

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 24 FEBRUARY 2006

05/1166/FL: PROPOSED DEMOLITION OF BUILDINGS AND ERECTION OF SIX TERRACED VILLAS AT 1 – 7 BRIDGE STREET, MUIRKIRK

APPLICATION BY MR T BEISTY

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of six terraced villas. These are proposed as being 2 storey in height with an additional room utilising the roof space. The terraced row benefits from a uniform front and rear elevation with proposed finishes of off white dry dash render and red roof tiles. The windows will be vertically proportioned incorporating smooth cement render bands. It is proposed that each dwelling will have two small rooflights to both the front and rear elevation. The proposal is seeking to retain the row of trees which will bound the rear garden areas to the western edge and incorporate some new tree and shrubbery within the site. An area of car parking is proposed within a small courtyard to the east of the proposed terrace row with a narrow path along the western boundary providing access to the rear garden areas.

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 not considered that these are of sufficient weight to merit the refusal of the application.

3.2 The application site is located within the settlement of Muirkirk directly adjacent to the main throughfare leading to the M74. The site in its current form consists of an old two storey sandstone building in a very poor condition with the adjoining land in an over grown and untidy condition. It is considered that

although this proposal will require the demolition of a large traditional building, this proposed development has the possibility to assist in the regeneration and improvement of the visual amenity of the immediate area. As this proposal demonstrates compliance with the requirements of policy RES4 the principle of a residential development at this location is acceptable. To conclude, the consultation responses and representations received would indicate that the approval of this application would be appropriate.

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 require to be referred to the Development Services Committee because it would be classed as 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.

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 24 FEBRUARY 2006

05/1166/FL: PROPOSED DEMOLITION OF BUILDINGS AND ERECTION OF SIX TERRACED VILLAS AT 1 – 7 BRIDGE STREET, MUIRKIRK

APPLICATION BY MR T BEISTY

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 application site is located on the northern side of Bridge Street (A70) to the north eastern area of Muirkirk. The site in its current form is occupied by a traditional two storey sandstone building currently in a very poor condition fronting onto Bridge Street. To the west the site is largely open, bounded along the western edge by a row of trees and a small Electricity Sub Station. To the east of the site the boundary is made with the rear curtilage of two properties, numbers 1 and 3 Kirk Green. The site in its current condition is largely unsightly when passing with the extent of this once traditional red sandstone building in a state of disrepair. The area to the rear is open, damp and overgrown with shrubbery.

2.2 The site extends to an approximate area of 1165 metres² comprising of largely level ground.

2.3 **Proposed Development:** Full planning permission is sought for the erection of six terraced villas. These are proposed as being 2 storey in height with an additional room utilising the roof space. The terraced row benefits from a uniform front and rear elevation with proposed finishes of off white dry dash render and red roof tiles. The windows will be vertically proportioned incorporating smooth cement render bands. It is proposed that each dwelling will have two small rooflights to both the front and rear elevation. The proposal is seeking to retain the row of trees which will bound the rear garden areas to the western edge and incorporate some new tree and shrubbery within the site. An area of car parking is proposed within a small courtyard to the east of the

proposed terrace row with a narrow path along the western boundary providing access to the rear garden areas.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Muirkirk Community Council has not responded 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) Access to the site shall be taken via a standard single minor commercial access crossing to East Ayrshire Roads Department standards.
- (ii) A minimum of ten in number off road car parking spaces shall require to be provided within the red line site.
- (iii) The proposed parking spaces shall not be less than 4.8 metres in length by 2.5 metres wide.
- (iv) No surface water shall be allowed to discharge onto the existing public road.
- (v) The private access will require to be paved for a minimum distance of 5 metres from the rear of the footway, to avoid the over carry of loose material onto the public road.
- (vi) Visibility sightline splay areas of 2.5m by 90m will require to be formed and maintained at the access point with no obstruction to visibility greater in height than 1 metre allowed around the property boundary adjacent to the public road.
- (vii) Any gates will require to open inwards away from the public road.
- (viii) A two metre wide footpath and street lighting shall be required from Bridge Street to the frontage of Plot 6 which will require Construction Consent.
- (ix) Access to and egress from the site shall require to be taken in forward gear and a turning area will require to be provided within the private turning area.

Noted. 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.

Noted. Conditions can be attached to any consent granted for the development to meet the requirements of the Scottish Environmental Protection Agency

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

Noted

3.5 Scottish Water has no objections in principle to the proposed development providing 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.

Noted. Conditions 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 The purpose of this letter is to intimate my objections to this application on the grounds that a two storey dwelling built close against my boundary would be an invasion of my privacy and that of my family. My estimation from the details you have supplied would indicate that unit 6 of the proposed development would be approximately 70 feet from the rear of my premises. This would therefore overlook my upper rear bedroom currently occupied by my daughter. I consider such close proximity would cause a change in lifestyle to that which my family has enjoyed for some thirty years.

The distance between the proposed end unit and the objectors dwelling is some 22 metres. In between this area lies a detached garage to the rear of the objectors garden ground. Although the development of a 2 storey terraced row will have some impact on the levels of privacy within the neighbouring garden ground it is not considered that this will be of detriment to the residential amenity.

