

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 10 OCTOBER 2003

03/0407/FL: PROPOSED ERECTION OF DWELLINGHOUSE AT MAIN STREET, AUCHINLECK

APPLICATION BY HOMES 4 U

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is being sought for the erection of a one and a half storey dwelling feature accommodation achieved at the upper level with the use of dormer and velux windows. The design scheme incorporates a T shaped unit. The roof configuration is an apex pitch of 50 degrees and concrete interlocking roof tiles have been proposed to clad the roof. Render has been proposed for the external wall finish and vertically proportioned top hopper windows are proposed.

1.2 The proposed development of this site includes the provision of approximately 178 square metres of private amenity space. A turning area and parking provision for two vehicles is provided within the curtilage at the front of the dwelling. It is proposed to form a boundary with a facing brick wall.

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 at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these can be addressed and are not of sufficient weight to merit refusal of the application.

3.2 The proposal is to erect a dwellinghouse on what can be described as a gap site within the settlement envelope. It is demonstrated that the site is capable of accommodating a house of this scale and proportions. There are no objections from any of the consultees and there is existing infrastructure which can serve the development.

3.3 The design scheme has been amended from the original submission to address concerns raised by the Planning Division regarding the design. It is considered that the revised scheme does now conform to the guidance relating to design of new houses.

3.4 The proposed development is considered to have addressed all pertinent issues and there are no overriding material planning considerations which would indicate that the application should be refused. The recommendation is therefore one of approval.

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 would not be 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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APPLICATION BY HOMES 4 U

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 it is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises a long narrow slice of land situated between No.25 and No.29/31 Main Street in the settlement of Auchinleck. Stretching back to mature woodland at the edge of the town cemetery the site itself bears no significant features. The site can reasonably be described as a gap site and although narrow with a width of only 9 metres it does have an overall area of approximately 351sqm.

2.2 The house at No.25 is a traditionally styled two storey dwelling finished in cream render with a slate roof and casement windows. No.31 is also two storey but with the second floor created by the installation of dormers on an otherwise very traditional cottage style dwelling. This dwelling has also a slate roof and a sandstone facing on the external walls. No.29 is a single storey traditionally styled cottage adjoining this property and it is separated from the application site by a vehicular access. This property also has an outbuilding and is set in a large feu. Opposite the site is a single storey cottage which is adjacent to the new supermarket and a traffic island is sited on the road immediately in front of the site.

2.3 **Proposed Development:** Full planning permission is being sought for the erection of a one and a half storey dwelling feature accommodation achieved at the upper level with the use of dormer and velux windows. The design scheme incorporates a T shaped unit. The roof configuration is an apex pitch of 50 degrees and concrete interlocking roof tiles have been proposed to clad the

roof. Render has been proposed for the external wall finish and vertically proportioned top hopper windows are proposed.

2.4 The proposed development of this site includes the provision of approximately 178 square metres of private amenity space. A turning area and parking provision for two vehicles is provided within the curtilage at the front of the dwelling. It is proposed to form a boundary with a facing brick wall.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads & Transportation Division has no objection to the proposed development subject to the application of conditions relating to surface water discharge, junction visibilities, parking provision, driveway construction, internal turning arrangements and location of any garage.

Noted. These can be addressed by means of conditions attached to any planning consent.

3.2 Scottish Water has advised that there is an existing public water main located in the street adjacent to the site and that there is a public sewerage system to which a connection may be made. A separate application for connection to the sewerage system should be submitted to Scottish Water.

Noted. A note can be attached to any planning consent advising of the need to contact Scottish Water regarding consent for connection to the public sewer.

3.3 West of Scotland Archaeology Service has advised that the site of the proposed development lies within the identified archaeologically sensitive area associated with the historic settlement of Auchinleck and that the proposals for a new house may raise archaeological issues. Although there are no actual records of past development on the site it is assumed that there are sensitive remains which are likely to be of considerable significance and therefore should not be destroyed without record.

Noted. A condition can be attached to any consent to secure the implementation of an archaeological watching brief and the recording/recovery of finds as appropriate.

3.4 The Coal Authority has no objection to the proposed development and has no adverse comments to make.

Noted.

3.5 Power Systems has no objection to the proposed development.

Noted.

3.6 Transco has requested that their information pack be passed to the developer.

Noted. Their information pack will be passed to the developer.

3.7 Auchinleck Community Council has no objection to the proposed development.

Noted.

