

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 07 SEPTEMBER 2001

**01/0454/FL : PROPOSED ERECTION OF DWELLINGHOUSE AT LAND
ADJACENT TO 13 GLEBE AVENUE, MAUCHLINE**

APPLICATION BY JIM SCOTT HOMES LTD

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a two bedroom, single storey dwellinghouse on the site. It is proposed to orientate the dwellinghouse such that it will front Glebe Avenue and vehicular access is proposed to be taken from Welton Road. The applicant proposes to externally finish the dwellinghouse with white roughcast, red facing brick and brown concrete roofing tiles. The applicant has indicated on the submitted plans that 100 square metres of private garden ground associated with the proposed house can be provided, whilst the existing dwellinghouse would retain 120 square metres of private garden ground.

2. RECOMMENDATION

2.1 It is recommended that the application is approved subject to the conditions listed on the attached sheet.

3. SUMMARY OF ANALYSIS

3.1 As is indicated in Paragraph 5.2 above, 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 at Paragraphs 6.1 to 6.5 above, there are other material considerations relevant to the determination of the application. In that regard, the provisions of the East Ayrshire Local Plan (Finalised Version with Modifications) also generally presume in favour of the application.

3.2 The objections received in respect of this application have either not been substantiated through the consultation process, or can be addressed through the inclusion of conditions on the planning permission, or are not considered significant to justify a refusal of the application.

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

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Alan Neish
Head of Planning & 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 JIM SCOTT HOMES LTD

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 proposed development is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The site forms part of the garden ground presently associated with the dwellinghouse at No. 13 Glebe Avenue in Mauchline. Whilst the land lies to the rear of No. 13, it nevertheless fronts both Glebe Avenue and Welton Road. The site is generally level, and measures 0.05 hectares in area. A 2-metre high brick wall presently forms the boundary of the site with Glebe Avenue and Welton Road.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a two bedroom, single storey dwellinghouse on the site. It is proposed to orientate the dwellinghouse such that it will front Glebe Avenue and vehicular access is proposed to be taken from Welton Road. The applicant proposes to externally finish the dwellinghouse with white roughcast, red facing brick and brown concrete roofing tiles. The applicant has indicated on the submitted plans that 100 square metres of private garden ground associated with the proposed house can be provided, whilst the existing dwellinghouse would retain 120 square metres of private garden ground.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objection to the proposal subject to the inclusion of conditions on the planning permission in respect of the standard and construction of the proposed access and the provision of in-curtilage car parking spaces.

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 stated that the Scottish Environment Protection Agency has indicated that further development in Mauchline

would cause a breach of existing consents to discharge. The Authority has stated that it would be liable to prosecution by SEPA should it grant a connection to the public sewer. The Authority has therefore advised that it will refuse a connection to the sewer until such time as SEPA indicates to it that it will not seek a prosecution.

Should the application be approved, an appropriate condition can be included on the planning permission restricting the commencement of development on the site until such time as the West of Scotland Water Authority has indicated to the Planning Authority that it will grant a connection to the public sewer.

3.3 The Scottish Environment Protection Agency has no objection to the proposal provided drainage arrangements are to its satisfaction.

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

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

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

3.5 British Gas Transco has no objection to the proposal provided its apparatus is suitably protected during the construction phase.

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

3.6 The Coal Authority has no objection to the proposal.

Noted.

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

Noted.

4. REPRESENTATIONS

4.1 Two letters of objection have been received from the occupiers of adjacent residential properties. The grounds of objection can be summarised as follows:-

4.2 Glebe Avenue is a private road and as such, all dwellings are accessed from this road.

Vehicular access to the proposed dwellinghouse is proposed to be taken via Welton Road which is an adopted public road.

4.3 Vehicles, including lorries, are often parked on Welton Road, adjacent to the property.

This objection has not been substantiated by the Roads and Transportation Division, which has stated it has no objection to the proposal.

4.4 The proposed development would result in inconvenience for users of the adjacent roads and footways.

See response to 4.3 above.

4.5 The proposed dwellinghouse would be backland development.

It is not considered that the proposed dwellinghouse would constitute backland development given that it would have road frontages to both Glebe Avenue and Welton Road.

