

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 10 AUGUST 2001

**01/0355/FL : ERECTION OF 2 NO. SEMI-DETACHED DWELLINGHOUSES
AT PLOTS 29A AND 29B, SKERRINGTON FARM, CUMNOCK**

APPLICATION BY STANLEY STORES

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of two semi-detached dwellinghouses which would be two storey in height. The proposed materials for the houses are facing brick and render, with grey roof tiles.

2. RECOMMENDATION

2.1 The application should be approved subject to the conditions on the attached sheet.

3. SUMMARY OF ANALYSIS

3.1 As is indicated at paragraph 5.2 in the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 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 paragraph 6.1 in the report, there are material considerations relevant to this application. It is considered that the weight that should be attached to these material considerations should be greater than that given to the policies of the Adopted Local Plan due to the age of this plan.

3.2 The proposed development complies with the policy provisions of the EALP and the Council's Design Guidance.

3.3 In terms of the letter of objection, the siting of the proposed dwellinghouses, in relation to adjacent dwellings, is considered acceptable, and would not result in any loss of privacy/amenity to neighbouring occupiers.

**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 which is to be considered by the Local Planning Committee under the scheme of delegation as the proposed development is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description** : The application site is located on the east side of Glaisnock Road approximately 30 metres north of the junction of Glaisnock Road with the A76 Cumnock – New Cumnock Trunk Road at Skerrington Roundabout. The site comprises a vacant plot within the existing Skerrington Farm development, and is bound by dwellinghouses to the west and north, by a vacant housing plot to the south and by an area of open space to the east.

2.2 **Proposed Development:** Full planning permission is sought for the erection of two semi-detached dwellinghouses which would be two storey in height. The proposed materials for the houses are facing brick and render, with grey roof tiles.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Cumnock Landward Community Council has not responded to the consultation letter at the time of writing.

Noted.

3.2 East Ayrshire Council Roads and Transportation Division has no objections subject to conditions. Visibilities of 2 metres by 20 metres should be formed and maintained at each access, with no obstruction greater than 1 metre in height allowed within these areas. Two off-road parking spaces must be provided within each plot and any garages set back a minimum of 6 metres from the rear of the footway. The footway and carriageway adjacent to each property must be constructed to basecourse level prior to the occupancy of

the dwellings. It is also recommended that the first 2 metres of each access be surfaced.

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

3.3 Scottish Power and West of Scotland Water have no adverse comments to make on the proposed development.

Noted.

3.4 British Gas Transco advises that no mechanical excavation should be carried out within 500mm of Transco Plant and that it may be necessary to take measures to protect/divert plant at the developer's cost. It advises that a site visit will be required prior to the commencement of works.

The comments by British Gas Transco have been passed to the applicant.

4. REPRESENTATIONS

4.1 One letter of objection signed by two individuals has been received with regard to the proposed development. The points of objection are summarised as follows:

4.2 They would like to object to the erection of the 2 storey properties. When they selected their plot it was because the neighbouring properties were not semi-detached and people would not be looking into their garden. The bungalows which were shown on the original plans would not have had the same affect as they were single storey and would not be overlooking their house. It now seems that their privacy is going to be greatly disrupted if permission is granted to build anything other than bungalows.

Planning permission has been approved for a single storey dwellinghouse within the site (See Section 6.5). This was part of a larger application for the development at Phase 2, Skerrington Farm. It is now proposed to erect two semi-detached, two storey dwellings at this location.

While the current proposal would result in a modest increase in the density of the site, the proposed semi-detached dwellings can be adequately accommodated within the site. Furthermore, there are two storey dwellinghouses directly to the north and west of the site. The proposed dwellings do not back directly onto the objectors house (a two storey, semi-detached dwelling), but are located to the side. Furthermore, only one window, on the side elevation of the proposed dwelling at Plot No. 29b, would face onto the side of the objectors house. This would be a staircase window. It is not therefore considered that the proposed

development would result in any overlooking problems with adjacent dwellings.

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 Cumnock and Auchinleck Local Plan (1992). The Adopted Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against Policy 23 which states that there will be a presumption in favour of housing developments on those sites identified at Cumnock.

The proposed residential development complies with the provisions of the Adopted Plan.

6.1 ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.2 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan, Finalised Version with Modifications (2001), and the Council's Design Guidance.

6.3 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.

