

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 08 OCTOBER 2004**

**04/0667/OL: PROPOSED ERECTION OF A DWELLINGHOUSE  
AT 13 BANK AVENUE, CUMNOCK**

**APPLICATION BY MR. JOHN BRODIE**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Outline planning permission is sought for the erection of a detached dwelling within the application site. Although no details of the dwellinghouse have been provided at this stage, the applicant has submitted an indicative plan indicating the erection of a small, detached one and a half storey dwellinghouse.

1.2 Access is to be taken from the existing small turning area at the west end of Bank Avenue adjacent to the proposed plot. The turning area is to be altered and increased in length to improve turning capability of vehicles.

**2. RECOMMENDATION**

**2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.**

**3. SUMMARY OF ANALYSIS**

3.1 As is indicated in Section 5 of the report, the application is considered to be in accordance with the development plan. 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. As is indicated at Section 6 of the report, there are material considerations relevant to this application which are also generally supportive of the proposed development.

3.2 The proposed development is considered to be acceptable for this location subject to the imposition of appropriate conditions. The scale of any proposed dwelling on this application site is limited by the size of the plot and by the necessity of meeting design guidance and open space provision.

3.3 It is further considered that the representations received are either not of sufficient weight to justify refusal of the application or it is considered that some of the points raised can be addressed through the imposition of appropriate conditions in any consent granted for the proposed development.

## **CONTRARY DECISION NOTE**

Should the Committee agree to refuse the application contrary to the recommendation of the Head of Planning, Development and Building Standards the application would not require to be referred to the Development Services Committee as such a decision would not represent 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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04/0667/OL: PROPOSED ERECTION OF A DWELLINGHOUSE  
AT 13 BANK AVENUE, CUMNOCK

APPLICATION BY MR. JOHN BRODIE

### 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 an objection.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The site lies on the south side of Bank Avenue in Cumnock at the western limit of Bank Avenue itself. The application site forms part of the curtilage of the existing one and a half storey dwellinghouse at 13 Bank Avenue.

2.2 The application site extends to approximately 440 m<sup>2</sup> and presently relates to the side garden of the existing dwelling and is in the main enclosed by a 2 metres high Lleylandii hedge. The site is bounded to the east by the existing dwellinghouse, to the south by residential flatted properties and to the north and west by vacant land.

2.3 **Proposed Development:** Outline planning permission is sought for the erection of a detached dwelling within the application site. Although no details of the dwellinghouse have been provided at this stage, the applicant has submitted an indicative plan indicating the erection of a small, detached one and a half storey dwellinghouse.

2.4 Access is to be taken from the existing small turning area at the west end of Bank Avenue adjacent to the proposed plot. The turning area is to be altered and increased in length to improve turning capability of vehicles.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Cumnock Community Council has no objections to the proposed development.

***Noted.***

3.2 Transco has no adverse comments to make on the proposed development.

***Noted.***

3.3 East Ayrshire Council's Roads and Transportation Division states that it has no objections in principle to the proposed development subject to the following conditions:

1. Access to the site will require to be taken via a standard driveway access crossing to East Ayrshire Roads standards.
2. No surface water must be allowed to discharge onto the public road.
3. A minimum of 2 number off-road parking spaces will require to be provided.
4. Any garages must be set back a minimum distance of 6 metres from the rear of the footway.
5. The private driveway will require to be paved for a minimum distance of 5 metres from the rear of the footway to avoid overcarry of loose material onto the public road.
6. The proposed private driveway should not be less than 4.8 metres in length by 2.5 metres in width.
7. Any gates will require to open inwards, away from the public road
8. Access to and egress from the site will require to be taken in forward gear.
9. The applicant must upgrade the existing turning area at the end of Bank Avenue, in accordance with the details submitted with the application. Roads construction consent will be required for this work.

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

3.4 Scottish Water has no objections to the proposed development.

***Noted.***

3.5 The Scottish Environment Protection Agency states that it has no objections in principle to the proposals provided the drainage arrangements are to its satisfaction. All foul drainage from the development site must be connected to the public sewerage system in accordance with Scottish Water requirements. The development must not entail the use of dual manholes for connections to the existing sewage system, either in the public sewers or within the curtilage of the development. SEPA request a condition requiring the applicant to install a surface water treatment system designed and constructed in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual published by CIRIA. Soils in this area may not be suitable for infiltration systems and therefore surface treatment structures may be more appropriate. All waste materials generated by this development that require to be removed such as construction, demolition

wastes and surplus excavated material, must be removed from the site by licensed waste carriers.. Waste must be removed to a site that has either an appropriate waste management licence or is registered with SEPA as exempt from licensing.

