

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 06 SEPTEMBER 2002

**02/0488/FL: PROPOSED ERECTION OF GARAGE AT SIDE OF HOUSE
AT 70 MAUCHLINE ROAD, AUCHINLECK**

APPLICATION BY MR W MACKIN

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a garage within the site. The applicant proposes that the garage will be attached to the dwellinghouse and finished with a natural slate roof and the wall with concrete block work.

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 in Section 5 of the report, there are no policies contained within the Adopted Cumnock and Auchinleck Local Plan relevant to the determination of this application. As is indicated at Section 6 of the report, there are material considerations relevant to the determination of this application.

3.2 Given the age of the Adopted Local Plan, the Council has agreed that the EALP (Finalised Version with Modifications) should be considered as a prime material consideration. There are policies within the EALP (Finalised Version with Modifications) relevant to the determination of this application and which indicate that approval would be appropriate.

3.3 The proposal also complies with the provisions of the East Ayrshire Design Guidance for Householder Development.

3.4 The grounds of objection can be addressed by the inclusion of an appropriate condition on any planning permission granted.

CONTRARY DECISION NOTE

Should the Committee agree to refuse the application, the proposal would not require to be referred to the Development Services Committee as such a decision would not represent a significant departure from 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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Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.2 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 an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a semi-detached cottage and its curtilage on the north side of Mauchline Road, Auchinleck. The site lies adjacent to the junction of Mauchline Road with Arran Drive.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a garage within the site. The applicant proposes that the garage will be attached to the dwellinghouse and finished with a natural slate roof and the wall with concrete block work.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objection to the proposal subject to conditions requiring that no surface water is allowed to discharge from the site onto the public road and that any access gates open inward only, away from the public road.

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

3.2 Scottish Power and Transco have no objection to the proposal 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.

3.3 Scottish Water has objected to the proposal on the grounds that the cost of providing infrastructure to serve the surface water run-off from the

development is outwith its “reasonable cost” obligations. Scottish Water adds that a soak away, or similar, could be used as an alternative means of surface water treatment.

Should the application be approved, a condition can be included on the planning permission requiring that no work shall commence on site until the applicant has passed to the Planning Authority written confirmation from Scottish Water that the proposed drainage arrangements are to its satisfaction.

3.4 Auchinleck Community Council has no objection to the proposal.

Noted.

3.5 The Coal Authority advises that the site lies within the zone of influence on the surface from workings in 5 seams of coal last worked in 1971. The Authority adds that any ground movements from those seams should by now have ceased.

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

4. REPRESENTATIONS

4.1 Other than the objection from Scottish Water, no further representations have been received.

Noted

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 Cumnock - Auchinleck Local Plan (1991). The Adopted Plan was prepared in the context of the then emerging Strathclyde Structure Plan.

5.2 There are no specific policies within the Adopted Local Plan relevant to the determination of this application.

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)(2001), the consultation replies, the letter of objection, and the Council's Design Guidance.

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 Policy ENV7 requires development to comply with the Council's existing and emerging Design Guidance and policy documents.

It is considered that the proposal complies with the provisions of the Design Guidance as noted below.

Design Guidance

6.4 The East Ayrshire Council Design Guidance for Householder Development (April 2001) is also of relevance in the determination of the application. Section 3(d) of the Guidance states:-

All extensions to residential properties should incorporate double-pitched or hipped roofs in situations open to general view. Mono-pitched, mansard or flat roofed extensions in situations not exposed to public view may be considered appropriate by the Council where, in the opinion of the Council, these do not detract from the appearance of the property

It is considered that the proposed extension, which can be conditioned to be finished in materials to match the colour and appearance of the existing dwellinghouse and which would incorporate a double pitched roof, complies with the terms of the Design Guidance.

Consultation Replies

6.5 Other than the reply from Scottish Water, no adverse consultation replies have been received.

Noted.

Representations

6.6 The letter of objection is addressed in section 3 of the report.

Noted.

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 Section 5 of the report, there are no policies contained within the Adopted Cumnock and Auchinleck Local Plan relevant to the determination of this application. As is indicated at Section 6 of the report, there are material considerations relevant to the determination of this application.

8.2 Given the age of the Adopted Local Plan, the Council has agreed that the EALP (Finalised Version with Modifications) should be considered as a prime material consideration. There are policies within the EALP (Finalised Version with Modifications) relevant to the determination of this application and which indicate that approval would be appropriate.

8.3 The proposal also complies with the provisions of the East Ayrshire Design Guidance for Householder Development.

8.4 The grounds of objection can be addressed by the inclusion of an appropriate condition on any planning permission granted.

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, the proposal would not require to be referred to the Development Services Committee as such a decision would not represent a significant departure from policy.

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 Consultation replies.
- 3 East Ayrshire Local Plan (Finalised Version with Modifications).
- 4 Adopted Cumnock and Auchinleck Local Plan.
- 5 East Ayrshire Council Design Guidance Householder Development.
- 6 Approved Ayrshire Joint Structure Plan.

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

Implementation Officer: Dave Morris

Application no: 02/0488/FL

Location	70 Mauchline Road AUCHINLECK Ayrshire KA18 2BN
Nature of Proposal:	Proposed erection of garage to side of house
Name and Address of Applicant:	Mr W MacKin 70 Mauchline Road AUCHINLECK Ayrshire KA18 2BN
Name and Address of Agent	J Anderson 18 Cowan Crescent AYR KA

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

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

1. Prior to the commencement of any work on site, the applicant shall provide the Planning Authority with the written confirmation of Scottish Water which shall state that Scottish Water is satisfied with the proposed treatment of surface water drainage from the site.

REASON – To ensure that adequate drainage is provided.

2. Notwithstanding any specification on the approved plans or application form, the use of exposed concrete block work is not hereby approved. The walls of the proposed garage shall be rendered in a colour to match the colour of the sandstone of the existing dwellinghouse.

REASON – To ensure that the extension matches the external appearance of the existing building and thereby maintain the visual quality of the area.

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

REASON – In the interest of public road safety.

4. Any access gates shall open inwards only, away from the public road and footpath.

REASON – In the interest of public road safety.

➤ **NOTES TO APPLICANT**

1. 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.
2. The applicant is advised to contact the Coal Authority, 200 Lichfield Lane, Mansfield, Nottinghamshire, with regard to the influence on the surface from past mineral activity under the site.
3. The applicant is advised to contact Scottish Water, 35 Glenburn Road, Prestwick, with regard to resolving the drainage issues affecting the site and to the discharge of condition 4 of the planning permission.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**

AGENDA