is bounded to the north by a row of 2 storey terraced dwellings along Burnton Road and to the south by the existing property of no. 26 Barbieston Road. Land to the east of the application site consists of a relatively new residential development of Burnton Court and to the west by the dwelling house of no. 24 Barbieston Road. Across the road, to the south lies a field, where the ground falls slightly, leading to the river Doon.

2.3 **Proposed Development:** Full planning permission is sought for the erection of three, 3-bedroom, 2 storey dwellings incorporating 2 integral and one detached garages, forming a small courtyard development. The site plan indicates that the proposed dwellings and associated garages will be positioned within the central section of the site. Each proposed dwelling is attached to the neighbouring dwelling via the garage unit, with the exception of the eastern dwelling which has a detached garage positioned to the south east perpendicular to the dwelling house. The building line of the proposed 3 units will be slightly staggered with small front gardens and a generous enclosed rear garden area. The site will be bounded by a 1.8m high larch board fencing to the rear and sides.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Dalrymple Community Council has no objection to the proposal.

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) Prior to any development commencing on site junction visibilities of 2.5m by 60m are required at the junction between the access and Barbieston Road with no obstacle greater than 1 metre in height allowed within these areas. As these splays are over land out with the developers control, a section 75 will be required to either side of the access
- (ii) Residents and visitor parking shall be provided as indicated on the planning application submission and as shown on the drawing
- (iii) An internal car turning area shall be formed within the site to allow vehicles to enter and leave the site in forward gear
- (iv) Access to the dwellings must be taken via a standard driveway access crossing to East Ayrshire Roads Department standards. The applicant must contact the Roads Department for further details/specification and a road opening permit will be required
- (v) Two number off road car parking spaces will require to be provided for each dwelling
- (vi) The private access road will require to be hard paved for a minimum distance of 5.0 metres from the rear of the footway to avoid the overcarry of loose material onto the public road/footway

Conditions can be attached to any consent granted for the development to meet the requirements of the Roads and Transportation Division. It should be noted that the internal courtyard layout, lighting and access will remain private and will not be eligible for adoption by the Council and therefore the developer would be advised to set up a factoring arrangement for maintenance purposes.

3.3 Scottish Water has not commented at this stage.

Noted.

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

Noted.

3.5 Transco has no objection to the proposed development.

Noted.

3.6 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 soak-away or a watercourse via a suitably designed SUDS system.

Noted.

3.7 East Ayrshire Council's Flooding Section has no adverse comments to make on this application.

Noted.

4. REPRESENTATIONS

4.1 Two letters of representation have been received with regard to the proposed development. The main points of objection are summarised below:

4.2 There will be invasion of my privacy due to the proposed positioning of these houses

The proposed development will be at the closest section of the rear building line some 12 metres from the rear boundary fence. From this it is a further 15 metres approximately to the rear building line of the terraced properties on Burnton Road. This gives a total distance between the two rear elevations of approximately 27 metres. Therefore, although there may be the possibility of some limited overlooking issues it is not perceived that this will be of significant detriment to the residential amenity of the existing properties located on Burnton Road.

4.3 My garden will be affected by the amount of sunshine or light being blocked out by at least two of these houses.

As the three proposed dwellings are all positioned on a very close building line with the difference of some 2 metres, it is not considered that the position of the dwellings will have any significant detrimental impact on the rear gardens of Burnton Road. As

mentioned above, the proposed building line of the new dwellings will be some 12 metres from the rear site boundary.

4.4 The siting of the entrance to the development being across from the children's play park and near a bend in the road could lead to a potentially dangerous situation as there will probably be at least six cars using it.

The Roads and Transportation Division has been involved in a lengthy consultation process and has noted no particular concerns with the proximity to the children's play park and adjacent corner in road safety terms.

4.5 The proposed development would result in my living room receiving no natural sunlight, which at present I get all morning, as according to the proposed plans I would be looking at a 2 storey brick wall from both my double windows in the living room and glass front door.

The proposed dwelling house on the western side of the application site will be 2 metres from the boundary line and will be 2 storeys in height. Due to the relative close proximity and layout of the adjacent property of no. 24a Barbieston Road there may be a slight loss in sunlight as the development is positioned to the eastern side. The existing property to the west of the site has benefited from the donor house having a large open, undeveloped rear garden across which it currently has an open aspect. However, the adjacent property of no.24a Barbieston Road is set some 4 metres from the boundary line giving an approximate distance between either dwelling of some 6 metres which is more than adequate in terms of the Council's Design Guidance.

4.6 Also not shown on the proposed plans is the siting of windows, so not only would I be devoid of natural sunlight I could also find myself being overlooked.

The detailed floor plan drawings show that the proposed dwelling house closest to no. 24a Barbieston Road will have no windows located on the western gable end with all windows either facing to the front or rear.

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 contained in the structure plan which are especially relevant to the development.

Noted.

