

EAST AYSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 10 MAY 2002

**02/0121/FL: PROPOSED ERECTION OF DWELLINGHOUSE AT SITE TO
THE WEST OF 7 NETHER PLACE GARDENS, MAUCHLINE**

APPLICATION BY GREENWOOD HOMES

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a single storey, 4-bedroom dwellinghouse on the site. The applicant proposes to retain the existing 2 metres high stone boundary wall along the frontage of the plot. The applicant proposes to externally finish the dwelling with white painted render, facing brick and grey coloured concrete roofing tiles.

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 accord with the development plan. Therefore, given the terms 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 other material considerations relevant to the determination of the application. In this regard, the provisions of the East Ayrshire Local Plan (Finalised Version with Modifications) also presume in favour of the application.

3.2 No adverse consultation replies have been received in respect of the application, although the comments of Scottish Water will require to be addressed through the imposition of an appropriate condition regarding the drainage of the site.

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 for determination as such a decision would not be a significant departure from Council 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.

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APPLICATION BY GREENWOOD HOMES

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 proposal is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies off Kilmarnock Road in Mauchline and comprises a generally level vacant plot within the Nether Place Gardens development in the former walled garden of Nether Place House. The site lies behind a 2 metre high stone boundary wall whilst a further vacant plot lies to the west. An existing dwellinghouse lies to the east of the site, which also lies behind the stone boundary wall. The site is accessed via a private access road from the A76(T) Kilmarnock Road at North Lodge. The overall development is characterised generally by large modern dwellinghouses set in mature, substantial gardens.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a single storey, 4-bedroom dwellinghouse on the site. The applicant proposes to retain the existing 2 metres high stone boundary wall along the frontage of the plot. The applicant proposes to externally finish the dwelling with white painted render, facing brick and grey coloured concrete roofing tiles.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objection to the proposal subject to a condition in respect of the provision of in-curtilage car parking spaces.

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

3.2 Scottish Water has objected to the application on the grounds that the existing downstream combined sewer overflow (CSO) has been classified as unsatisfactory.

Should the application be approved, an appropriate suspensive condition can be included on the planning permission, which would ensure that no work commences on site until such time as Scottish Water has agreed that the existing drainage system can accommodate the development.

3.3 Scottish Power and Transco have no objections provided their apparatus is safeguarded during the construction phase.

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

3.4 The Coal Authority has no objection to the proposal.

Noted.

3.5 Mauchline Community Council has not responded to the consultation letter.

Noted.

4. REPRESENTATIONS

4.1 Other than the objection from Scottish Water, no letters of representation have been received.

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 Mauchline/Drongan/Ochiltree Local Plan (1993). 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 lies within the settlement boundary and within an existing residential area. The application therefore falls to be determined with regard to Policy RES 10, which provides that the character of residential areas should be retained.

It is not considered that the erection of an additional dwellinghouse on a vacant plot in a residential area would adversely affect or alter the character of the area. It is therefore considered that the proposal does not conflict with the provisions of Policy RES 10.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications) 2001, the consultation responses, the Council's Design Guidance and the planning history of the site.

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 application site lies within the settlement boundary of Mauchline as defined within the EALP. It therefore requires to be determined with regard to Policy RES 4 which states:-

Within settlement boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed against the following criteria:-

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

It is not considered that the erection of a dwellinghouse on this vacant plot within a residential area would have a negative impact on the surrounding natural and built environment.

(ii) *transportation and infrastructure implications;*

There are no negative transportation implications. The concerns of Scottish Water in respect of the CSO can be addressed by condition.

(iii) *compatibility with surrounding densities and housing types:*

As noted in paragraph 2.1 of the report, the area is characterised by large dwellings in substantial grounds such as is proposed by this

application. The proposed dwellinghouse would be compatible with existing developments at this location.

(iv) *compliance with the Council's Design Guidance.*

The proposed dwelling is considered to be appropriate to this location and complies with the Council's Design Guidance for new Residential Development. The application is therefore considered to accord with the provisions of Policy RES 4.

6.4 Policy RES 22 is also of relevance. Policy RES 22 states that the applicant should provide a minimum of 100 square metres of private garden ground.

The submitted plans show over 790 square metres of private garden ground. The proposal is therefore considered to comply with Policy RES 22.

6.5 Consideration should also be given to Policy ENV 7 of the EALP which requires that developers comply fully with the Council's existing and emerging Design Guidance for Residential Development.