6.4 Within the EALP the proposed site is identified as a development opportunity site where residential development will be supported by the Council.

The proposed residential development complies with the provisions of the EALP.

6.4 The design and finishes of the proposed dwellings are in keeping with the existing development and are consistent with the Council's Design Guidance.

Noted.

6.5 Planning History: Full planning permission (Ref. No. 99/0139/FL) was granted on 27 May 1999 for a private housing development. This proposal involved the erection of 63 dwellinghouses at Skerrington Farm.

As part of the above application, a single storey dwellinghouse was approved at Plot 29. It is now proposed to erect two semi-detached, two storey dwellings within the site.

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 at paragraph 5.2 above, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 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 paragraph 6.1 above, there are material considerations relevant to this application. It is considered that the weight that should be attached to these material considerations should be greater than that given to the policies of the Adopted Local Plan due to the age of this plan.

8.2 The proposed development complies with the policy provisions of the EALP and the Council's Design Guidance.

8.3 In terms of the letter of objection, the siting of the proposed dwellinghouses, in relation to adjacent dwellings, is considered acceptable, and would not result in any loss of privacy/amenity to neighbouring occupiers.

9. RECOMMENDATION

9.1 The application should be approved subject to the conditions on the attached sheet.

Alan Neish
Head of Planning and Building Control
VE
23 July 2001
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/certificates.
3. Consultation responses.
4. Letter of Representation
5. East Ayrshire Local Plan Finalised Version with Modifications.
6. East Ayrshire Council Design Guidance
7. Cumnock-Auchinleck Local Plan.
8. Approved Ayrshire Joint Structure Plan.
9. Approved Strathclyde Structure Plan.
10. Previous planning consent number 99/0139/FL

Any person wishing to inspect the background papers listed above, should contact Miss Vivien Emery on 01563 555485.

Implementation Officer: Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 01/0355/FL

Location	Skerrington Farm, Cumnock
Nature of Proposal:	Erection of 2 No. Semi-Detached Dwellinghouses
Name and Address of Applicant:	Stanley Stores Skerrington Farm Glaisnock Road Cumnock KA18 3BU
Name and Address of Agent	

DPO's Ref: [VIVIEN EMERY]
PPO's Ref; []

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

1. Notwithstanding the plans hereby approved, the applicant shall submit to and have approved by the Planning Authority, samples of the facing brick, roof tile and render to be used in the external finishes of the proposed dwellinghouses prior to any construction works commencing on site.

REASON – In the interests of visual amenity.

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

REASON – In the interests of visual and residential amenity.

3. The access driveway for each plot shall be paved for a minimum distance of 2 metres from the rear of the footway, such works to be carried out prior to the occupation of each dwellinghouse to which the access relates.

REASON – To prevent any overcarry of loose materials onto the public road in the interests of road safety.

4. Two off-road car parking spaces shall be provided and thereafter maintained for each dwellinghouse, prior to the occupation of the dwellinghouse.

REASON – In the interests of residential amenity.

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

REASON – In the interests of public road safety.

6. No mechanical excavation shall take place within 500mm of British Gas Transco plant.

REASON – In the interests of public safety.

7. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) (Scotland) Order 1992 (or any order or enactment replacing this) any future garages associated with the proposed dwellinghouses shall be of permanent construction and finished in materials to match the proposed dwellinghouse to which it relates. Any garage shall be set back a minimum distance of 6 metres from the rear of the footway.

REASON – In the interests of amenity.

8. Notwithstanding the approved plans, the footway and carriageway adjacent to each property shall be constructed to basecourse level prior to the occupancy of each dwellinghouse.

REASON – In the interests of road safety.

9. Notwithstanding the submitted plans, the visibility splay areas of 2 metres by 20 metres shall be provided at the junction of the access to the development with the public road with no obstruction to visibility greater than 1 metre in height being allowed within these areas.

REASON – To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.

10. No surface water shall issue from the site onto the public road.

REASON – To ensure the provision and maintenance of a secure road surface in the interests of road and public safety.

NOTES TO APPLICANT:-

1. Prior to works commencing on site, the applicant shall contact British Gas Transco, 95 Kilbirnie Street, Glasgow, with respect to the protection or diversion of an existing gas main which may be affected by the development.
2. The developer shall ensure the stability of the site for construction purposes.

AGENDA