4. REPRESENTATIONS

4.1 This application has attracted three letters of representation and the points of objection are summarised as follows :

4.2 The building will consist of a ground and first floor which will greatly reduce the amount of light the garden at No.31 Main Street will get during daylight hours. There is also concern from the occupant at No.25 that the two storey dwelling will greatly affect the light entering this property from two windows on the gable end.

The property at No.31 adjoins the cottage at No.29 and there is a distance of 22 metres from the gable of the proposed unit and the garden area to the rear of No.31. Albeit that there are a number of single storey properties along the Main Street there are also two storey units in close proximity to the site. In addition to this the road slopes down from No.31 to the site and it is therefore not considered that the proposed unit is likely to be overbearing on the rear garden area of this property. The proposed house is situated 10.4 metres back from the rear of the public footpath and the existing house at No.25 is only 4 metres back from the same point. The windows are in the gable end of No.25 and it is therefore considered that they will not be significantly affected by the proposed unit, given the related distances.

4.3 No.31 is of a distinctive, traditional style and the writer would like to know if the proposed development is going to be of a similar style and colour to fit in with the surrounding area. No.25 has also advised that the colour of the proposed unit will also have an impact on the light.

The occupant of No.31 was not a notifiable neighbour but was evidently aware that a planning application had been submitted. The

application has been made for full planning permission and the representee has had the opportunity to view the plans which are public documents. The colour of the render has not yet been confirmed however the agent has verbally advised that it is likely to match the adjacent houses and this could be addressed by a condition on the planning consent if the Committee are minded to approve.

4.4 The development is being built very close to the property at No.31 and the representee has concerns as to how this will impact on their privacy as there are windows looking directly into their home and garden. They have also stated that they would expect the developers to ensure that the plot will be screened off from No.31 in some way if building goes ahead. These concerns have also been raised by No.25.

There are indeed rooflights proposed at first floor level on the elevations facing the rear garden areas of both of these properties. However one is to serve the upper floor landing and the other the bathroom and could therefore both be fitted with a fixed pane of obscure glass. This would eradicate any potential for overlooking. In any case the distance from this window to the rear garden area of No.31 is no less than the 18metres as required. The planning permission can be made subject to a condition to ensure that fixed obscure glass is used for both of these rooflights and retained as such in perpetuity.

4.5 One of the letters has been submitted in response to the revised plans. The representee acknowledges that changes to the plans have been made and that the dwellinghouse to be erected will now be one and a half storeys high, rather than two. Their main concern continues to be in relation to light and the effect this dwelling will have on the gable end of No.25.

As stated in Para 4.2 the relation of the two houses on the adjacent plots is such that it is not considered the proposed unit will have a significant impact on the windows in the gable of No.25.

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 and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 The structure plan does not contain any strategic policies which are relevant to the proposed development.

East Ayrshire Local Plan

5.3 Policy RES4 states that the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites. Developments are to be assessed against the following criteria :

- (i) Impact on the surrounding natural and built environment and adjacent uses;
- (ii) Transportation and infrastructure implications;
- (iii) Compatibility with surrounding densities and housing types; and
- (iv) Compliance with the Council's Development Promotion and Design Guidance.

The proposed development is a dwellinghouse on a gap site within the settlement and the principle of it therefore complies with this policy. The surrounding land use is predominantly residential, although other uses are in the vicinity and the impact of the proposed development on the existing environment is considered to be acceptable. The dwelling shall use an existing public road and other infrastructure services such as drainage and water supply. Although the site is narrow the design scheme ensures provision for private open space as well as adequate parking provision and it is considered that the proposal does comply with Design Guidance 2 : New Residential Development. The proposal is in accordance with all of the criteria as set out in the terms of the Policy RES4.

5.4 Policy RES22 states that all developers will require to observe the minimum private open space criteria and standards detailed in Schedule 4 of the local plan. The required open space for a detached house such as the one proposed is a minimum of 100sqm.

The proposal incorporates a private open space area at the rear of the property of approximately 178sqm thereby complying with Policy RES22.

5.5 Policy ENV7 requires that developers comply with the Council's existing and emerging Design Guidance and policy documents.

As stated in Para 5.3 the relevant guidance is Design Guidance 2. It is considered that the proposed design scheme does comply with the standards as set out in this guidance.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses, representations and the planning history of the site.

Consultations Responses

6.2 None of the consultees have raised any objections to the proposed development.

Representations

6.3 All of the concerns raised by the objectors in relation to overlooking and the impact on residential amenity are indeed material. However, these matters have been considered in the deliberation of the planning application and it is not considered that the proposed development would have a detrimental impact on the neighbouring properties. The concerns regarding overlooking and the colour of the render can be addressed through the imposition of appropriate conditions if planning permission is to be granted.

