

## **EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE : 02 FEBRUARY 2001**

**00/0805/FL : PROPOSED ERECTION OF ALLOWAY HOUSE TYPES, AT  
PLOTS 37 AND 38 BENSTON PARK, DALRYMPLE  
BY HOPE HOMES (SCOTLAND)**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Planning permission is sought, as an amendment to planning permission 00/0264/FL, for the erection of 2 two-storey three-bedroom semi-detached dwellinghouses. The applicant proposes to externally finish the walls of each of the dwellings with a combination of white painted render and stone and the roofs with grey concrete tiles. It is proposed that the two dwellings will replace two smaller, two-bedroom semi-detached dwellings which were previously approved under 00/0264/FL and which have not been constructed.

#### **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 5.1 above, the proposed development 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 indicated at paragraphs 6.3 and 6.4 above, there are material considerations relevant to this application, but in this regard the East Ayrshire Local Plan (Finalised Version) is also supportive of the proposed development.

3.2 The external construction materials which the applicant proposes to use, are consistent with those used on other dwellings within the larger site.

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

3.4 The point of objection relating to overlooking has been addressed through the submission of amended plans. It is considered that the objection relating to surface water run-off can be addressed by including an appropriate condition on the planning permission, should permission be granted.

**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 Southern Local Planning Committee under the Scheme of Delegation as the application is subject to an objection.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The site forms part of a larger site which lies adjacent to the B742 and Primpton Avenue at the entrance to Dalrymple. The larger site was granted planning permission 00/0264/FL on 16 June 2000 and is presently being developed by the applicant. The application site relates to two of the plots within the larger site and measures some 0.052 hectares in area. The site is generally level. To the east of the application site lies a group of dwellings approved under 00/0264/FL which are presently under construction and to the west lies an established group of dwellings.

2.2 **Proposed Development:** Planning permission is sought, as an amendment to planning permission 00/0264/FL, for the erection of 2 two-storey three-bedroom semi-detached dwellinghouses. The applicant proposes to externally finish the walls of each of the dwellings with a combination of white painted render and stone and the roofs with grey concrete tiles. It is proposed that the two dwellings will replace two smaller, two-bedroom semi-detached dwellings which were previously approved under 00/0264/FL and which have not been constructed.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Dalrymple Community Council has not responded to the consultation letter.

***Noted.***

3.2 East Ayrshire Council's Roads and Transportation Division has no objection to the proposal subject to the conditions of the previous planning

permission (00/0264/FL) being re-iterated on any consent insofar as they relate to this development.

***Conditions relating to the standard and construction of the driveways and visibility could be included on the planning permission, should permission be granted.***

3.3 The West of Scotland Water Authority, the Coal Authority and Scottish Power have no objection to the proposal

***Noted.***

3.4 British Gas Transco has no objection to the proposal provided its plant is safeguarded during construction.

***An appropriate note, advising the applicant to make early contact with Transco, could be attached to the planning permission should permission be granted.***

#### **4. REPRESENTATIONS**

4.1 One letter of objection has been received from the occupier of the adjacent dwelling to the west. The points of objection relate to overshadowing and to the view that surface water run-off from the site could drain into his property.

***The applicant has been advised that due to the larger house type proposed, the gable wall would lie closer to the adjacent dwelling to the west, and consequently exacerbate any overshadowing. The applicant has subsequently agreed to move the proposed dwellings eastward. As a result, the west gable wall would lie no closer to the objector's property than the gable of the dwelling previously approved on the site under 00/0264/FL. With respect to the objection relating to drainage, the site levels and drainage arrangements are no different to those approved under the previous application for the site. Nevertheless, a condition addressing the concern about discharge of surface water onto adjoining properties can be included on any planning permission granted.***

#### **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 is the Adopted Dalrymple/Patna/Dalmellington Local Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be determined with regard to Policy 4 which states that private housing will be encouraged within identified housing sites.

***It is considered that the proposal is in accordance with the site's designation for residential development and with Policy 4 of the Adopted Dalrymple/Patna/Dalmellington 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) 1999 and the letter of objection assessed in Section 4 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) should be considered as a prime material consideration.

6.4 The application site forms part of a larger site identified for residential development within the East Ayrshire Local Plan. Policy RES1 of the East Ayrshire Local Plan encourages and supports residential development within identified housing sites.