The proposed dwellinghouse is acceptable in terms of the Design Guidance and will harmonise with the existing residential development in Nether Place Gardens. With the retention of the 2-metre high stone wall, the proposed dwelling will be afforded an air of exclusivity, similar to the adjacent dwellings to the east.

East Ayrshire Council Design Guidance

6.6 East Ayrshire Council's Design Guidance for New Residential Development is also of relevance. Section 2(a) (ii) and (iii) state:

(ii) *layouts and house types for proposed individual or small scale residential development of infill or gap sites will require to reflect and respect the built form of the surrounding area, and aim to integrate with existing surrounding land uses and communities.*

As noted in Paragraph 6.3 of the report, the proposed dwellinghouse is considered to be compatible with the surrounding land use, which is predominantly residential.

(iii) *house design of infill or gap site residential development shall recognise and reflect the scale, design features, rhythm of doors and windows, storey height, density and materials of surrounding buildings.*

As noted in paragraph 6.3 of the report, the proposal is considered to reflect the scale, density, form and general architectural style of

the surrounding dwellinghouses. The proposal is therefore considered to comply with the provisions of the design guidance.

Planning History

6.7 Full planning permission (Ref. No. CD/92/0097) for the erection of a dwellinghouse on the current application site was granted on 2 June 1992. This consent was renewed on 5 June 1997 (Ref. No. 97/0135/FL).

This planning permission remains valid until 5 June 2002. The present application is, in effect, for a change of house type for this plot.

Consultations

6.8 Apart from the comments of Scottish Water, no consultation replies have been received which would indicate that the application should be refused.

An appropriate suspensive condition can be included on the planning permission, which would ensure that no work commences on site until such time as Scottish Water has agreed that the existing drainage system can accommodate the development.

7. FINANCIAL OR 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 accord with the development plan. Therefore, given the terms 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 other material considerations relevant to the determination of the application. In this regard, the provisions of the East Ayrshire Local Plan (Finalised Version with Modifications) also presume in favour of the application.

8.2 No adverse consultation replies have been received in respect of the application, although the comments of Scottish Water will require to be addressed through the imposition of an appropriate condition regarding the drainage of the site.

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 for determination as such a decision would not be a significant departure from Council policy.

Alan Neish
Head of Planning and Building Control

DS/SMB
23 April 2002
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices and certificates.
3. Consultation responses.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted Mauchline/Drongan/Ochiltree Local Plan
6. East Ayrshire Local Plan (Finalised Version with Modifications).
7. East Ayrshire Council Design Guidance for New Residential Development.
8. Planning permission CD/92/0097.
9. Planning permission 97/0135/FL

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

Implementation Officer: Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no 02/0121/FL

Location	Site west of 7 Nether Place Gardens MAUCHLINE KA5 5ST
Nature of Proposal:	Proposed erection of a dwellinghouse
Name and Address of Applicant:	Greenwood Homes 11 Inverleven Place IRVINE
Name and Address of Agent	D A Design Services Thornhouse Business Centre 30 Ballot Road IRVINE KA12 1HW

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

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

1. There shall be no commencement of development on site until such time as the developer has provided the Planning Authority with written confirmation from Scottish Water that it is satisfied that there is in place appropriate off-site drainage and sewerage infrastructure sufficient to accommodate the dwellinghouse granted by this consent.

REASON – To ensure that adequate drainage and sewerage infrastructure can be provided for the proposed development.

2. Notwithstanding any specification on the approved plans or application form, 3 in-curtilage car parking spaces shall be provided within the site prior to the occupation of the dwellinghouse. The car parking spaces shall be maintained within the site free from obstruction at all times thereafter.

REASON – To ensure that adequate car parking is provided in the interests of road safety.

3. Notwithstanding any specification on the approved plans or application form, 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.

4. 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 is advised to make early contact with Scottish Water, 35 Glenburn Road, Prestwick, with regard to water supply and drainage.
2. All drainage arrangements shall comply with the provisions of Scottish Water and Scottish Environment Protection Agency.
3. The applicant is advised to make early contact with Scottish Power, St Vincent Crescent, Glasgow, with regard to the protection of its apparatus during the construction phase.
4. The applicant is advised to make early contact with Transco, 95 Kilbirnie Street, Glasgow, with regard to the protection of its apparatus during the construction phase.

**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