

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 01 MARCH 2002

**O1/0829/FL: PROPOSED ERECTION OF DWELLINGHOUSE
AT PLOT D, OLD GLASGOW ROAD, STEWARTON
BY MR & MRS GORDON SIM**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a one and a half storey dwellinghouse. It is proposed that the dwellinghouse will be externally finished with grey concrete tiles and render with 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. CONCLUSIONS

3.1 As indicated at paragraph 5.2 of the report, 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 of the report, there are material considerations relevant to the determination of the application, and in this regard the East Ayrshire Local Plan (Finalised Version with Modifications) is also supportive of the proposed development.

3.2 The objection from the West of Scotland Water Authority can be addressed with the use of a suspensive condition on the planning permission.

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

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to advice of the Head of Planning and Building Control on the basis of the principle of development on the site, then the application would require to be referred to the Development Services Committee as the site already has the benefit of outline consent for residential use.

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.

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 01 MARCH 2002

**O1/0829/FL: PROPOSED ERECTION OF DWELLINGHOUSE
AT PLOT D, OLD GLASGOW ROAD, STEWARTON
BY MR & MRS GORDON SIM**

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 and is bordered to the north and east by the East Burn and the Annick Water respectively. The western and southern boundaries of the site are formed by other residential plots. Some vegetation is present within the site adjacent to the East Burn. Further vegetation, on the opposite bank of the watercourse also helps screen the site from adjacent dwellings. 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 one and a half storey dwellinghouse. It is proposed that the dwellinghouse will be externally finished with grey concrete tiles and render with 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 provided the applicant provides an assessment of river erosion potential at the confluence of the two watercourses at the north eastern corner of the site.

Should the application be approved, an appropriate condition in respect of the above can be included in the planning permission.

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 high river levels the riverbank, at the confluence of the two rivers, may be susceptible to erosive action and that the responsibility for the maintenance of the bank lies with the landowner. The Section advises that the applicant should inspect the integrity of the banks adjacent to the plot with a view to strengthening and/or heightening to reduce the erosive action of the river and alleviate any potential for flooding. The Section adds that any such works adjacent to or within the waterway must have the prior approval of SEPA and the Roads Authority.

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 can be included on the planning permission requiring that the finished floor level be set at 94.4 metres OD. A further condition can be included on the planning permission to ensure that the applicant/property owners maintain the bank such that erosion is prevented.

3.3 The West of Scotland Water Authority has objected to the progression of development on this site as the existing downstream CSO has been classified by the Water Authority as unsatisfactory. It further advises that upgrading the sewerage system would be outwith reasonable cost.

Should the application be approved, an appropriate suspensive condition can be included on the planning permission requiring that no works shall start on site until such time as the applicant can provide written confirmation from the West of Scotland Water Authority that it is satisfied with the proposed drainage arrangements.

3.4 The Scottish Environment Protection Agency has no objection to the proposal, provided drainage arrangements are to its satisfaction. With regard to the risk of flooding on the site, SEPA has stated that they are satisfied that the original Stewarton Flood Study for the site has been carried out using appropriate flood estimation techniques and using suitably conservative parameters. SEPA has therefore indicated that it has no objection to the proposal, with respect to flood risk, provided finished floor levels are set at 94.4 m OD. SEPA also states that the Stewarton Flood Study highlights the potential for bank erosion to take place during flood events and, as such, mitigation measures should be implemented as required. SEPA has also stated that the guidance contained within PPG 5 should be closely followed to minimise the risk of pollution entering the watercourse during the construction phase.

Should the application be approved, a note in respect of the drainage arrangements can be attached to the planning permission. With regard to flood risk, it has been noted in 3.2 above that a condition can be included on the planning permission requiring that the finished floor level of the dwelling be set at 94.4m OD. As noted in 3.2 above, a condition can be attached to any grant of planning permission to ensure that the applicant/property owners maintain the bank, such that erosion is prevented and that the river flow is maintained free from obstruction/trees/vegetation and other potential blockages. A condition can be included on any planning permission granted, advising the applicant of his/her obligation with regard to the prevention of pollution of the watercourse.

3.5 The Coal Authority has not responded to the consultation letter at the time of writing this report.

Noted.

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

Noted.

