

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 01 SEPTEMBER 2000

**00/0235/FL: PROPOSED ERECTION OF TWO 5-APARTMENT
DWELLINGHOUSES AT 24 MAIN ROAD, WATERSIDE
BY MR D TOGNINI**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The application proposes the erection of 2no 1½ storey detached dwellinghouses with private parking and garden space. The dwellings are to be constructed with roughcast finish and slate or slate substitute roofing materials. Access is to be directly from Main Road, Waterside.

The application proposes the retention of the majority of the mature trees on site, with approximately 9 conifers to be removed, which the applicant has indicated will be replaced.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 The proposed development is considered acceptable in terms of policy, design, layout and is in keeping with the existing character of the village.

**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 a full planning application to be considered under the scheme of delegation as the proposal is the subject of objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises approximately 1200 sq metres of land adjacent to the north of No 24 Main Road, Waterside. The site slopes from the public road to the rear of the site towards the burn. The land was previously garden ground for No 24 Main Road, Waterside and is covered by a number of mature trees.

Planning consent for 2no detached dwellings was previously obtained for this site under consent 98/0784/FL, issued on 06 September 1999, which has not been implemented.

2.2 **Proposed Development:** The application proposes the erection of 2no 1½ storey detached dwellinghouses with private parking and garden space. The dwellings are to be constructed with roughcast finish and slate or slate substitute roofing materials. Access is to be directly from Main Road, Waterside.

The application proposes the retention of the majority of the mature trees on site, with approximately 9 conifers to be removed, which the applicant has indicated will be replaced.

3. CONSULTATIONS AND ISSUES RAISED

3.1 West of Scotland Water has indicated that there are no impediments to development provided that:-

- If a septic tank is utilised it must be sited in such a manner as to allow easy access for emptying by tanker.

Noted. The applicant has indicated that the disposal of sewage and effluent will be by means of a biodisc unit, which complies with Building Control Regulations.

3.2 The Coal Authority have indicated that coal reserves exist in the vicinity but there is no evidence of past, current or future workings at the site.

Noted.

3.3 SEPA has no objection to this proposal provided that the drainage arrangements are to the Agency's satisfaction. In view of the absence of a watercourse suitable for the acceptance of septic tank effluent it is recommended that the possibility of providing a sub-soil soakaway system for effluent disposal is investigated. The septic tank and soakaway will require to be designed and constructed in accordance with the current code of practice BS6297:1983. This will require the applicant to carry out percolation testing on site to assess the suitability of the sub-soil for effluent disposal. Surface water should be excluded from the septic tank.

The Agency would only consider a discharge to the watercourse appropriate if the ground conditions will not allow a total soakaway and even then an extensive soakaway would need to be provided.

Noted. The use of the biodisc system is, in discussion with the Building Control Section, a suitable and acceptable means of satisfying the drainage requirements. This can also be covered by a condition.

3.4 East Ayrshire Council Roads Division has no objections to the proposal provided that:

- (i) The applicant undertakes an appropriate standard of vehicle crossing over the public footway.
- (ii) Sightlines of 2.5 metres by 90 metres are provided at the new access.

Noted. The proposed access onto the public road satisfies the specified sightline requirements and the footway crossing can be conditional of any consent.

3.5 Moscow and Waterside Community Council has responded that there were no observations or comments on the plans. They have subsequently made the following comments:-

- (i) The neighbour notification was not served properly and to the correct people.
- (ii) The actual arrangement of the septic tank differs from that detailed in the plans.

Noted. The neighbour notification, in the Council's opinion, has now been carried out correctly and issued to the appropriate people. The Community Council brought this to the Planning Division's attention earlier and the applicant carried out the appropriate notification to rectify an original error.

The comment regarding the septic tank is negated by the use of the proposed biodisc system.

4. REPRESENTATIONS RECEIVED

2 objections have been received signed by 3 people. The grounds of objection are as follows:-

4.1 Concern regarding the outflow from both septic tanks into the adjacent burn. This problem was noted when we applied to build our house 15 years ago. As a consequence of Water Authority investigations then, we were obliged to install lengthy field drains to the main river running through the village.