***The proposal is considered to be consistent with the site's designation for residential development and with Policy RES1 of the East Ayrshire Local Plan.***

6.3 Policy RES21 of the East Ayrshire Local Plan (Finalised Version) is also of relevance. Policy RES21 states that the garden ground of detached dwellings should consist of an area of private open space at least 1.5 times the ground floor area of the dwellinghouse (minimum 100 square metres).

***The proposal is considered to be consistent with the above requirements and with Policy RES21 of the East Ayrshire Local Plan (Finalised Version).***

6.5 The site formed part of a larger site granted full planning permission (CD/90/34) on 10 May 1990 for the erection of 51 dwellinghouses.

***The 51 dwellings were never completed by the developer. Part of this larger site has been developed by individuals on a plot by plot basis whilst the remainder forms the Benston Park site.***

6.6 Full planning permission (98/0499/FL) was granted on 18 February 2000 for the erection of 43 dwellings on the Benston Park site of which the application site forms a part.

***Noted.***

6.7 Planning permission 98/0499/FL was amended in respect of the house types under planning permission 00/0264/FL, which was granted on 16 June 2000.

***Noted.***

## **7. FINANCIAL OR LEGAL IMPLICATIONS**

7.1 There are no financial or legal implications for the Council in determining this application.

## **8. CONCLUSIONS**

8.1 As indicated at paragraph 5.1 above, the proposed development 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 indicated at paragraphs 6.3 and 6.4 above, there are material considerations relevant to this application, but in this regard the East Ayrshire Local Plan (Finalised Version) is also supportive of the proposed development.

8.2 The external construction materials which the applicant proposes to use, are consistent with those used on other dwellings within the larger site.

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

8.4 The point of objection relating to overlooking has been addressed through the submission of amended plans. It is considered that the objection relating to surface water run-off can be addressed by including an appropriate condition on the planning permission, should permission be granted.

## **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**

19 January 2001  
(DS/SMB)  
FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans
2. Statutory notices and certificates
3. Consultation responses
4. Letter of representation
5. East Ayrshire Local Plan (Finalised Version)
6. Adopted Dalrymple/Patna/Dalmellington Local Plan
7. Adopted Ayrshire Joint Structure Plan

Anyone wishing to inspect the above papers should contact Derek Scott on 01563 555485.

**Implementation Officer : Dave Morris**

Application no 00/0805/FL

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Location	Plots 37 & 38 Benston Park DALRYMPLE
Nature of Proposal:	Proposed erection of Alloway House type
Name and Address of Applicant:	Hope Homes (Scotland) Watson Terrace DRONGAN KA6 7AB
Name and Address of Agent	

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DPO's Ref: Derek Scott  
PPO's Ref;

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 30 November 2000 as revised by the amended plans received by the Planning Authority on 17 January 20001.

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

2. No construction or preparation works shall take place on site before 0800 hours and after 1800 hours on Mondays to Fridays, before 0800 hours and after 1200 hours on Saturdays and at anytime on Sundays.

REASON - In the interests of residential amenity.

3. Prior to the occupation of either of the dwellinghouses, the driveways shall be paved for a minimum distance of 2 metres from the rear of the footway to avoid overcarry of loose materials onto the public road.

REASON - In the interests of road safety.

4. Prior to the occupation of either of the dwellinghouses, a 1.5 metre wide kerbed pedestrian footway shall be formed along the frontage of the site adjacent to the B742.

REASON - In the interests of road safety.

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

REASON - In the interests of road safety.

6. Prior to the commencement of any work on site, samples of all external materials to be used in the construction of the dwellinghouse shall be submitted to and approved by the Planning Authority.

REASON - In the interests of visual amenity.

7. Prior to the commencement of any work on site, details of the design and construction of all fences and walls to be erected within the site shall be submitted to and approved by the Planning Authority.

REASON - In the interests of visual amenity.

8. Notwithstanding the plans hereby approved, and the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, any garages associated with the development shall be of permanent construction and finished in the same materials as the dwellinghouses to which they relate.

REASON - In the interests of visual amenity.

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

REASON - In the interests of public safety.

10. The applicants shall ensure that appropriate measures are taken such that the development does not result in the shedding of surface water from the application site onto existing adjacent properties.

REASON - To ensure that satisfactory drainage is provided in the interests of residential amenity.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 555320.**

**AGENDA**