

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 08 MARCH 2002

01/0865/FL: PROPOSED CHANGE OF USE AND DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF DWELLINGHOUSE AND DOUBLE GARAGE AT THE OLD SCHOOLHOUSE, HOLLYBUSH BY MR S O'DONNELL

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for demolition of the existing building on the site and the erection of an eight apartment one and a half storey dwellinghouse and double garage. The applicant proposes to externally finish the dwellinghouse and double garage with wet dash render, smooth cement bands around the window and door openings and flat profile, slate effect roofing tiles.

2. RECOMMENDATION

2.1 It is recommended that the application be approved, subject to the conditions listed on the attached sheets.

3. CONCLUSIONS

3.1 As is indicated in Paragraph 5.2 of the report, the application is considered to accord with the terms of the Adopted Local 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 is indicated at paragraphs 6.2 to 6.5 of the report, there are other material considerations relevant to the determination of this application.

3.2 Given the age of the Adopted Dalmellington/Patna/Dalrymple Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) (EALP) should be considered as a prime material consideration. As is indicated at Paragraphs 6.2 to 6.5 of the report, the proposal accords with the provisions of the EALP .

3.3 There have been no adverse consultation replies that would preclude the granting of planning permission.

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, notwithstanding the provisions of the Adopted Local Plan or the East Ayrshire Local Plan, such a decision would not represent a significant departure from adopted policy.

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

SOUTHERN LOCAL PLANNING COMMITTEE: 08 MARCH 2002

01/0865/FL : PROPOSED CHANGE OF USE AND DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF DWELLINGHOUSE AND DOUBLE GARAGE AT THE OLD SCHOOLHOUSE, HOLLYBUSH BY MR S O'DONNELL

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 subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is situated on the north side of Clement Terrace, within the settlement of Hollybush. The site is presently occupied by the former schoolhouse, the last use of which has been as a gallery and picture framing workshop. The present building on the site is of traditional appearance and comprises more recent flat roofed extensions to the side and to the rear. The site forms a triangular piece of ground with existing residential premises on either side and to the rear. Open fields lie opposite the site on the south side of Clement Terrace.

2.2 **Proposed Development:** Full planning permission is sought for demolition of the existing building on the site and the erection of an eight apartment one and a half storey dwellinghouse and double garage. The applicant proposes to externally finish the dwellinghouse and double garage with wet dash render, smooth cement bands around the window and door openings and flat profile, slate effect roofing tiles.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objection to the proposal subject to conditions in respect of the location of the garage within the site, the direction of opening of any gates to be erected and the provision of car parking spaces and a turning area.

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

3.2 The West of Scotland Water Authority has no objection to the proposal provided its operational requirements are met and the relevant consents are secured.

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

3.3 The Scottish Environment Protection Agency has no objection to the proposal provided drainage arrangements are to its satisfaction. SEPA also advises that the wastes arising from the demolition work must be disposed of as either an exempt activity or to a licensed land fill site in accordance with the Waste Management Regulations 1994 (as amended). Any special waste such as contaminating asbestos, must be consigned and disposed of to an appropriately licensed site in accordance with the Special Waste Regulations 1996.

Should the application be approved, an appropriate note in respect of the drainage arrangements can be attached to the planning permission. A condition in respect of the means of waste disposal can be included on the planning permission.

3.4 Scottish Power has no objection to the proposal provided its apparatus is safeguarded during construction.

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

3.5 The Coal Authority has no objection to the proposal.

Noted.

4. REPRESENTATIONS

Three letters of objection were initially received from occupiers of adjacent residential premises. The grounds of objection relate to:-

4.1 A two storey dwelling would be out of character with the surrounding area.

The application, as originally submitted, related to a two storey dwelling. However, as the surrounding area comprises single or one and a half storey dwellings, the applicant was requested to revise the design to show a one and a half storey dwelling. Accordingly, amended plans were subsequently submitted.

4.2 The building would impair views of the countryside.

This is not a material planning consideration.