4.6 The proposed dwellinghouse would have insufficient garden ground.

The submitted plans show that the proposals meet the minimum requirements of 100 square metres of private garden ground.

4.7 Approval of this application would result in further such applications for backland development.

As noted above, the proposal is not considered to be backland development. Nevertheless, any further applications for the sub-division of existing residential plots will be considered on their own merits.

4.8 Tree removal would be necessary.

The trees within the site are not covered by a Tree Preservation Order and as such, the Planning Authority has no control over their removal or retention.

4.9 The access to the site is in proximity to a "T" junction.

See response to 4.3 above.

4.10 The proposal would affect the privacy of the occupiers of an adjacent property. The proposed 1.8m high wooden fence would not be adequate to protect the objector's privacy.

It is considered that, given the height above ground level of the windows on the rear elevation, the erection of a 2m high screen fence (rather than 1.8m as proposed) would provide adequate privacy to the occupiers of the adjacent property. Should the application be approved, an appropriate condition in respect of the above can be included on the planning permission.

4.11 There is a confirmed sewerage problem which presently exists in the village.

Should the application be approved, an appropriate condition can be included on the planning permission restricting the commencement of development on the site until such time as the West of Scotland Water Authority has indicated to the Planning Authority there is in place appropriate off-site drainage and sewerage infrastructure.

4.12 The external finishes do not match those on the landowner's property.

It is considered that the external construction materials and the general form of the proposed dwellinghouse are compatible with the majority of dwellinghouses in Welton Road and Glebe Avenue.

4.13 The proposed dwellinghouse would obscure the view from the property opposite.

This is not a valid planning ground of objection to the proposed development.

4.14 There are sufficient developments in Mauchline and many green spaces have already been destroyed.

The application site is not an area of public open space and its loss would not be considered to be detrimental to the visual amenity, setting and provision of open spaces in Mauchline.

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 a designated Housing area and therefore falls to be determined with regard to Policy RES10, which provides that the character of residential areas should be retained.

It is not considered that the erection of an additional dwellinghouse within a residential area would adversely affect or alter the character of that area. It is therefore considered that the proposal does not conflict with the provisions of Policy RES10.

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), and the objections detailed 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 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 RES5 which states:-

Within settlement boundaries, the Council will be supportive of the sub-division of existing house curtilages for the development of dwellinghouses subject to the following criteria being met:-

- (i) The proposal is fully in keeping with the existing residential character and appearance of the area within which it is located.*
- (ii) The proposal meets all the design requirements of the Council and does not create unacceptable damage to the amenity of the surrounding properties.*

It is considered that the erection of a dwellinghouse on the site would not be detrimental to the character or appearance of the area given that the site is located within a residential area. Furthermore, the external materials to be used are generally compatible with those used on other dwellinghouses in the vicinity of the site.

- (iii) Acceptable levels of privacy are maintained to neighbouring properties and to the new housing proposed.*

See response to 4.6 and 4.10 above.

Backland development (i.e. the erection of any dwellinghouse situated to the rear of an existing building and/or without a proper road frontage) will not be permitted where, in the opinion of the Council, this would adversely affect the amenity of the area, the setting of either the proposed or original building on the site, or the amenity of neighbouring properties.

See response to 4.6 above.

6.4 Policy RES22 is also of relevance. Policy RES22 states that the applicant should provide a minimum of 100 square metres of private garden ground.

As noted above, sufficient private garden ground can be provided within the development site to meet the requirements of Policy RES22.

6.5 Consideration should also be given to Policy ENV7 of the EALP (Finalised Version with Modifications). Policy ENV7 requires that developers comply fully with the Council's existing and emerging Design Guidelines for Residential Development.

The proposed dwellinghouse is acceptable in terms of the Design Guidance and will harmonise with the existing residential development on Glebe Avenue and Welton Road. With the erection of a 2-metre high screen fence, as referred to in Paragraph 4.9 above, there would be no significant detrimental effect on the privacy of adjacent properties.