Noted. The amendment to the application to make use of a biodisc system will overcome the objection raised.

4.2 The application is closer to the adjacent 'B' listed buildings than the previous application, and will require more tree felling, I request that this application be advertised as 'Development Affecting the Setting of the B Listed Mill'.

The application site is approximately 40 metres from the specified building and the boundary is tree covered and thus is not considered to be affecting the setting of the building.

- 4.3 (i) Vital elevations of the 2 houses proposed are missing, including details of construction and materials for the proposed car port.

Noted. The applicant has submitted the details which were not with the original submission.

- (ii) There is no section through the site to indicate precise planned development levels.

- (iii) It is quite insufficient to refer to site levels: “to be reduced in accordance with a previous full planning application (98/0784/FL)”.

The previously approved consent for two dwellings indicated sections and levels of the site. This application makes reference to the previous consent details. The use of conditions to provide details of the finished floor levels can be imposed, in the knowledge that it was previously considered possible to accommodate two 1½ storey houses on the site.

- 4.4 The current plans show a septic tank just 6m from the corner of the rear house and 2m from the burn, bounding the rear site boundary. Previously any new septic tank has required to be 15m from any habitable building and a soakaway provided which will allow sufficient distance for proper percolation of water before it reaches a watercourse.

Amended plans indicate that a biodisc system will be implemented which will alleviate any drainage and sewerage concerns.

- 4.5 I object to any proposed drainage which will not meet proper standards and which could therefore exacerbate the problems of water purity in the Craufurdland Water into which any water from this site would go, via the burn on the application site boundary. The burn has flooded in the past onto Main Road and now takes increased water from development upstream.

The issue has been addressed in 4.4 above. The Roads Division has not indicated any flooding risk.

- 4.6 The proposed houses will have a considerable impact on the listed buildings and the village setting. I ask that roof materials should be slate and walls roughcast with traditional wet render. This will also help to link their grouping with the donor house.

The comments are noted. The proposals incorporate slate/slate substitute and roughcast finishes, details of which will be confirmed by condition.

4.7 I have grave reservations about the proposed rear house which appears to be contrary to RES 5 of the East Ayrshire Council Finalised Local Plan.

This matter is addressed in Section 5 below, however the house is not considered to adversely affect the amenity of the area or adjoining properties. A second house was approved in this location within the terms of Planning Consent No 98/0784/FL.

4.8 The previous consent showed a separation distance of 22m between the 2 proposed houses. This is now only 13m where 18m minimum is usually the requirement to allow for privacy and residential amenity.

The amended plans indicate in excess of 15m between the dwellings with blank gable/garage elevations facing each other. This will not affect privacy and residential amenity.

4.9 The proposed development is therefore over-development with inadequate garden ground and cramped plot size – quite inappropriate in a rural village.

This matter is addressed in Section 5 below, however this contention is not accepted, garden sizes are appropriate.

4.10 The donor house has a gas tank on site which would be less than 5m from any new house. Is this acceptable?

The Building Control Regulations indicate that gas tanks can be erected within 3m of a dwelling if not protected by a wall. The size of gas tank will impact on distances, but this proposed circumstance does not contravene Building Control Regulations.

4.11 A rear facing house will also prejudice proper consideration of the current application to redevelop the sawmill. The question of overlooking and privacy of the site requires to be addressed because of higher site levels.

The assessment of both this application and the sawmill proposals have been considered in tandem. The latter application is yet to be determined due to ongoing discussions with the applicant and Historic Scotland. The position of the house No 1 of this application will be higher than those proposed for the sawmill, however the distance from the boundary to the house (16 metres) will offset much, if any, direct overlooking.

4.12 Trees will require to be felled along Main Road, including those on the donor house site in order to provide adequate sightlines.

Whilst the loss of trees is not encouraged, the type of trees to be felled are not considered to merit particular protection. The applicant has indicated that replacement planting will be implemented and this can be conditional of any consent.

4.13 Is the boundary wall shown on the northern boundary of the application site the original stone (mill) wall or the new concrete wall.

Details of any new walls will be conditioned in terms of design and height.

