

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 31 AUGUST 2001**

**O1/0373/FL: PROPOSED ERECTION OF DWELLINGHOUSE AT PLOT E OLD  
GLASGOW ROAD STEWARTON BY G RYAN**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the erection of a two storey, four bedroom dwellinghouse. It is proposed that the dwellinghouse will be externally finished with grey concrete tiles and brown facing brick. The applicant proposes to provide two in-curtilage car parking spaces.

**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 at paragraph 5.2 above, the proposed development 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 indicated at para 6.1 above, there are material considerations relevant to the development of the application, but in this regard the East Ayrshire Local Plan (Finalised Version with Modifications) is also supportive of the proposed development.

3.2 No adverse consultation responses have been received in respect of the application.

3.3 The points of objection detailed in Section 4 of the report are not considered to justify a refusal of the application.

**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 to the Local Planning Committee a full planning application for determination under the Scheme of Delegation as the application is subject to objections.

#### **2. APPLICATION DETAILS**

2.1 **Site Description:** The application site forms part of a larger site which is presently being developed on a plot by plot basis and lies adjacent to Old Glasgow Road, Stewarton. The site is generally level, is heavily vegetated in parts and is bordered to the west by Old Glasgow Road. The northern boundary of the site is formed by a watercourse. Several dwellinghouses are presently under construction within the larger site. Existing residential properties lie in proximity to the proposed dwellinghouse, on the opposite side of Old Glasgow Road and beyond the watercourse on the northern boundary.

2.2. **Proposed Development:** Full planning permission is sought for the erection of a two storey, four bedroom dwellinghouse. It is proposed that the dwellinghouse will be externally finished with grey concrete tiles and brown facing brick. The applicant proposes to provide two in-curtilage car parking spaces.

#### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 East Ayrshire Council's Roads and Transportation Division has no objection to the proposed development.

#### ***Noted.***

3.2 East Ayrshire Council Roads and Transportation Division, Flooding Section has no objection to the proposal, provided the finished floor level of the dwellinghouse is set at 94.4 metres OD (in accordance with the recommendations of the Stewarton Flood Study prepared by the Babbie Group). The Section also states that, during flood situations, the riverbank along the northern boundary of the site may be susceptible to erosive action and that the responsibility for the maintenance of bank lies with the

landowner. The Section further states that Japanese Knotwood exists along the river bank which should be treated before it compromises the stability of the bank.

***The existing levels of the site lie at between 94.5 metres OD and 93.4 metres OD. It is therefore considered that, should the application be approved, an appropriate condition be included on the planning permission requiring that the finished floor level be set at 94.4. Appropriate notes can also be attached to the planning permission in respect of the landowner's responsibility for the maintenance of the site and the treatment of the Japanese Knotwood.***

3.3 The West of Scotland Water Authority has no objection to the proposal provided operational arrangements are to its satisfaction in respect of water supply and drainage. Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.

3.4 The Scottish Environment Protection Agency has no objection to the proposal, provided drainage arrangements are to its satisfaction.

***Should the application be approved, a note in respect of the above can be attached to the planning permission.***

3.5 The Coal Authority has no objection to the proposal.

***Noted.***

3.6 Stewarton Community Council has not responded to the consultation letter at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

One letter of objection (with two signatories) has been received from the occupiers of a dwellinghouse adjacent to the northern site boundary, beyond the watercourse. The grounds of objection can be summarised as follows.

4.1 The proposed dwelling is two storeys in height, whereas the existing houses within the development are one and a half storeys. A two storey dwelling is overlarge for the site.

***Given that the site lies within the settlement boundary, it is not considered necessary to restrict the height of the dwelling to 1½ storeys. A two storey dwellinghouse is presently under construction adjacent to the application site, on another plot within the development. Furthermore, the proposed dwellinghouse fits satisfactorily into the plot, as the minimum requirements for the garden ground area can be achieved and no overlooking or***

***overshadowing issues have arisen. The proposed external construction materials generally match those on the existing dwellings within the development.***

4.2 The objectors also request that all trees be retained within the site and that the hedges on the boundary of the site, adjacent to the watercourse, not be reduced in size in any way.

***The trees within the site are immature, make little contribution to visual amenity and take up a major part of the garden ground of the proposed dwelling. It is therefore considered that their retention cannot be justified in this instance. The boundary hedge however potentially makes an important contribution to visual amenity and to the privacy of the occupiers of both the existing and the proposed dwellinghouses. It is therefore considered that, should the application be approved, an appropriate condition be included on the planning permission to secure the retention of the boundary hedgerow.***

## **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). The Adopted Local Plan was prepared in the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the application site lies within the settlement boundary of Stewarton and falls to be determined with regard to Policy 4.1.2 of the Adopted Stewarton Local Plan. Policy 4.1.2 states:

*“Housing development shall be allowed on sites within the urban envelopes of:-  
Stewarton  
Fenwick  
Dunlop*

*As defined on the Proposals Map, where*

*(1) the proposed development is in Stewarton, on a site of not more than 0.5 hectares and with a maximum of ten dwellings; or in Fenwick and Dunlop on a site of not more than 0.3 hectares and with a maximum of three dwellings; and in each case is not likely to be detrimental to or be adversely affected by adjacent uses.”*

***The larger development site lies within the urban envelope of Stewarton as defined in the Adopted Local Plan and has been divided into 6 plots. It is***

***also considered that adjacent land uses would not have a detrimental impact on the proposed use, given that the surrounding land uses are predominantly residential. It is therefore considered that the proposal complies with the terms of Policy 4.1.2 of the Adopted Local Plan.***

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

6.1 The other principal material considerations relevant to the determination of this application are the East Ayrshire Local Plan, Finalised Version with Modifications and the objections detailed above.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should 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 as a prime material consideration.