Planning History

6.4 The site in question does have an extant planning permission (Ref : 02/0201/OL) for the erection of a dwellinghouse. This consent has been granted in outline only.

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 at Section 6 of the report, there are material

considerations relevant to this application, however it is considered that these can be addressed and are not of sufficient weight to merit refusal of the application.

8.2 The proposal is to erect a dwellinghouse on what can be described as a gap site within the settlement envelope. It is demonstrated that the site is capable of accommodating a house of this scale and proportions. There are no objections from any of the consultees and there is existing infrastructure which can serve the development.

8.3 The design scheme has been amended from the original submission to address concerns raised by the Planning Division regarding the design. It is considered that the revised scheme does now conform to the guidance relating to design of new houses.

8.4 The proposed development is considered to have addressed all pertinent issues and there are no overriding material planning considerations which would indicate that the application should be refused. The recommendation is therefore one of approval.

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 would not be a significant departure from the development plan.

Alan Neish
Head of Planning and Building Control

1 October 2003
NM/NM/SMB
FV/DVM

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.

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: 03/0407/FL

Location	Main Street AUCHINLECK KA18 2AA
Nature of Proposal:	Proposed erection of dwellinghouse
Name and Address of Applicant:	Homes 4 U Four Acre Rannoch Road JOHNSTONE PA5 0SP
Name and Address of Agent	DTA Chartered Architects The Village 4 Stuart Street EAST KILBRIDE G74 4NG

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 provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order revoking and re-enacting that order, no extensions or garages shall be erected on site unless a further specific planning application is submitted to and approved by the Planning Authority.

REASON – To ensure that no development takes place on the site that may result in its overdevelopment or detriment to residential amenity.

2. Prior to the commencement of wall rendering works the developer shall prepare on site a one metre sample panel for approval by the Planning Authority. The dwelling shall thereafter be finished in the render as approved.

REASON – In the interests of visual amenity.

3. Prior to the commencement of development the developer shall submit details in writing for the approval of the Planning Authority of the roof material which shall be either a natural slate or a slate look alike. The dwelling shall thereafter be finished in the roofing material as approved.

REASON – In the interests of visual amenity.

4. The windows as marked in red on the plans hereby approved shall be installed with a fixed pane of obscure glass and shall be retained as such in perpetuity to the satisfaction of the Planning Authority.

REASON- In the interests of safeguarding residential amenity.

5. Notwithstanding the details as submitted the developer shall provide details for the approval of the Planning Authority of the boundary features to be erected. This shall be done prior to the commencement of development and the features shall thereafter be erected as approved.

REASON – To ensure the boundary treatment is appropriate to the character of the area.

6. A 2m screen fence shall be erected along the boundary as marked in green on the approved plans. The fence shall be vertically boarded and shall be creosoted or stained in a suitable dark timber preservative to the satisfaction of the Planning Authority.

REASON- In the interests of safeguarding residential amenity.

7. Notwithstanding the submitted plans the visibility splay areas of 2 metres by 90 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.

8. Off road parking spaces for two cars shall be provided and maintained within the site.

REASON- In the interests of road safety.

9. Prior to the occupation of the dwelling the private driveway shall be paved for a minimum distance of 2 metres from the rear of the footway.

REASON- To avoid overcarry of loose material onto the public road in the interests of road safety.

10. Access to and egress from the site shall be in forward gear and the turning area as shown on the plans hereby approved shall be maintained in perpetuity to the satisfaction of the Planning Authority.

REASON – In the interests of road and public safety.

11. Notwithstanding the submitted plans, any gates to be provided shall open away from the public road to prevent obstruction.

REASON- In the interests of road safety.

12. No surface water shall be allowed to discharge from the site onto the public road.

REASON- To ensure a safe road surface in the interests of road safety.

13. Prior to the commencement of development the developer shall submit details of a traffic management scheme which is required during the construction of the dwelling hereby approved. This shall be submitted to, for approval by, East Ayrshire Council's Roads & Transportation Division.

REASON - To ensure that the construction of the unit does not cause undue obstruction on the public road and in the interests of road safety.

14. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority during development work. The retained archaeological organisation, whose details shall be submitted to the Planning Authority no less than 21 days prior to the commencement of development, shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by the West of Scotland Archaeology Service.

REASON- To enable an accurate record of any archaeological finds which may be identified within the site.

NOTE TO APPLICANT

1. The developer is advised to contact Scottish Water on 0845 601 8855 regarding the need for their consent to connect to the public sewerage system.

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