

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 15 AUGUST 2003

**03/0469/FL: PROPOSED ERECTION OF 3 BEDROOMED BUNGALOW,
ADJACENT TO NO. 23 HILLSIDE, PATNA**

APPLICATION BY MR MALCOLM MACGREGOR

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposed dwellinghouse is a single storey pitched roof unit with a double integral garage. A bay window is situated on the front elevation to serve the lounge. The external finishing materials proposed are a render with brick/stone quoins and base and a brown concrete tile for the roof. It is proposed to form the new vehicular access directly down onto the public road. The proposed method of drainage is to connect to the public sewer with a soakaway for onsite disposal of surface waters.

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 in section 5 of 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 in Section 6 of the report, there are material considerations relevant to this application, however it is considered that these issues have been adequately addressed and are not of sufficient weight to merit refusal of this application.

3.2 The site is situated in close proximity to industrial units in the village but is also immediately adjacent to residential properties. The design scheme as submitted is considered to be acceptable and compliant with the relevant policies and design guidance. The development does not have an overbearing impact on the adjacent dwelling and there is no potential for overlooking given that it is a

single storey unit. There are no concerns with regard to the provision of infrastructure.

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 because it does not represent a significant departure from the development plan.

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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**03/0469/FL: PROPOSED ERECTION OF 3 BEDROOMED BUNGALOW,
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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 application is the subject of an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The site lies on the north east side of Hillside in Patna and comprises an area of unkempt grassland adjacent to the existing row of houses along Hillside. These houses are all detached single storey properties. To the rear of the application site lies an existing mineral railway and the golf course beyond. There is an industrial unit lying opposite the site and a coach depot lies to the east with an area of vacant ground situated between this depot and the site. The site is elevated above the public road and is a south facing slope.

2.3 **Proposed Development:** The proposed dwellinghouse is a single storey pitched roof unit with a double integral garage. A bay window is situated on the front elevation to serve the lounge. The external finishing materials proposed are a render with brick/stone quoins and base and a brown concrete tile for the roof. It is proposed to form the new vehicular access directly down onto the public road. The proposed method of drainage is to connect to the public sewer with a soakaway for onsite disposal of surface waters.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Network Rail has no objection to the proposed development.

Noted.

3.2 Patna Community Council has no objection to the proposed development.

Noted.

3.3 The Coal Authority, Transco and Scottish Power have no objections to the proposed development and have no adverse comments to make.

Noted.

3.4 The Scottish Environment Protection Agency has no objections to the proposed development but advises that surface water should be kept separate from foul water drainage.

The developer has agreed to the installation of an on site soakaway.

3.5 Scottish Water advises there is an existing public water main in the street adjacent and a public sewerage system to which a connection may be made and further advises that a totally separate drainage system of foul and surface water sewers will be required.

Noted.

3.6 East Ayrshire Roads and Transportation Division has no objections subject to conditions regarding visibility splays, off street parking spaces and surfacing of the access.

Appropriate conditions can be attached to any consent granted for the proposed development to meet the requirements of the Division.

3.7 East Ayrshire Environmental Health Division has not responded at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 One letter of representation has been received in respect of this application objecting to the proposed development for the following reasons:

4.2 The Council has previously advised that this ground is for industrial use only.

Albeit that there are industrial premises in close proximity to the site the area of land has not been zoned in the local plan for any particular use (see section 5 of this report). In addition to this the

site is immediately adjacent to a row of existing dwellinghouses along the road known as Hillside.

4.3 The neighbouring business involves vehicles moving about 24 hours a day that will cause complaints from a private house.

As the coach depot has long since been established any occupier or owner of the proposed house shall be aware of the fact that there are coaches and mini-buses moving around at various times. The gable wall of the house is approximately 65 metres away from the depot and this should provide a reasonable buffer for any noise impact.

4.4 When the land for the coach depot was purchased the Council gave a guarantee that there was to be no houses near it

The objector has not provided any information in this regard. The application requires to be determined on its merits having regard to the provisions of the development plan.

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 East Ayrshire Local Plan (2003).

East Ayrshire Local Plan (2003)

5.2 Policy RES4 advises that the Council will positively encourage sympathetic redevelopment of gap, infill or other redevelopment sites including those sites not specifically safeguarded or identified for particular development purposes. All such development will be assessed against a set of criteria based upon the existing environment; infrastructure and compliance with the Council's Design Guidance.