***A note can be attached to any consent granted for the proposed development advising the applicant to make early contact with SEPA regarding drainage of the site and disposal of waste materials. A condition can be attached to any consent granted in respect of the requirement for a SUD system to serve the development site.***

3.6 The West of Scotland Archaeology Service has no objections to the proposed development.

***Noted.***

3.7 Power Systems has no objections to the proposed development.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 One letter of objection has been received with respect to the proposed development raising a number of concerns. The main points of concern are summarised as follows:

4.2 The site seems to be tight and it is assumed therefore that the size of any house that may be subsequently permitted will be limited accordingly.

***The application site is relatively small and in order to meet appropriate design policies, any dwellinghouse proposed will be limited in size, particularly due to private open space requirements.***

4.3 The main concern relates to the impact on our privacy that we have enjoyed since we moved here more than 30 years ago. Our entrance door and a number of windows are located on the elevation of our building adjacent to the proposed housing site and I would request that certain conditions are imposed to safeguard our position, to enable us to enjoy living here, as follows:

(i) that development be restricted to a building of no more than 1½ storeys.

***Given the potential impact on the objector's privacy and taking into account the existing buildings within the locality, it is agreed that the proposed dwelling be limited in height to 1½ storeys.***

(ii) that no windows, either dormer or velux or any other, be permitted on that part of the roof facing our house.

***The objector resides in a two storey flatted property and, given the proximity of any proposed new dwelling to his flatted dwelling, it is considered appropriate that a condition be imposed in any consent granted to prevent the introduction of any roof windows on the south elevation of the proposed dwelling. This would safeguard the privacy of the objector.***

(iii) that doors be permitted only on the north and west elevations of the proposed dwelling.

***It is considered appropriate that a condition be imposed in any consent granted to prevent the introduction of any entrance door on the south elevation of the proposed dwelling to safeguard the privacy of the objector.***

(iv) that the south elevation of any house be a distance of at least five metres from the southern boundary of the site.

***The size and configuration of the plot is such that to accede to the objector's request would make it difficult to comfortably site any proposed dwelling within the plot, even if the development footprint is small and taking into account point (v) below. The indicative layout plan submitted with the application shows the distance of the dwelling from the southern boundary varying from 3 to 8 metres. At its closest point, the indicative plan shows a distance of 9 metres between the proposed dwelling and the objector's property. However, the application is in outline only and it is considered that it would be inappropriate to impose such a condition at this time.***

(v) that the front building line be the same as the existing houses to the east of the site.

***Taking into account the existing front building line of residential properties in Bank Avenue, it is considered appropriate in planning terms for the proposed new dwelling to have the same front building line as other dwellings in Bank Avenue.***

## **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 structure plan policies directly relevant to this application.

***Noted.***

## East Ayrshire Local Plan

5.3 The proposed site lies adjacent to, but not within, an area of safeguarded public open space. 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;

***There would be minimal impact on the surrounding natural and built environment as the house is proposed in an existing residential area.***

(ii) transportation and infrastructure implications;

***There are no significant issues raised by statutory consultees in this regard.***

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

***This application is in outline only. However, an indicative house type and its positioning within the plot are shown on the plans and the proposal is considered to be acceptable.***

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

***The indicative design shown on the plans is acceptable.***

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.

***Although the application is in outline, the indicative layout shows an indicative rear garden ground which generally meets with the Council's minimum private open space standards.***

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of the application are the consultation replies and the representation received.

### Consultation Replies

6.2 The consultation replies would generally indicate that approval of the application would be appropriate.

### Representations

6.3 The representation received does raise points of material consideration in the determination of this report. It is considered that most of the points raised can be satisfactorily addressed by the imposition of appropriate conditions and others are not of sufficient weight to justify 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 is indicated in Section 5 of the report, the application is considered to be in accordance with the development plan. 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. As is indicated at Section 6 of the report, there are material considerations relevant to this application which are also generally supportive of the proposed development.

8.2 The proposed development is considered to be acceptable for this location subject to the imposition of appropriate conditions. The scale of any proposed dwelling on this application site is limited by the size of the plot and by the necessity of meeting design guidance and open space provision.