4.3 The proposed dwelling marked Unit 6 will be approximately 20 feet from my own dwelling and being two floors high the upper windows will overlook the rear of my property. This I consider to be an invasion of my privacy.

The proposed end terrace Unit 6 will be 7 metres diagonally in distance from the rear of 2 Carruthers Park. As this measurement is taken at an angle the proposed rear elevation of Unit 6 will face directly onto open ground. Although this end unit is two storeys in

height, due to the relatively tight angle between the existing dwellinghouse of 2 Carruthers Park and this proposed end unit. It is perceived that issues of overlooking to the rear windows will be at minimum and would not be of sufficient weight to warrant refusal.

4.4 Developing such a property so close to my boundary will in fact convert my garden from south facing to north and will have a detrimental effect on my plants which I have cultivated for over thirty years. Together the above mentioned circumstances will impact on my environment and cause a change of lifestyle which I would find difficult to come to terms with.

The terraced row proposed will create a degree of shadowing on the adjacent properties rear garden area. This primarily is due to the proposal's gable being sited along the neighbouring boundary line and on the southern side. However the proposal will not cover the full length of the rear garden area and will only cast a shadow on the rear western section. It is not considered that this will be of detriment to the residential amenity of the neighbouring property.

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 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;

The principle of housing development at this location is unlikely to have any major detrimental impact on the surrounding natural and built environment.

- (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

The proposed development is of a relatively high density for this area. In terms of house types, there are terraced houses across the road which face onto Bridge Street.

- (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 has been revised to meet with the Council's minimum private open space requirement as detailed in Schedule 4 of the Local Plan.

It is considered that this proposal is consistent with policy and therefore, supported by the development plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

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 concern with respects to the issues resulting from the erection of six terraced residential units, most of these are in conjunction with privacy issues and loss of light. However, these issues have been sufficiently addressed in Section 4 of the report and therefore it

is considered that they are 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, however it is not considered that these are of sufficient weight to merit the refusal of the application.

8.2 The application site is located within the settlement of Muirkirk directly adjacent to the main throughfare leading to the M74. The site in its current form consists of an old two storey sandstone building in a very poor condition with the adjoining land in an over grown and untidy condition. It is considered that although this proposal will require the demolition of a large traditional building, this proposed development has the possibility to assist in the regeneration and improvement of the visual amenity of the immediate area. As this proposal demonstrates compliance with the requirements of policy RES4 the principle of a residential development at this location is acceptable. To conclude, the consultation responses and representations received would indicate that the approval of this application would be appropriate.

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 require to be referred to the Development Services Committee because it would be classed as a significant departure from the East Ayrshire Local Plan.

Alan Neish
Head of Planning, Development and Building Standards

8 February 2006
RG

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: 05/1166/FL

Location	1-7 BRIDGE STREET, MUIRKIRK
Nature of Proposal:	PROPOSED DEMOLITION OF BUILDINGS AND ERECTION OF SIX TERRACED VILLAS
Name and Address of Applicant:	MR T BEISTY 35 MANOR VIEW FINCHLEY LONDON N3 2ST
Name and Address of Agent	MGP ARCHITECTS CATHCART HOUSE 20 CATHCART STREET AYR KA7 1BJ

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

The above FULL application should be approved for the following reasons:-

- 1) The proposed development shall be carried out in accordance with the application form and plans received on 31st October 2005 and the amended site layout plans received by the Planning Authority on 24th January 2006.

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

- 2) Notwithstanding the submitted plans, the external wall and roof covering is not hereby approved. Details/samples of the external wall finish and roof covering shall be submitted to and approved by the Planning Authority before any development commences on site.

REASON: In the interest of visual amenity.

- 3) A minimum of ten in number off road car parking spaces shall require to be provided within the red line site.

REASON: In the interest of road safety

- 4) 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

- 5) Notwithstanding the submitted plans the proposed parking spaces shall not be less than 4.8 metres in length by 2.5 metres wide.

REASON: In the interest of road safety

- 6) Access to the site shall be taken via a standard single minor commercial access crossing to East Ayrshire Roads Department standards.

REASON: In the interest of road safety

- 7) The private access will require to be paved for a minimum distance of 5 metres from the rear of the footway, to avoid the over carry of loose material onto the public road.

REASON: In the interest of road safety

- 8) A two metre wide footpath and street lighting shall be required from Bridge Street to the frontage of Plot 6 which will require Construction Consent.

REASON: In the interest of road safety

- 9) Access to and egress from the site shall require to be taken in forward gear and a turning area will require to be provided within the private turning area.

REASON: In the interest of road safety

- 10) Notwithstanding the submitted plans the visibility splay areas of 2.5m (measured from the edge of the carriageway) by 90m will require to be maintained at the access point 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.

NOTES

- 1) Scottish Water has advised that contact should be made with their Developer Services section to discuss how the proposed development would be best served by a public water supply. Scottish Water Developer Services can be contacted on Tel 0845 601 8855.
- 2) Contact should be made with the Scottish Environmental 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

**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.**