The site in question is an area of vacant ground rather than a gap or infill site. However it is within the settlement envelope and has not been allocated for any other use. The proposed unit is of a similar scale and proportions to the houses which are situated along Hillside. Scottish Water and the Council's Roads Division have not raised any objections or concerns in terms of the proposal's impact on the existing infrastructure. Design Guidance 2 refers to how new residential developments should be designed to remain in keeping

with the environment in which it is located. The proposed dwelling does meet the standards with regard to proportions and features and external finishing materials. The proposed development does therefore comply with Policy RES4.

5.3 Policy RES22 states the requirement for developers to observe the minimum private open space standards as set out in Schedule 4 of the local plan.

The proposal affords an area of private open space of approximately 3866 m² that is significantly more than the requirement of 100 m². This policy is therefore complied with.

5.4 Policy ENV7 requires that developers comply with the Council's Design Guidance relating to and advising on the particular type of development proposed.

As stated in Para 5.2 it is considered that the proposal does comply with Design Guidance 2 on New Residential Development and it therefore complies with Policy ENV7.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses and the letter of representation.

Consultations Responses

6.2 None of the consultees have raised any objections or points of concern that would merit refusal of the application.

Representations

6.3 The letter submitted does raise a material planning consideration with regard to the use of the site. However, as previously mentioned the site is not on land which has been zoned for any particular use and therefore the erection of a new house on this land within the settlement envelope has not been precluded. There is a reasonable distance between the house and the coach depot and adequate scope for implementing a landscaping scheme that would create a buffer between the two properties. It is not considered that the issue of whether or not the proposed house would give rise to complaints of noise is of sufficient weight to be a significant factor in the determination of this application.

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 indicated in section 5 of 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 in Section 6 of the report, there are material considerations relevant to this application, however it is considered that these issues have been adequately addressed and are not of sufficient weight to merit refusal of this application.

8.2 The site is situated in close proximity to industrial units in the village but is also immediately adjacent to residential properties. The design scheme as submitted is considered to be acceptable and compliant with the relevant policies and design guidance. The development does not have an overbearing impact on the adjacent dwelling and there is no potential for overlooking given that it is a single storey unit. There are no concerns with regard to the provision of infrastructure.

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 the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee because it does not represent a significant departure from the development plan.

Alan Neish

Head of Planning and Building Control

29 July 2003

NM/NM

FV/AN

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999)

Anyone wishing to inspect the above background papers should contact Nicola Monroe on 01563 555485.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0469/FL

Location	Adjacent to No 23 Hillside PATNA KA6 7JS
Nature of Proposal:	Proposed erection of 3 bedroom bungalow
Name and Address of Applicant:	Mr Malcolm MacGregor 1C Doonbank Crescent PATNA KA6 7JN
Name and Address of Agent	Mr William Tait 20 Corserine Road AYR KA7 4HN

DPO's Ref: Nicola Monroe
PPO's Ref: Hugh Melvin

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

1. Notwithstanding the details on the plans hereby approved the developer shall submit to and have approved by the Planning Authority, details of colour of the render and brickwork finishes to be used in the construction of the external walls. This shall be in keeping with colours used in the surrounding properties to the satisfaction of the Planning Authority.

REASON – In the interests of visual amenity.

2. Prior to the occupation of the dwellinghouse hereby approved a 1.8 metre high, vertical boarded screen fence shall be erected along the boundary as marked in green on the approved plans. This fence shall be creosoted or stained in a suitable dark timber preservative and thereafter maintained in a neat and tidy condition at all times.

REASON – In the interests of safeguarding residential privacy and visual amenity.

3. The rear boundary of the site shall be enclosed either by a post and wire fence, drystone dyke or native hedgerow unless an alternative method of enclosure is first approved in writing by the Planning Authority.

REASON – To ensure a suitable means of boundary enclosure.

4. Access to the site shall be via a standard driveway access crossing to East Ayrshire Roads standards.

REASON – In the interests of road safety.

5. Visibility splay area 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. (2m x 20m)

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

6. The developer shall ensure the provision of two parking spaces within the confines of the site which shall be for the sole use of the occupants/visitors to the house hereby approved.

REASON - To ensure there is adequate provision of parking in the interests of road safety.

7. Prior to the driveway hereby approved coming into use the first two metres of the private driveway from the edge of the public highway shall be finished in a bituminous material.

REASON - To prevent the overcarry of loose material onto the public road which would cause a road safety hazard.

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

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

9. Any access gates to be provided shall open inwards away from the public road to prevent obstruction.

REASON - In the interest of road safety.

10. Two off road parking spaces shall be provided and thereafter maintained within the site.

REASON – In the interests of residential amenity and public road safety.

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PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**