

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 31 MAY 2002

**01/0489/OL: ERECTION OF DWELLINGHOUSE AT
4 OLD GLASGOW ROAD, STEWARTON
BY MR BROOKS**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the erection of a detached dwellinghouse on the flat area of the site. Indicative supportive information has been submitted which confirms how a 1½ storey dwellinghouse situated centrally on the site with its ground floor at the level of the existing flat area and its first floor at approximate road level could be accommodated. A new footpath is detailed to the front of the site and the donor house.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As is indicated in paragraph 5 of the report the application is considered to be in accordance with the Development Plan. Therefore, given the terms of Section 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As indicated in Section 6 of the report there are material considerations relevant to this application. These considerations are considered to be generally supportive of the application. The submitted letters of objection are noted but are not considered in themselves to be of sufficient weight to justify a decision contrary to the Development Plan.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee as it would not be a significant breach of policy.

Alan Neish
Head of Planning and Building Control

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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Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an outline application which is to be considered by the Local Planning Committee under the scheme of delegation as it has been subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is on the south side of Old Glasgow Road and comprises three elements, a level area of garden ground attached to the above house, with a section of the embankment to the east of the flat area and a steep fall to the south towards the Annick Water. The level garden area lies lower than Old Glasgow Road and extends to approximately 330m². The portion of the embankment is part of an area covered by a Tree Preservation Order.

2.2 **Proposed Development:** Outline planning permission is sought for the erection of a detached dwellinghouse on the flat area of the site. Indicative supportive information has been submitted which confirms how a 1½ storey dwellinghouse situated centrally on the site with its ground floor at the level of the existing flat area and its first floor at approximate road level could be accommodated. A new footpath is detailed to the front of the site and the donor house.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has advised that it has no objection to the proposal in principal subject to the meeting of its requirements in respect of sightlines, footpath provision etc.

Noted. These aspects, can be secured by means of a condition if the Committee agree to approve the application.

3.2 The Scottish Environment Protection Agency have confirmed that it has no objection to the proposal provided that the foul drainage is connected to the public sewer.

Noted.

3.3 Scottish Water has advised that there is a public sewerage system available for connection and that the development can be serviced from an existing public water main.

Noted.

3.4 The Coal Authority has advised that it is not aware of any ground conditions that should adversely affect the proposal.

Noted.

3.5 Stewarton Community Council has not responded at the time of writing this report.

Noted.

3.6 East Ayrshire Council's Community Services Department offered comment on an existing single Ash tree that was within the site, which has since been removed by the applicant. Additionally, they have confirmed that the area of the Tree Preservation Order (TPO) involved is characterised by a number of dead trees and a ground cover of young trees and shrubs. It is the view of Community Services that the TPO area is poor and in need of management.

Noted. The removal of the Ash tree did not require permission from the Council as it was not protected under the TPO. The condition of the TPO is acknowledged but it is considered that the small area involved could reasonably be accommodated in the application site with no detriment to the remainder of the TPO.

3.7 Transco has not offered any objections to the proposal but comments on the procedures for working near to gas apparatus.

A note can be attached to any consent advising the developer of the need for caution and to contact Transco.

4. REPRESENTATIONS

Two letters of objection have been submitted in response to this outline application, from adjacent residents. The grounds of objection raise the following points:-

4.1 The proposed access will result in a traffic hazard.

East Ayrshire Council's Roads and Transportation Division has confirmed that it is satisfied with the proposal.

4.2 The relationship between the public sewer and the site, is such that the level of the house will require to be raised to facilitate a connection. Consequently the

house will be considerably higher than its neighbours and will be obtrusive in the area.

The application is in outline, therefore there are no firm details of the final house levels. These, and the visual consequences for any house, can be assessed when full details are lodged. Indicative house type details were submitted which confirmed an arrangement as described in para 2.2. In respect of the difficulties of connection to the sewer, neither SEPA nor Scottish Water have raised any objection to the proposal.

4.3 The new house will obscure the view currently enjoyed from the objectors house.

This aspect is not a valid planning concern, the proposal's potential impact on the visual amenity of the area has been assessed and found to be acceptable.

4.4 The loss of the Ash tree would be regrettable, it should be protected.

The opportunity was available to protect the Ash tree in the past both when the adjacent TPO was designated and when consent was granted for the donor house. This was not pursued and consequently the applicant was subsequently entitled to have the tree removed.

4.5 The proposed house should be situated at least 6m back from the heel of the proposed footpath. The indicative house is detailed 2m from the heel of the proposed footpath which is out of character with the traditional villas of the area.

Noted. The proposed house details are indicative only.

4.6 The site is made up of uncompacted and unstable mixed fill material which will require investigation as to its stability and suitability for the proposal prior to the commencement of work.

Noted. This aspect can be addressed by condition if the Committee agrees to approve the application.

4.7 There are a number of historic surface water drains which discharge into the sewers from older properties across Old Glasgow Road.

The diversion or replacement of this facility is a private legal matter.

4.8 The proposed footpath is very extensive and is similar to that proposed in a larger proposal on Glasgow Road. It should not be considered separately from that development.

This is a reference to the outline application further up Old Glasgow Road (EAC Ref 99/0863/OL) which would require a similar provision. That particular element is being considered separately and the footpath

requirement is sought for this current proposal by East Ayrshire Council's Roads and Transportation Division.