4.3 If a two storey dwelling is erected on the site, the privacy of the adjacent dwellings may be impaired as a result of overlooking.

As noted above, amended plans have been submitted showing the proposed dwelling reduced to one and a half storeys in height. Following the amendments, only one habitable room (a bedroom) has an outlook to the rear on the first floor (the others being three en-suites, WCs, a bathroom and a staircase window). It is not considered, however, that the rearward looking bedroom window would have a significant impact on the privacy of adjacent properties. The rear building line of the proposed dwelling would lie approximately 30 metres from the closest part of 3 Benston Crescent and 20 metres from the closest part of 2 Benston Crescent. The properties at 1 Benston Crescent and 1 Clement Terrace would be overlooked by one window each on the side elevations. These are small bedroom windows, secondary to the main windows in the room. It is therefore considered that opaque glass could be installed in the first floor window on the west elevation. This would have the effect of negating any overlooking issue whilst allowing extra daylight to enter the room. The first floor window on the east elevation lies 38 metres from the closest part of the property at 1 Benston Crescent. It is therefore considered that given this distance, no overlooking issue would occur to an extent that would justify a refusal of the application.

4.4 It is unreasonable to allow the proposed dwelling to be higher than the existing building on the site.

Whilst the proposed dwelling would be 8 metres in height (2 metres higher than the existing dwelling), this increase in height is not considered to be unreasonable. Furthermore, the dwelling is of a balanced and well proportioned appearance in a style appropriate in its setting on the edge of the countryside.

4.5 The proposed materials are not clear from the submitted plans.

The applicant has indicated the use of wet dash render and smooth cement banding around the windows and door openings. Dark grey smooth roofing tiles are also proposed. Notwithstanding this, it is considered that the materials should match those of the existing dwellings and to that effect, an appropriate condition can be included on any planning permission granted.

4.6 The treatment of existing boundary wall on the northern boundary of the site is not clear .

The applicant has indicated that the existing sandstone wall is to be retained and re-pointed where necessary.

4.7 The area covered by the proposed dwellinghouse appears out of proportion with the size of the plot. The corner of the proposed dwelling comes within 1 metre of the plot boundary which would be obtrusive.

See response to 6.4 below. It is therefore considered that the plot is of a sufficient size to accommodate the dwelling whilst allowing adequate garden ground. It is not considered that the distance of the proposed dwelling to the boundary would have any adverse impact of residential amenity.

4.8 Damage could be caused to an existing stone boundary wall during the construction of the dwellinghouse.

The applicant has indicated on the submitted plans that the existing boundary wall to the north of the site is to be retained and re-pointed, where required. Should the application be approved, this could also be secured by the inclusion of an appropriate condition on the planning permission.

4.9 Damage could be caused to existing properties during the demolition of the schoolhouse and construction of the dwellinghouse.

It is not considered that the demolition/construction works within the site would have an undue impact on the stability of adjacent properties. It is nevertheless the responsibility of the applicant to ensure that the works are carried out in a safe and responsible manner.

4.10 The plans do not specify the type of roof tile or method of fixing.

Should the application be approved, a condition can be included on the planning permission requiring samples of all external construction materials to be submitted and approved by the Planning Authority prior to the commencement of any work on site. It is not the function of the Planning Authority to control the method of fixing of the roofing material.

Following re-neighbour notification upon the submission of amended plans, 3 further letters of representation were received, all of which are from the writers of the previous letters referred to above. The issues raised (which were not raised in the previous letter) summarised as follows:

4.11 The large amount of ground earmarked for car parking indicates an intention to develop the property to form a hotel or bed and breakfast accommodation .

The planning application states clearly that the proposed use of the property would be as a private dwellinghouse. As such, its use as a hotel would require to be the subject of a further application for planning permission. Nevertheless, in terms of the current legislation it is probable that two of the six bedrooms could be let as bed and breakfast accommodation without the requirement for planning permission. It is considered, however, that such a level of non-domestic use would have a minimal impact on the amenity of adjacent properties.