4. REPRESENTATIONS

There are 3 objections to the application including West of Scotland Water Authority. WOSWA's comments are as detailed in Section 3 of the report. Two letters, each with two signatories, have been received from the occupiers of one 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 objectors were of the view that only single and one and half storey houses would be erected on the site.

Whilst the dormer windows of the first floor are formed as part of an upwards projection of the wallhead, the dwelling is considered to be one and a half storeys in height. However, given that the site lies within the settlement boundary, it is not considered necessary to restrict the height of the dwelling to 1½ storeys. Two other 2 storey dwellinghouses are presently under construction adjacent to the application site, on other plots within the development. Furthermore it is not considered that the proposed dwelling would result in overlooking of the objectors' property to an extent that would justify a refusal of the application.

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

The boundary hedge 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 can 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.

The proposal provides over 130 square metres of private garden ground to the rear of the property. It is therefore considered that the proposal 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 Council's design guidance.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

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

8.2 The objection from the West of Scotland Water Authority can be addressed with the use of a suspensive condition on the planning permission.

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.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to advice of the Head of Planning and Building Control on the basis of the principle of development on the site, then the application would require to be referred to the Development Services Committee as the site already has the benefit of outline consent for residential use.

Alan Neish
Head of Planning and Building Control

19 February 2002
(DS/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Consultation responses.
3. Letters 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.

Anyone wishing to inspect the background papers should contact Derek Scott on 01563 576769.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0829/FL

Site of Proposal: Plot D
Old Glasgow Road
STEWARTON

Natural of Proposal: Proposed New Dwelling

Name & Address of Applicant: Mr & Mrs Gordon Sim
1G Springhill Place
STEWARTON KA3 5AD

Name & Address of Agent: David Cullen
75 Drumpellier Avenue
COATBRIDGE ML5 1JS

DPOs Reference: DS/MMM

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

1. The dwellinghouse shall be positioned as indicated in approved plan reference number 714-200AL(0)10.

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

2. No work shall commence on site until such time as the applicant has provided the Planning Authority with written confirmation from the West of Scotland Water Authority that there is in place adequate drainage infrastructure sufficient to accommodate the proposed house.

REASON To ensure that adequate drainage is provided in the interests of public safety.

3. 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.

4. The driveway to the plot shall be suitably surfaced prior to the occupation of the dwellinghouse 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.

5. Any access gates shall open inwards only, away from the public road.

REASON In the interests of public road safety.

6. Notwithstanding any specification on the approved plans or application form two in-curtilage car parking spaces shall be provided within the site prior to occupation of the dwellinghouse and thereafter maintained free from obstruction at all times.

REASON To ensure that adequate car parking is provided.

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

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

8. 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 in writing 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, details of the design and location of any fences, walls or other means of enclosure to be erected within the site, shall be submitted to and approved in writing by the Planning Authority, prior to the commencement of any work on site. The approved fencing or walls shall be erected on site prior to the occupation of the dwellinghouse.

REASON In the interests of visual amenity.

10. Notwithstanding any specification on the approved plans or application form the hawthorn hedging along the northern boundary of the site shall be retained and infilled where necessary. 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.

11. No materials resulting from the process of developing this house shall be permitted to find their way into the adjoining watercourses.

REASON To prevent any disruption of the flow or pollution of the East Burn/Annick Water.

12. Prior to the commencement of any work on site, an assessment, by a suitably qualified individual, of the potential for river erosion at the confluence of the East Burn and the Annick Water shall be submitted to and approved in writing by the Planning Authority. Such an assessment shall indicate any measures which may be required to strengthen the river banks against potential erosion and the timescale for their completion (which shall be prior to the occupation of the dwellinghouse).

REASON To ensure that the river banks are protected against erosion and that the site is adequately protected against flooding.

13. Notwithstanding any specification on the approved plans or application form, and the provisions of Condition 12 above, the applicant/property owner shall maintain the riverbanks commensurate with the plot boundary at all times such that they are protected from erosion. In that respect, the flow of the watercourses shall be maintained free at all times from trees, vegetation and other potential blockages.

REASON To ensure that a clear river flow is maintained and to protect against erosion.

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 that any works within or adjacent to the watercourses in respect of condition 12 of the planning permission will require the prior approval of SEPA and East Ayrshire Council Roads and Transportation Division.

**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