5. DEVELOPMENT PLAN STATUS

5.1 The relevant development plan is the East Ayrshire Council Local Plan (Finalised Version). The relevant policy is Policy RES 5 and it is the Division's view that the proposal is:

- (i) In keeping with the existing residential character and appearance of the area;
- (ii) Acceptable in terms of design requirements and does not create unacceptable damage to the amenity of surrounding properties; and,
- (iii) Maintains levels of privacy to both neighbouring and proposed dwellings.

5.2 In addition, and through the provision of adequate levels of private open space and acceptable layout and design there is not, in the Council's opinion, any over-development.

6. OTHER PLANNING CONSIDERATIONS

6.1 The precedent of development at this site has been established by the issue of consent granted in September 1999 (98/0784/FL).

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council resulting from the proposal.

8. CONCLUSION

8.1 The proposed development is considered acceptable in terms of policy, design, layout and is in keeping with the existing character of the village.

9. RECOMMENDATION

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

**Alan Neish
Head of Planning and Building Control**

23 August 2000
(HB/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letters of objection.
5. Amendments to the application.
6. Correspondence from/to the applicant.
7. East Ayrshire Council Local Plan (Finalised Version).
8. Previous Planning Applications: 98/0784/FL

Anyone wishing to inspect the above papers please contact Hamish Buttle on 01563 576772.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

00/0235/FL

Site of Proposal: 24 Main Road
WATERSIDE, Kilmarnock KA3 6JB

Natural of Proposal: Proposed Erection of Two 5-Apartment
Dwellinghouses

Name & Address of Applicant: Mr Dario Tognini
Pollyannas Restaurant
6 Titchfield Street
KILMARNOCK KA1 1PH

Name & Address of Agent: Alexander Dunlop
7 Watson Street
KILMARNOCK KA3 7BY

DPOs Reference: HB/MMM

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 received on 07 April 2000 and the amended plans received by the Planning Authority on 28 June 2000.

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

2. No trees shall be felled, lopped, have roots cut, or be the subject of any other works without the written consent of the Planning Authority. Details of all replacement planting and a timetable for planting shall be submitted to and approved by the Planning Authority, prior to the commencement of any development on site.

REASON In the interests of visual amenity.

3. The felling/works shall commence after not less than 14 days' notice has been given to the Planning Authority and arrangements made for the supervision of works by a representative of the Planning Authority. Details of replacement planting, particularly along the boundary with the sawmill (western boundary) shall be submitted to and approved by the Planning Authority prior to the occupation of any dwellinghouse on the site.

REASON To ensure the proper supervision of the works in the interest of visual amenity.

4. Details/samples of all external construction materials shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON In the interests of visual amenity.

5. Notwithstanding the plans hereby approved, the external surface of the walls shall be rendered or roughcast in a colour to be agreed in writing with the Planning Authority prior to the commencement of development.

REASON In the interests of visual amenity.

6. Notwithstanding the plans hereby submitted, the site access shall be constructed before works commence on the two houses and the applicant shall ensure that sightlines of 2.5 metres x 90 metres are provided insofar as they relate to land in the applicant's ownership, prior to the occupation of any dwellinghouse on the site.

REASON In the interests of road safety.

7. Notwithstanding the plans hereby submitted, the formation of a vehicle access crossing over the public footway shall be to the Roads Division standard, and completed prior to the occupation of any dwellinghouse on the site.

REASON In the interests of road safety.

8. Notwithstanding the plans hereby submitted, sectional drawings showing existing and proposed ground and house levels across the site shall be submitted to and approved by the Planning Authority, prior to the commencement of any development on the site.

REASON In the interests of residential amenity.

9. Notwithstanding the submitted plans details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON In the interests of visual amenity.

10. Notwithstanding the plans hereby submitted, the proposed drainage system must comply with the requisite standards, stipulated by SEPA. Confirmation of SEPA's acceptance of the proposed drainage system must be submitted to and approved by the Planning Authority, prior to the commencement of any development on site.

REASON In the interests of public health.

Note to Applicant:

The applicant should consult with West of Scotland Water and SEPA to obtain appropriate permissions prior to commencement of development.

**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.**

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AGENDA