- 4.12 The proposal would bring about a loss of light to the adjacent properties.

As noted in Paragraph 4.3 of the report, the proposed dwelling would be some 20 metres from the closest adjacent dwellinghouse to the north/north east. It is therefore considered that any reduction in light would be minimal and would not justify a refusal of the application.

- 4.13 No indication is given of the location or size of the double garage.

The submitted plans show the double garage to be located in the north west corner of the site and to be constructed in materials to match the appearance of the dwellinghouse. It is not considered therefore, that the proposed location of the garage or its external appearance would have an adverse impact on the residential amenity of adjacent properties or on visual amenity.

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 Dalmellington/Patna/Dalrymple Local Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal falls to be determined with regard to Policy 12 which provides that the character of the existing residential areas should be retained.

The general nature of the area is characterised by residential development. The existing dwellings have a variety of wall finishes but are all characterised by the use of smooth profile slate effect tiles. It is therefore considered that the demolition of the existing building and the erection of a dwellinghouse would not represent a significant change to the character of the area. Furthermore, an appropriate condition can be included on any planning permission granted to ensure that the external

appearance of the proposed dwelling matches that of the existing buildings.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

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

East Ayrshire Local Plan

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 proposal requires to be assessed against Policy RES 4 of the East Ayrshire Local Plan (Finalised Version with Modifications). Policy RES 4 states that the Council will encourage sympathetic residential development of gap infill or other redevelopment sites. Developments will be assessed against the following criteria:-

- (i) impact on the surrounding natural and built environment and adjacent uses;

As noted in Paragraph 5.2 of the report, it is not considered that the proposal would have a detrimental impact on the established character and amenity of the surrounding area.

- (ii) transportation and infrastructure;

It is not considered that the proposal would have any transportation or infrastructure implications.

- (iii) compatibility with surrounding densities and house types;

Whilst the proposed dwelling would be larger than the existing surrounding properties, it is nevertheless one and a half storeys in height. Furthermore, as noted in Paragraph 4.3 of the report, the proposed dwelling would be of sufficient distance from the existing dwellinghouses so as not to cause any significant overlooking issue or overshadowing. It is also considered that the plot is of sufficient size not to represent over-development. As noted in Paragraph 5.2 of the report, an appropriate condition can be included on the planning permission to ensure that the external appearance of the proposed dwelling matches that of the existing properties.

(iv) compliance with the Council's Design Guidance for New Residential Development.

The proposal complies with the Council's Design Guidance. It is therefore considered that the proposal complies with the provisions of Policy RES 4.

6.4 The proposal also requires to be assessed against Policy RES 22. Policy RES 22 provides that all developers will require to provide an area of private open space within the curtilage of each detached or semi-detached dwelling in proportion with the ground floor area of the dwelling or a minimum of 100 square metres.

The applicant has indicated on the submitted plans that up to 230 square metres of private garden ground can be achieved within the curtilage of the proposed dwellinghouse, excluding ground occupied by garages, driveways and parking spaces. Whilst the preferred 270 square metres of private garden cannot be achieved, (1.5 x the ground floor area of the proposed dwelling) the proposal complies with the provisions of Policy RES 22 in that the minimum of 100 square metres can comfortably be provided.

Consultations

There are no consultation replies that would indicate that the application should not be approved.

Representation

6.5 The objections detailed in Section 4 of the report are either not considered to justify a refusal of the application, can be addressed by the use of conditions or are not material planning considerations.

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 in Paragraph 5.2 of the report, the application is considered to accord with the terms of the Adopted Local 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 is indicated at paragraphs 6.2 to 6.5 of the report, there are other material considerations relevant to the determination of this application.

8.2 Given the age of the Adopted Dalmellington/Patna/Dalrymple Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) (EALP) should be considered as a prime material consideration. As is indicated at Paragraphs 6.2 to 6.5 of the report, the proposal accords with the provisions of the EALP .