4.9 Has the owner notification been carried out correctly?

This matter has been confirmed by the applicant as correct, and no party has come forward to claim separate ownership of part of 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 and the Adopted Stewarton Local Plan (1987).

5.2 Notwithstanding the age of the Adopted Plan the proposal would require to be assessed against Policies 4.1.2 and 4.8.1.

These policies confirm respectively the criteria against which new housing will be considered in Stewarton and the design criteria applicable to new proposals.

The proposal has been assessed and is found to be in accordance with the policies. In terms of Policy 4.8.1, (design) it is considered that, despite the indicative status of the information on the likely house type, a house comparable in style and design to the donor could be accommodated on site.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principle material considerations relevant to this application are the East Ayrshire Local Plan (Finalised Version with Modifications), consultation responses, representations received and impact on the amenity of the area.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) (EALP) should be considered a prime material consideration.

East Ayrshire Local Plan (Finalised Version with Modifications)

6.3 The relevant policies in the EALP against which the proposal requires to be assessed are ENV7, RES4 and RES22.

Policy ENV7

“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.”

Reason for Policy ENV7

- To ensure a high standard of design for new development in line with Council advice and guidance.

The application is in outline, there are therefore no details to assess against the terms of this policy. It is considered that there is scope for a house on site which will comply with this policy.

Policy RES4 confirms the assessment criteria for residential development in existing settlements. The reasons for the policy are to improve the amenity of the area and to consolidate the built environment.

The relevant criteria are based on the following:

- “(i) Impact on the surrounding natural and built environment and adjacent uses;
- (ii) Transportation and infrastructure implications;
- (iii) Compatibility with surrounding densities and housing types; and
- (iv) Compliance with the Council’s Development Promotion and Design Guidance.”

Noted. The application is in outline, however it has been established that a house can be accommodated on site that can be appropriately serviced and will be generally compatible with the housing on the south side of Old Glasgow Road. Additionally, the site is of a sufficient size to provide adequate private garden ground behind the indicative building line of the house as required by Policy RES22.

Consultation Responses

6.4 The consultation responses received are considered to be generally supportive of the application. Certain matters are required to be addressed but it is considered that they can be secured by means of conditions if the Committee agree to approve the application.

Representations

6.5 The matters raised by the objectors have been assessed and considered to be of insufficient weight to justify the refusal of the outline application in this case.

Impact on the Amenity of the Area

6.6 The circumstances of the site are such that it is constrained by several elements. The submission, supported by the indicative details, confirms that a house could be accommodated on the flat area of garden ground.

The intrusion into the TPO of Bessies Bank is considered a minor matter given the condition of the TPO.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in determining this application.

8. CONCLUSIONS

8.1 As is indicated in paragraph 5 of the report the application is considered to be in accordance with the Development Plan. Therefore, given the terms of Section 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As indicated in Section 6 of the report there are material considerations relevant to this application. These considerations are considered to be generally supportive of the application. The submitted letters of objection are noted but are not considered in themselves to be of sufficient weight to justify a decision contrary to the Development Plan.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions 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 and Building Control, the application will not require to be referred to the Development Services Committee as it would not be a significant breach of policy.

Alan Neish
Head of Planning and Building Control

16 May 2002
(IW/MS)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultations.
4. Letters of objection.
5. Adopted Stewarton Local Plan
6. East Ayrshire Local Plan Finalised Version with Modifications.
7. Approved Ayrshire Joint Structure Plan.
8. Approved Strathclyde Structure Plan.

Anyone wishing to inspect the above papers should contact Ian Walker on (01563) 576769.

Implementation Officer: Dave Morris

I:NLPC/010489OL

Form TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 01/0489/OL

Location: 4 Old Glasgow Road
STEWARTON

Nature of Proposal: Proposed Erection of Dwellinghouse

Name & Address of Applicant: Mr R Brooks
4 Old Glasgow Road
STEWARTON
Kilmarnock KA3 5JJ

Name & Address of Agent:

DPO's Ref: IW
PPO's Ref:

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 undermentioned 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;
 - (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) Finished site levels/floor levels.

REASON The approval is in outline only.

2. Details submitted in pursuance of Condition 1 above shall provide for a 1.8m wide footway across the length of the application site and extending to the existing public footway at the Annick Water bridge. Details shall also be submitted confirming the attainment of a visibility sightline of $x = 2.5\text{m}$ and $y = 90\text{m}$ at the vehicular access point to Old Glasgow Road.

REASON In the interests of road safety.

3. The details submitted in pursuance of Condition 1 above shall provide for a house of maximum 1½ storey height, with the ground floor being at the level of the existing flat area on site and with a minimum of 100m² of private garden ground provided behind the front building line of the house.

REASON In the interests of visual and residential amenity.

4. Prior to the commencement of development on site the applicant shall have submitted to and have had approved by the Planning Authority, details confirming the suitability of the site for construction purposes and for the accommodation of a residential property. Said details shall include full details of existing site make up and proposed means of infill consolidation and retention measures.

REASON To ensure that due regard is taken of the previous use of the land, and in the interests of visual and residential amenity.

Note To Applicants

1. The applicants/developer are advised that Transco apparatus may lie within the vicinity of the site and they should contact Transco in that regard prior to the commencement of development at 95 Kilbirnie Road, Glasgow, G5 8JD.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**

AGENDA