

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 23 FEBRUARY 2007**

**06/0919/OL: PROPOSED HOUSE ON LAND AT ROBERT BURNS AVENUE  
DRONGAN**

**APPLICATION BY G & S HOMES**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Outline planning permission is sought to erect one single storey detached dwelling on the site. No details of the proposed dwellinghouse have been submitted at this stage. However, it has been indicated that the dwelling would be finished in brick and render to match the finish on existing, adjoining properties. It has been further indicated that 2 vehicle parking spaces would be provided within the curtilage of the site which would be bounded by a 1.8 metre high palisade fence.

**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 merit refusal of the application.

3.2 The site lies within the Drongan settlement boundary and is surrounded by existing residential properties. Its development for residential purposes is fully consistent with local plan policies and no technical objections have been received.

3.3 It is considered that the representations made are either not valid, or can

be addressed through the imposition of conditions or are not of sufficient weight to merit refusal of the 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 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 G & S HOMES

#### 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 an outline planning application which is to be considered by the Local Planning Committee under the scheme of delegation, because the proposed development is the subject of objections.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies on the north side of Robert Burns Avenue, between 2 existing residential properties numbered 3 and 5 Robert Burns Avenue, and within the settlement boundary of Drongan. To the north of the site is rough grazing land which separates the rear of houses on Margaret Drain Crescent from Drongan cemetery. The site itself is an unfenced piece of overgrown ground. The site extends to approximately 375 m<sup>2</sup> and is generally level in nature. It is apparent that this site has been used for storage of materials during the construction of dwellings in Robert Burns Avenue.

2.2 **Proposed Development:** Outline planning permission is sought to erect one single storey detached dwelling on the site. No details of the proposed dwellinghouse have been submitted at this stage. However, it has been indicated that the dwelling would be finished in brick and render to match the finish on existing, adjoining properties. It has been further indicated that 2 vehicle parking spaces would be provided within the curtilage of the site which would be bounded by a 1.8 metre high palisade fence.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has no objection to the proposed development subject to conditions. Access to the site must be taken via a standard driveway access crossing constructed to East Ayrshire Council

Roads Standards. Any garage must be set back a minimum distance of 6 metres from the rear of the public footway. The private driveway will require to be hard paved for a minimum distance of 2 metres back from the rear of the footway to avoid overcarry of loose material onto the public road/footway. A 2 metre wide footway will require to be constructed, to East Ayrshire Roads Department specification, along the frontage of the site. Residents parking must be provided in line with the Roads Development Guide 1996. No surface water must be allowed to discharge from the site onto the adjacent public road/ footway.

***Conditions could be attached to any consent granted for the proposed development to meet the requirements of the Roads and Transportation Division.***

3.2 Scottish Power has no objections to the proposed development.

***Noted.***

3.3 Scottish Water has no objections to the proposed development pointing out that a totally separate drainage system such as SUDS will be required.

***An appropriate advisory note could be added to any consent granted.***

3.4 East Ayrshire Council Legal Services has no comments relative to the proposed development.

***Noted.***

3.5 Drongan Community Council has not responded to the consultation letter.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 Two letters of objection have been received with respect to the proposed development. The first objector claims that they were an owner of neighbouring land but were not neighbour notified and complains that existing and proposed sewers for the applicant's various developments in the vicinity of and including the application site have either been built illegally or cross the objector's land without the objector's permission or appropriate wayleave / Deed of Servitude granted to enable the sewers to be adopted.

***The neighbour notification omission has now been rectified and the objector properly notified. As regards the formation of sewers, this is to be a legal rather than a planning issue for the parties concerned to***

**resolve. Scottish Water has advised that it has no objection to the proposed development and should this proposal be approved reserved matters will require the means of drainage and sewage disposal to be submitted for approval.**

4.2 The second representation objects to a house being built next to them instead of a road as was expected (see section 6.4 below) and complains that development will cause disruption and mess on the road which remains unfinished outside the house.

***In planning terms a dwellinghouse or an access road are acceptable uses consistent with local plan policies. As to disruption during construction work, this can be restricted in its hours of operation in order to protect residential amenity, but such works are in any case temporary in nature. Development of the site for residential purposes should result in the completion of roads and footpaths at this location without detriment to neighbouring proprietors. A condition can be applied to any consent to maintain the adjoining road free of materials deposited from within 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 in the Structure Plan especially relevant to the proposed 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 considered that the proposal will not have an adverse impact on natural and built environment resources and adjacent uses.***

- (ii) transportation and infrastructure implications;

***EAC Roads and Transportation Division and other service providers have been consulted in this regard and, subject to appropriate conditions, have no objections to this proposed development.***

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

***Although this application is in outline only the applicant has indicated that the dwellinghouse would be single storey. It is considered that the development, if approved and built, would be compatible with surrounding densities and that a single storey dwelling, would be compatible with other house types in the area.***

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

***Although this application is in outline only the applicant has indicated that the proposed dwellinghouse would in terms of design and materials closely match adjoining properties already built.***

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.