8.3 There have been no adverse consultation replies that would preclude the granting of planning permission.

9. RECOMMENDATION

9.1 It is recommended that the application be approved, subject to the conditions listed on the attached sheets.

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, notwithstanding the provisions of the Adopted Local Plan or the East Ayrshire Local Plan, such a decision would not represent a significant departure from adopted policy.

Alan Neish
Head of Planning and Building Control
22 February 2002
DS/SMB
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 Dalmellington/Patna/Dalrymple Local Plan.
6. Approved Ayrshire Joint Structure Plan.
7. East Ayrshire Council Design Guidance for New Residential Development.
8. Approved Strathclyde Structure Plan.

Any person wishing to inspect the background papers listed above, should contact Mr Derek Scott on 01563 555483.

Implementation Officer: Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 01/0865/FL

Location
The Old Schoolhouse
Clement Terrace
HOLLYBUSH
KA6 7EA

Nature of Proposal: Proposed change of use, demolition of existing buildings and erection of house and double garage

Name and Address of Applicant: S O'Donnell
The Old Schoolhouse
Clement Terrace
HOLLYBUSH

Name and Address of Agent Mr Douglas Cree
4D Ladykirk Road
PRESTWICK KA9 IJW

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 13 December 2001, as revised by the amended elevations and floor plans received by the Planning Authority on 20 February 2002, the block plan received by the Planning Authority on 11 February 2002 and the plans showing the double garage received on 11 February 2002.

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

2. Notwithstanding any specification on the approved plans or application form, the first two metres of the driveway shall be bituminously surfaced prior to the occupation of the dwelling, such that no surface water discharges or loose material is carried out onto the public road.

REASON -In the interests of public road safety.

3. The access to the site shall be by means of a standard footway crossing and shall be formed in accordance with East Ayrshire Council's Roads Development Guide 1996 prior to the occupation of the dwellinghouse

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, a turning area shall be provided within the site prior to the occupation of the dwellinghouse such that vehicles can access and egress the site in a forward gear .The turning area shall be maintained free from obstruction at all times thereafter .

REASON -In the interests of public road safety.

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

REASON -In the interests of public road safety.

7. Notwithstanding any specification on the approved plans or application form, the proposed roofing material shall be a smooth slate effect tile to match the appearance of the roofing materials of the surrounding dwellinghouses; details of which shall be submitted to and approved by the Planning Authority prior to the commencement of development.

REASON -In the interests of visual amenity.

8. Notwithstanding any specification on the approved plans or the provisions of Condition 7 above, samples of all external materials to be used in the construction of the dwellinghouse 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 external materials to be used in the construction of the garage shall match those of the dwellinghouse.

REASON- In the interests of visual amenity.

10. Notwithstanding any specification on the approved plans or application form, opaque glazing shall be installed and thereafter maintained in the first floor window on the west elevation. prior to the occupation of the dwellinghouse.

REASON -In the interests of residential amenity.

11. Notwithstanding any specification on the approved plans or application form, the existing retaining boundary wall along the north east boundary of the site shall be retained and repaired where necessary to the satisfaction of the Planning Authority, prior to the occupation of the development.

REASON -In the interests of residential amenity.

12. Notwithstanding any specification on the approved plans or application form, details of the design and location of all fences, walls and 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.

- NOTES TO APPLICANT

1. The applicant shall make early contact with West of Scotland Water Authority, 35 Glenburn Road, Prestwick with regard to water supply and drainage.
2. The applicant shall make early contact with the Scottish Environment Protection Agency, 2 Alloway Place, Ayr with regard to drainage and demolition spoil disposal issues.
3. All drainage to comply with West of Scotland Water and Scottish Environment Protection Agency.
4. The applicant shall make early contact with Scottish Power, St Vincent Crescent, Glasgow with regard to the location and protection of its apparatus.

5. The applicant is advised that all demolition and site clearance works should be carried out with due regard to the existing residential properties.
6. Waste material arising from the demolition on site shall be disposed of to a licensed waste management facility or a landfill site in terms of the Waste Management Regulations (1994) (as amended) and the Special Waste Regulations 1996.

**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