

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 06 SEPTEMBER 2002

**02/0552/OL: PROPOSED ERECTION OF SINGLE DWELLINGHOUSE AT
18 BARSKIMMING ROAD, MAUCHLINE**

APPLICATION BY MR AND MRS MCKENZIE

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the erection of a single or one and a half storey dwellinghouse on the site. This would include the subdivision of the curtilage of number 18 Barskimming Road. The applicant proposes to access the site via an existing private access road from Barskimming Road. The applicant intends to retain the mature sycamore tree.

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 is indicated at section 5 of the report, the application is considered to accord with the development 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 indicated in Section 6 of the report, there are other material considerations but these add weight to the view that the proposal is acceptable.

3.2 It is considered that the points of objection received in respect of the application are either not relevant to the determination of the application or can be addressed by the inclusion of conditions on any planning permission granted.

3.3 No consultation replies have been received that would indicate that the application should be refused. Outline planning permission has previously been granted for a dwellinghouse on this site.

CONTRARY DECISION NOTE

Should the Committee agree to refuse the application contrary to the recommendation of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee as such a decision would not represent a significant departure from the provisions of the East Ayrshire Local Plan (Finalised Version with Modifications).

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 MR AND MRS MCKENZIE

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for outline planning permission 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 consists of an area of land measuring approximately 290 square metres in area which lies adjacent to and to the south west of the dwellinghouse at number 18 Barskimming Road. The site presently forms part of the curtilage and garden ground of number 18. A mature sycamore tree, which is the subject of a Tree Preservation Order, grows in the westernmost corner of the site.

2.2 **Proposed Development:** Outline planning permission is sought for the erection of a single or one and a half storey dwellinghouse on the site. This would include the subdivision of the curtilage of number 18 Barskimming Road. The applicant proposes to access the site via an existing private access road from Barskimming Road. The applicant intends to retain the mature sycamore tree.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objections to the proposal subject to conditions in respect of the provision of a pedestrian access to the site directly from Barskimming Road, the provision of in-curtilage car parking, the direction of opening of any access gates and that no surface water should discharge from the site onto Barskimming Road.

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

3.2 Scottish Water states that non-objection to this planning application must not be inferred as guaranteeing automatic permission to connect to the

public sewer. The applicant must make separate application for permission to connect to the public sewerage system at the appropriate time. Scottish Water may refuse permission to connect, or grant permission to connect subject to conditions, as it thinks fit.

A note can be attached to any consent granted for the proposed development to advise the applicant to make early contact with Scottish Water.

3.3 Scottish Power has no objection to the proposal, provided its apparatus is safeguarded during construction of the proposed dwellinghouse.

Should the application be approved, an appropriate note 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 at the time of writing this report.

Noted.

3.6 The Scottish Environment Protection Agency has no objection to the proposal, provided drainage arrangements are to its satisfaction. SEPA further states that in this regard, foul sewage from the development should be connected to the public sewer.

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

3.7 Transco has no objection to the proposal provided its apparatus is safeguarded during the construction phase.

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

4. REPRESENTATIONS

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

4.2 The proposal would result in the loss of a mature tree which would be detrimental to both environmental and visual amenity. To retain the tree would not comply with current British Standards.

As noted in paragraph 2.2 above, the applicant does not intend to fell the tree. The current British Standards are not a material planning consideration. However, should the application be approved and through the subsequent Building Warrant approval process, the Building Control Division requires the removal or cutting back of the tree, an application for works to trees subject to a Tree Preservation Order would be required would have to be approved, prior to the applicant carrying out any work to the tree. A note could also be attached to any planning permission granted in that regard.

4.3 Access difficulties could arise from the use of the common private access road.

Issues pertaining to the private access road are primarily a legal matter although no suggested access problems have been substantiated by the Roads and Transportation Division.

4.4 The proposal could bring about a reduction in privacy, particularly in the rear garden of number 16 Barskimming Road.

The applicant has indicated that a single or one and a half storey dwellinghouse is proposed. It is considered that should the subject of any subsequent application for Approval of Reserved Matters be a single storey dwellinghouse, any privacy issues could be addressed by the inclusion of a condition on any outline planning permission granted, requiring the erection of a screen fence. Should a one and a half storey dwelling ultimately be proposed, a further condition could be included on any detailed planning permission granted requiring that all windows to habitable rooms on the first floor of the proposed dwelling be located to the front of the dwelling and that any first floor windows to non-habitable rooms to the rear be of opaque glass.

5. ASSESSMENT AGAINST THE 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 Plan was prepared in the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Pan, the application requires to be determined with regard to Policy ENV 11 which provides that development within the central area of Mauchline should be in keeping with the character and appearance of the area.

The site lies adjacent to the central area of Mauchline and it is considered that, in the interest of visual amenity, a condition be included on any planning permission granted requiring the external materials to be used in the construction of the dwellinghouse to match those of the surrounding buildings.

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 replies, the planning history of the site, the Council's Design Guidance 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.

East Ayrshire Local Plan

6.3 The proposal requires to be determined against Policy RES 5 of the EALP which provides that the Council will encourage the sub-division of existing house curtilages where the following criteria can be 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 surrounding properties; and*
- (iii) *Acceptable levels of privacy are maintained to neighbouring properties and to the new housing proposed.*

See responses to paragraphs 4.3 and 5.2 of the report. Any subsequent application for Approval of Reserved Matters can be assessed in greater detail against the provisions of Policy RES 5.