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;

It is not considered that the proposed housing development at this location would have any adverse impact on the surrounding natural and built environment and adjacent uses sufficient to warrant refusal of the application.

(ii) transportation and infrastructure implications;

There are no significant transportation or infrastructure issues that cannot be addressed either through the imposition of appropriate conditions in any consent granted for the development or by means of a Section 75 Agreement.

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

From the block plan submitted, the proposed dwellings are shown as compatible with surrounding densities. The proposed housing development comprises three terraced dwellings while adjacent dwellings are either terraced or semi detached. However, there are no objections to the house types proposed from a planning policy point of view.

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

It is considered that the proposed development is in general accordance with the Design Guidance.

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 policy also allows those standards quoted to be relaxed in respect of the conversion of existing properties to flats where this can be fully justified by the developer and where considered appropriate by the Planning Authority.

The area of secluded private open space provided in respect of the proposed three houses and retained for the existing house exceeds the minimum of 100 sq. metres required in Schedule 4 of the local plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and the third party representations.

Consultations Responses

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

Representations

6.3 The two third party representations received all show a clear level of concern on a variety of issues principally regarding the effect on the level of natural light entering adjacent properties and the impact on the amenity of the immediate area. However, although these are valid issues it is considered that they have been sufficiently addressed in Section 4 of the report and are not considered to be of significant weight to merit refusal of the application.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application however; should the Committee be minded to approve the application this will require the completion of a Section 75 legal agreement to ensure the developer can achieve the required visibility splays in conjunction with the adjacent third party land owner.

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 representations made show a degree of concern with respect to the proposed development and its impact. It is however, not considered that the proposal will detrimentally affect the immediate residential amenity of neighbouring properties and the amenity of the area to any significant degree. In many ways the development will assist in improving an area of currently overgrown ground and assist in enhancing the immediate visual amenity of the area.

8.3 The siting, design and layout of the proposed development is acceptable and compliant with East Ayrshire Council's Design Guidance, subject to appropriate conditions to ensure that the external finishing materials of the development have the prior written approval of the Planning Authority to ensure the development fits in with the surrounding properties.

8.4 The proposal shows compliance with the relevant policy RES1 and RES22 of the East Ayrshire Local Plan. The proposal will provide sufficient private open space for all the dwellings creating a good area of enclosed rear garden ground conforming to Schedule 4 of the Local Plan.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet but that the issue of the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in Paragraph 7.1 of this report.

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 development plan.

Alan Neish
Head of Planning, Development and Building Standards

18 November 2005
RG/RG
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: 05/0360/FL

Location	26 BARBIESTON ROAD, DALRYMPLE
Nature of Proposal:	DEVELOPMENT OF LAND TO BUILD 3 HOUSES TO REAR OF 26 BARBIESTON ROAD, DALRYMPLE
Name and Address of Applicant:	ALLOWAY DEVELOPMENTS LTD KIRKGAT 36A ALLOWAY AYR KA7 4PG
Name and Address of Agent	AUSTIN-SMITH:LORD BERKELEY HOUSE 1 BARNS STREET AYR KA7 1XB

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

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

1. The proposed development shall be carried out in accordance with the application form and location plan received on 29 March 2005, the amended proposed elevation plan (Drawing No. 2A) received on 2 September 2005 and an amended site plan and road layout (Drawing No. 1C and 1D) received by the Planning Authority on 11 October 2005.

REASON: To ensure that development is carried out in accordance with the approved details.

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

REASON: In the interest of visual amenity.

3. Prior to the commencement of any development on site the visibility splay areas of 2.5 metres by 60 metres shall be provided at the junction between the access to the development with Barbieston Road with no obstruction to visibility greater than 1 metre in height being allowed within these areas.

REASON: To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.

4. No surface water shall be allowed to 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 approved plans, residents and visitor parking shall be provided as indicated on drawing no. 1C prior to the occupation of the houses hereby approved.

REASON: In the interest of road safety.

6. Notwithstanding the approved plans the private access road shall be hard paved for a minimum distance of 5.0 metres from the rear of the footway to avoid the overcarry of loose material onto the public road/footway.

REASON: In the interest of road safety.

7. Notwithstanding the approved plans an internal car turning area shall be formed within the site to allow vehicles to enter and leave the site in forward gear; this shall be provided prior to the occupation of the houses hereby approved.

REASON: In the interest of road safety.

8. 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.

9. No external construction work, site clearance or preparation work shall take place before 0800 or after 1800 hours Monday to Friday, before 0900 or after 1300 hours on Saturday and not at any time on Sundays.

REASON – In the interests of residential amenity.

NOTES

- 1) The Roads and Transportation Division has advised that the internal courtyard layout, lighting and access will remain private and will not be eligible for adoption by the Council.
- 2) Contact should be made with the Scottish Environment Protection Agency (SEPA) with regards to surface water drainage arrangements. SEPA can be contacted at the Ayr Office, 31 Millar Road, Ayr, Tel: 01292 294000

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