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 is indicated in Paragraph 5.2 above, 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 at Paragraphs 6.1 to 6.5 above, there are other material considerations relevant to the determination of the application. In that regard, the provisions of the East Ayrshire Local Plan (Finalised Version with Modifications) also generally presume in favour of the application.

8.2 The objections received in respect of this application have either not been substantiated through the consultation process, or can be addressed through the inclusion of conditions on the planning permission, or are not considered significant to justify a refusal of the application.

8.3 No adverse consultation replies have been received in respect of the application, although the comments of West of Scotland 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 is approved subject to the conditions listed on the attached sheet.

Alan Neish
Head of Planning and Building Control

29 August 2001
DS/SMB/FGD

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices and certificates.
3. Consultation responses.
4. Letters of representation.
5. East Ayrshire Local Plan (Finalised Version with Modifications)
6. Mauchline/Drongan/Ochiltree Local Plan

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

Implementation Officer : Dave Morris

Location	Land adjacent to 13 Glebe Avenue MAUCHLINE KA5 6AF
Nature of Proposal:	Proposed erection of dwellinghouse
Name and Address of Applicant:	Jim Scott Homes Ltd 3 Islay Drive Newton Mearns GLASGOW G77 6DU
Name and Address of Agent	Stuart McGill 21 Lember Drive GLASGOW G76 7NQ

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

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

1. There shall be no commencement of development on site until such time as the West of Scotland Water Authority has confirmed in writing that there is in place appropriate off-site drainage and sewerage infrastructure sufficient to accommodate the house granted by this consent.

REASON – To ensure adequate drainage and sewerage infrastructure for the proposed development.

2. The access to the site shall be by means of a standard footway crossing, constructed in accordance with the East Ayrshire Council Roads Development Guide 1996.

REASON – In the interests of public road safety.

3. Prior to the occupation of the dwellinghouse, the first two metres of the driveway shall be surfaced such that no surface water discharges or loose material is carried out onto the public road.

REASON – In the interests of public road safety.

4. Prior to the occupation of the dwellinghouse, a visibility splay area shall be formed and thereafter maintained such that there shall be no obstruction to visibility over 1 metre in height within a visibility splay of 2 metres by 20 metres at the proposed access to the site from Welton Road.

REASON – In the interests of public road safety.

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

REASON – In the interests of public road safety.

6. Prior to the occupation of the dwellinghouse, 2 in-curtilage car parking spaces shall be provided and thereafter maintained within the site.

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

7. Notwithstanding any specification on the approved plan or application form, details of a 2-metre high screen fence to be erected in the location indicated in green on approved plan reference number SAS/814/03 shall be submitted to and approved by the Planning Authority and thereafter erected in the approved location prior to the occupation of the dwellinghouse.

REASON – In the interests of residential and visual amenity.

8. Notwithstanding the provisions of Condition 7 or any specification on the approved plans or application form, details of the design and location of all fences, walls or other means of enclosure to be erected within the site shall be submitted to and approved by the Planning Authority and thereafter erected within the site, prior to the occupation of the dwellinghouse.

REASON – In the interests of residential and visual amenity.

9. Notwithstanding any specification on the approved plans or application form, samples of all external construction materials to be used 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.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no garages, sheds or other structures shall be erected within the site without the prior formal written approval of the Planning Authority.

REASON – in the interests of residential amenity.

NOTES

1. The applicant is advised to make early contact with the West of Scotland Water Authority, 35 Glenburn Road, Prestwick, with regard to water supply and drainage.

2. The applicant is advised to make early contact with the Scottish Environment Protection Agency, 2 Alloway Place, Ayr, with regard to drainage arrangements.

3. All drainage shall comply with the requirements of the West of Scotland Water Authority and the Scottish Environment Protection Agency.

4. The applicant is advised to make early contact with Scottish Power, Greenholm Street, Kilmarnock, with regard to the protection of its apparatus during construction.

5. The applicant is advised to make early contact with British Gas Transco, 95 Kilbirnie Street, Glasgow, with regard to the protection of its apparatus during construction.

6. The applicant is advised that a Road Opening Permit will be required prior to the construction of the proposed access and is advised to make early contact with East Ayrshire Council Roads and Transportation Division, Council Offices, Lugar in that regard.

**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