Consultation Replies

6.4 No adverse consultation replies have been received which would indicate that the application should be refused.

Noted.

Site History

6.5 The site has been the subject of a previous application for the erection of a dwellinghouse. Planning application 99/0520/OL was approved with conditions on 1 September 1999.

The present application is in effect for a renewal of the outline consent previously granted for the erection of a dwellinghouse on this site.

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 at section 5 of the report, the application is considered to accord with the development 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 indicated in Section 6 of the report, there are other material considerations but these add weight to the view that the proposal is acceptable.

8.2 It is considered that the points of objection received in respect of the application are either not relevant to the determination of the application or can be addressed by the inclusion of conditions on any planning permission granted.

8.3 No consultation replies have been received that would indicate that the application should be refused. Outline planning permission has previously been granted for a dwellinghouse on this 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 to refuse the application contrary to the recommendation of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee as such a decision would not represent a significant departure from the provisions of the East Ayrshire Local Plan (Finalised Version with Modifications).

Alan Neish
Head of Planning and Building Control
19 August 2002
DS/DS
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans
2. Statutory notices and certificates
3. Consultation replies
4. Letters of objection.
5. East Ayrshire Local Plan (Finalised Version with Modifications)
6. Approved Ayrshire Joint Structure Plan
7. Adopted Catrine and Sorn Local Plan
8. East Ayrshire Council Design Guidance
9. Approved Strathclyde Structure Plan
10. Previous application 99/0520/OL

Any person wishing to inspect the background papers listed above, should contact Mr Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

Application no: 02/0552/OL

Location	18 Barskimming Road MAUCHLINE
Nature of Proposal:	Proposed erection of dwellinghouse
Name and Address of Applicant:	Mr & Mrs McKenzie 18 Barskimming Road MAUCHLINE KA5 5AJ
Name and Address of Agent	

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

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

1. Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the under-mentioned matters hereby reserved:
 - (a) The layout of the site;
 - (b) The size, height, design, and external appearance of the proposed dwellinghouse;
 - (c) The means of drainage and sewage disposal;
 - (d) Details of the access arrangements;
 - (e) The provision for in curtilage car parking;
 - (f) The boundary walls/fences to be erected;
 - (g) The landscaping of the site; and
 - (h) Finished site levels/floor levels.

REASON – The approval is in outline only.

2. Notwithstanding any specification on the approved plans or application form, the details to be submitted under condition 1 above shall provide for a direct pedestrian link to the site from Barskimming Road.

REASON – In the interests of public road safety.

3. Notwithstanding any specification on the approved plans or application form, the details to be submitted under condition 1 above shall provide for the provision of two in curtilage car parking spaces.

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

4. Details showing the relocation of any existing car parking spaces within the residual curtilage of number 18 Barskimming Road, which may be lost as a result of the sub-division of the curtilage, shall be submitted as part of the application for Approval of Reserved Matters.

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

5. Details to be submitted under the terms of condition 1 above shall take account of the surface drainage of the site. In that regard the landscaping of the site shall be designed such that no surface water discharges from the site onto the public road.

REASON – In the interest of public road safety.

6. Further to the provisions of condition 1 above, the roof of the proposed dwellinghouse shall be finished in slate or slate substitute tile. The walls shall be off-white render with any base-course in red sandstone. The windows of the proposed dwellinghouse shall be of traditional proportion, incorporating vertical emphasis.

REASON – In the interest of visual amenity.

7. The proposed dwellinghouse shall not exceed one and a half storeys in height.

REASON – In the interest of visual amenity.

8. Notwithstanding the provisions of condition 1 above, all first floor windows to habitable rooms shall face onto Barskimming Road. Any rear facing windows to non-habitable rooms shall incorporate obscure glass only.

REASON – To ensure the privacy of existing residential premises is safeguarded.

9. Notwithstanding the provisions of conditions 1 and 2 above, the application for Approval of Reserved Matters shall provide for the retention of the existing red sandstone wall which forms the boundary of the site with Barskimming Road to at least 1 metre in height.

REASON – In the interest of visual amenity.

10. The existing mature tree within the site shall be retained and shall not be lopped, topped or felled without the prior written consent of the Planning Authority.

REASON – In order to protect the tree, which is subject to a Tree Preservation Order.

11. No demolition, site clearance or building operations shall be commenced until chestnut pale fencing of a height of not less than 1.2 metres has been erected around the tree shown on the approved plans as being retained within the site. The fencing shall enclose a radius of 8 metres from the trunk of the tree. Such fencing shall be maintained during the course of development and no storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed.

REASON – To prevent damage to the root system of the tree, which is protected by a Tree Preservation Order

12. No construction traffic shall use the common access lane between the site and 20 Barskimming Road during the construction of the dwellinghouse.

REASON – To ensure vehicular access to the adjacent residential properties is maintained, in the interest of public road safety.

NOTES TO APPLICANT

1. The applicant is advised that the mature sycamore tree within the site is subject to a Tree Preservation Order. Any works to the tree (including lopping or topping) will require to be subject to the Council's approval of an application for Works to Trees Subject to a Tree Preservation Order.

2. The applicant is advised to contact Scottish Water, 35 Glenburn Road, Prestwick, with regard to water supply and drainage issues.
3. The applicant is advised to contact the Scottish Environment Protection Agency, 31 Miller Road, Ayr, with regard to the drainage of the site.
4. The applicant is advised to contact Scottish Power, St Vincent Crescent, Glasgow and Transco, 95 Kilbirnie Street, Glasgow, with regard to the location and protection of their 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