6.3 The application site forms part of a larger site identified for residential purposes in the EALP. Policy RES1 states that the Council will encourage and support residential development on designated sites.

***It is considered that the proposal is consistent with the site's designation and with the terms of Policy RES 1.***

6.4 The application also requires to be determined with regard to Policy RES 22. Policy RES 22 provides that all developers are required to observe minimum private open space standards of 100 square metres.

***Given that the proposal provides 160 square metres of private garden ground to the rear of the property; it is considered that it complies with the terms of Policy RES 22 of the East Ayrshire Local Plan (Finalised Version with Modifications)***

6.5 Policy ENV 7 requires that development proposals comply fully with the Council's existing and emerging Design Guidance and policy documents.

***It is considered that the proposal is generally appropriate with regard to the available design guidance.***

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial or legal implications for the Council in determination of the application.

## **8. CONCLUSIONS**

8.1 As indicated at paragraph 5.2 above, the proposed development 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 indicated at para 6.1 above, there are material considerations relevant to the development of the application, but in this regard the East Ayrshire Local Plan (Finalised Version with Modifications) is also supportive of the proposed development.

8.2 No adverse consultation responses have been received in respect of the application.

8.3 The points of objection detailed in Section 4 of the report are not considered to justify a 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.**

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

22 August 2001 (DS/SA)  
FV-DVM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Consultation responses.
3. Letter of Objection.
4. East Ayrshire Local Plan (Finalised Version with Modifications)
5. Adopted Stewarton Local Plan.
6. Approved Strathclyde Structure Plan.
7. Approved Ayrshire Joint Structure Plan.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0373/OL

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Site of Proposal: Plot E  
Old Glasgow Road STEWARTON

Natural of Proposal: Proposed new dwelling

Name & Address of Applicant: G Ryan  
2 Fourth Avenue  
Millerston  
GLASGOW

Name & Address of Agent:

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DPOs Reference: DS/SA

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 and plans submitted on 21 May 2001 as revised by the amended block plan and elevational drawings, showing the proposed dwellinghouse handed received by the Planning Authority on 13 July 2001.

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

(2) The access to the site shall be by means of a standard footway crossing, constructed in accordance with the East Ayrshire Council Roads Development Guide 1996.

REASON In the interests of public road safety.

(3) The driveway to the plot shall be suitably surfaced such that no surface water discharges or loose material is carried out on to the public road.

REASON In the interests of public road safety.

(4) Any access gates shall open inwards only, away from the public road.

REASON In the interests of public road safety.

(5) Notwithstanding any specification on the approved plans or application form, three in-curtilage car parking spaces shall be provided within the site and thereafter maintained free from obstruction at all times.

REASON To ensure that adequate car parking is provided.

(6) Notwithstanding any specification on the approved plans or application form, the finished ground floor level of the dwellinghouse shall be 94.4 metres OD.

REASON To accord with the recommendation of the Stewarton Flood Study and to ensure that the proposed dwelling is adequately protected against flooding.

(7) Notwithstanding any specification on the approved plans or application form, samples of all external construction materials including the proposed finish to the roof shall be submitted to and approved by the Planning Authority, prior to the commencement of any work on site.

REASON In the interests of visual amenity.

(8) Notwithstanding any specification on the approved plans or application form, details of the design and location of any fences, walls or other means of enclosure shall be submitted to and approved by the Planning Authority, prior to the commencement of any work on site.

REASON In the interests of visual amenity.

(9) Notwithstanding any specification on the approved plans or application form, the hawthorn hedge on the northern boundary of the site shall be retained. No lopping of the hedge shall be undertaken without the prior written approval of the Planning Authority.

REASON In the interests of visual, environmental and residential amenity.

#### NOTES:

(1) The applicant is advised to make early contact with the West of Scotland Water Authority, 35 Glenburn Road, Prestwick with regard to water supply and drainage.

(2) The applicant is advised to make early contact with the Scottish Environment Protection Agency, 2 Alloway Place, Ayr with regard to drainage arrangements.

(3) All drainage arrangements shall comply with the requirements of the West of Scotland Water Authority and Scottish Environment Protection Agency.

(4) The applicant is advised that the responsibility for the maintenance of the bank of the watercourse lies with the landowner.

(5) The applicant is advised to make early contact with the Scottish Environment Protection Agency with regard to the treatment of the Japanese Knotweed present along the riverbank which may otherwise compromise the stability of the bank.

**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**