***It is considered that the proposal observes the minimum standards for the provision of private open space.***

## **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 None of the consultation responses has raised any issues which would indicate that the application should be refused.

## Representations

6.3 It is considered that the representations made are either not valid, can be addressed through the imposition of conditions or are not of sufficient weight to merit refusal of the application.

## Planning History

6.4 The application site also forms part of the applicant's (G & S Homes) proposals in planning application 04/0699/FL, to develop for residential purposes sites to the south east and north and known as Phase 2 and Phase 3. The application site would form part of the access road off Robert Burns Avenue into Phase 3 (12 houses) immediately to the north. This application was approved at the Southern Local Planning Committee meeting on 28 January 2005 subject to a Section 75 Agreement, the completion of which is still outstanding.

## **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 merit refusal of the application.

8.2 The site lies within the Drongan settlement boundary and is surrounded by existing residential properties. Its development for residential purposes is fully consistent with local plan policies and no technical objections have been received.

8.3 It is considered that the representations made are either not valid, or can be addressed through the imposition of conditions or are not of sufficient weight to merit refusal of the 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 development plan.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

SMcD/HM/SMcD  
30 January 2007

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).
7. Previous application 04/0699/FL.

Anyone wishing to inspect the above background papers should contact Stephen McDermott on 01563 555485.

***Implementation Officer: Dave Morris***

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 06/0919/OL

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Location	LAND AT ROBERT BURNS AVENUE DRONGAN KA6 7BJ
Nature of Proposal:	PROPOSED HOUSE
Name and Address of Applicant:	G & S HOMES 63 MONTGOMERIE TERRACE TARBOLTON AYR KA5 5QD
Name and Address of Agent	LAWRENCE MCPHERSON ASSOCIATES THE ATRIUM 6 NEW ROAD AYR KA8 8EX

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

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

1. Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the following matters hereby reserved.
  - (a) The layout of the site;
  - (b) The size, height, design and external appearance of the proposed dwellinghouse;
  - (c) The means of drainage and sewage disposal including the provision of a Sustainable Urban Drainage System;
  - (d) Details of the access arrangements;
  - (e) The provision for open space;
  - (f) The provision for car parking;
  - (g) The boundary walls/fences to be erected;
  - (h) The landscaping of the site;
  - (i) Existing and finished site level/floor level.

REASON – The approval is in outline only.

2. Notwithstanding the provisions of Condition 1 (b) above, the proposed dwellinghouse shall be of single storey construction.

REASON – In the interests of visual amenity

3. Notwithstanding the provisions of Condition 1 (b) above the design and use of external finishing materials for the proposed dwellinghouse shall match those of existing constructed dwellinghouses within the Robert Burn Avenue residential site.

REASON: In the interests of visual amenity.

4. Notwithstanding the provisions of Condition 1(d) access to the site shall be taken via a standard driveway access crossing to East Ayrshire Council Roads standards.

REASON: In the interests of public road safety

5. Notwithstanding the provisions of Condition 1(d) the private driveway shall be hard surfaced for a distance of 2 metres from the edge of the footway to avoid overcarry of loose material onto the public road.

REASON: In the interests of public road safety

6. Notwithstanding the provisions of Condition 1(f) any proposed garage shall be set back a minimum distance of 6 metres from the rear of the public footway.

REASON: In the interests of public road safety.

7. Notwithstanding the provisions of Condition 1(f) any proposed garage shall be of permanent construction and finished in the same materials as the dwellinghouse hereby approved.

REASON: To ensure that the proposed garage is an appropriate match to the approved dwellinghouse.

8. Notwithstanding the provisions of Condition 1(d) no surface water shall discharge onto the public road.

REASON: In the interests of public road safety.

9. Resident parking shall (dependent on the number of bedrooms) be provided in line with the Roads Development Guide 1996.

REASON: In the interests of public road safety.

10. Prior to the occupation of the proposed dwellinghouse, a 2 metre wide footway shall be constructed along the frontage of the site to East Ayrshire Council Roads Department standards.

REASON: In the interests of public road safety.

11. Construction works on site shall not be carried out prior to 0800 hours and after 1700 hours on Mondays to Saturdays, and not at any time on Sundays.

Reason – To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interests of residential amenity.

12. During construction of the house hereby approved, roadways immediately adjacent to the site shall be maintained free from mud and other materials carried from within the site.

Reason – In the interest of road safety and residential amenity

Notes to Applicant

1. The applicant should make early contact with Scottish Water with regard to the drainage arrangements for the site including the treatment and disposal of surface water.
2. The applicant should make contact with Scottish Power Energy Networks with regard to existing apparatus within the application site that may be affected by the proposed development.
3. The Roads and Transportation Division has advised that a road opening permit will be required for works within a public road and construction consent will be required for the formation of a footway. The developer should make early contact with that Division regarding this.

**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.**