8.3 It is further considered that the representations received are either not of sufficient weight to justify refusal of the application or it is considered that some of the points raised can be addressed through the imposition of appropriate conditions in any consent granted for the proposed development.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.**

## **CONTRARY DECISION NOTE**

Should the Committee agree to refuse the application contrary to the recommendation of the Head of Planning, Development and Building Standards the application would not require to be referred to the Development Services Committee as such a decision would not represent a significant departure from the development plan.

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

24 September 2004  
HM/HM/SMB  
FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses.
4. Letter of representation.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).

Any person wishing to inspect the background papers listed above, should contact Mr. Hugh Melvin on 01563 555481.

**Implementation Officer: Dave Morris**

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Site of Proposal:	13 Bank Avenue CUMNOCK
Nature of Proposal:	Proposed erection of a dwellinghouse
Name & Address of Applicant:	Mr. John Brodie 13 Bank Avenue CUMNOCK
Name & Address of Agent:	N/A

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PPO's Reference: Hugh Melvin

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

1. The further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby reserved. The development of the site shall not commence until all these reserved matters have been approved:
  - (a) the overall site layout of the house plot;
  - (b) the size, height, design and external appearance of the proposed dwellinghouse;
  - (c) the means of drainage and sewage disposal;
  - (d) details of the access arrangements;
  - (e) the provision for car parking and turning within the site;
  - (f) the boundary walls/fences to be erected;
  - (g) finished and existing site levels/floor levels.

REASON – The approval is in outline only.

2. A minimum of two off-road parking spaces shall be provided for the proposed dwelling

REASON – In the interests of public road safety.

3. The private driveway shall be paved for a minimum distance of 5 metres from the edge of the public road carriageway.

REASON – To avoid overcarry of loose material onto the public highway in the interests of maintaining a secure road surface.

4. Any gates shall open inwards away from the public road.

REASON – To prevent obstruction of the public highway in the interests of pedestrian and road safety.

5. No surface water shall be allowed to egress onto the public highway.

REASON – In the interests of maintaining a secure road surface.

6. Any future garage shall be set back a minimum of 6 metres from the rear of the carriageway.

REASON – To prevent obstruction on the public highway in the interests of pedestrian and road safety.

7. Notwithstanding the provisions of Condition 1(d) above, the detailed plans shall provide for the upgrading of the existing turning area adjacent to the plot.

REASON – In the interests of road safety.

8. Notwithstanding the provisions of Condition 1(b) above, the front building line of the proposed dwelling shall be the same as the existing dwellinghouse at 13 Bank Avenue.

REASON – In the interests of visual amenity.

9. Notwithstanding the provisions of Condition 1(b) above, the ridgeline of the roof of the proposed dwellinghouse shall run parallel to Bank Avenue.

REASON – In the interests of visual amenity.

10. Notwithstanding the provisions of Condition 1(b) above, there shall be no dormer windows or roof lights introduced into the south facing roof elevation of the proposed dwellinghouse, or any entrance doorway introduced in the south elevation of the proposed dwellinghouse.

REASON- To safeguard the privacy and amenity of the adjacent residential property to the south of the application site.

11. The details to be submitted further to Condition 1 above shall only allow for the proposed dwelling being one or one and a half stories in height.

REASON – In the interests of visual and residential amenity.

12. Notwithstanding the plans hereby approved, and the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, any domestic garage associated with the development shall be of a permanent construction and finished in the same materials as the dwellinghouse to which it relates.

REASON – To ensure that any future domestic garages within the site are an appropriate match with the approved dwellinghouses in the interests of visual amenity.

13. 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 interest of residential amenity.

14. Notwithstanding the provisions of Condition 1(c) above, the developer shall submit the details of a Sustainable Urban Drainage system (SUDs) to be installed and shall specify a programme for the future management and maintenance of the scheme.

REASON – To ensure an appropriate means of surface water runoff in the interests of public health and safety.

15. Notwithstanding the submitted schematic front elevation and site layout plan received on 28 June 2004, the details of the design and location of the house indicated thereon are not hereby approved.

REASON – To enable the Planning Authority to retain control of the development, the application only being approved in outline.

➤ **NOTES TO APPLICANT**

1. East Ayrshire Council Roads and Transportation Division has advised that Construction Consent will be required for the road works. The Division can be contacted on Tel 01563 555330.
2. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency regarding drainage of the site and to confirm the request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.
3. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.
4. The applicant should make early contact with Power Systems and Transco with regard to the protection or diversion of apparatus that may be affected by the proposed development.

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