

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 29 JANUARY 2010

**09/0803/PP: PROPOSED ERECTION OF 10 NO. SINGLE STOREY
AMENITY AND AMBULANT DISABLED DWELLINGS WITH ASSOCIATED
GARDENS
AT ST. MATHEWS PRIMARY SCHOOL, MACDONALD DRIVE,
KILMARNOCK
BY EAST AYRSHIRE COUNCIL**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

- 1.1 Full planning consent is sought for 10 single storey amenity houses.
- 1.2 The proposed development has been designed for use by elderly ambulant and disabled occupiers and will be for rent only. The housing is designed to conform to the Space Standards provided in the New Scottish Housing Handbook and the Housing for Varying Needs guidelines, which means the dwellings are as obstruction-free for intended occupants as possible. The Council has been awarded funding from the Scottish Government.

2. RECOMMENDATION

- 2.1 It is recommended that this application for planning permission be approved subject to the conditions listed on the attached sheet.**

3. CONCLUSIONS

- 3.1 The Town and Country Planning (Scotland) Act 1997 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. As indicated in Section 5 of the report the application is consistent with the provisions of the Development Plan.
- 3.2 As indicated in Section 6 of the report there are material considerations relevant to this application, but in this instance, it is considered that the material considerations are not such as to indicate that the proposal would be unacceptable. It is therefore considered that this application should be approved, subject to conditions.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, the application would not require to be referred to the full Council, as this would not be a significant departure from Council policy.

Alan Neish
Head of Planning and Economic Development

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 Economic Development

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for planning permission to be considered by the Northern Local Planning Committee under the scheme of delegation as the Council is the applicant.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located on part of the land which comprised the now demolished St. Mathews Primary School. The application site does not include all of the former school, but occupies a strip of land fronting onto Macdonald Drive. The site is located within the residential area of New Farm Loch to the northeast of Kilmarnock.

2.2 The application site is a grassed area of land which slopes downwards in a northerly direction. The area of land where these dwelling houses are proposed is more gently sloping and extends to some 0.3 hectares.

2.3 **Proposed Development:** Full planning consent is sought for 10 single storey amenity houses.

2.4 The proposed development has been designed for use by elderly ambulant and disabled occupiers and will be for rent only. The housing is designed to conform to the Space Standards provided in the New Scottish Housing Handbook and the Housing for Varying Needs guidelines, which means the dwellings are as obstruction-free for intended occupants as possible. The Council has been awarded funding from the Scottish Government.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Water have no objections.

Noted.

3.2 The Scottish Environment Protection Agency (SEPA) does not object to the proposal and comments via standard advice on foul and surface water drainage, pollution prevention and domestic waste.

Appropriately worded conditions and/or advisory notes can be incorporated to address such issues should Members decide to grant consent.

3.3 New Farm Loch Community Council have no comments or objections.

Noted.

3.4 East Ayrshire Council Neighbourhood Services (Housing Division) advise that this proposal reflects the priorities for new build affordable housing development as set out in the current approved East Ayrshire Strategic Housing Investment Plan 2009/2010-2013/2014. The development will provide ten new affordable houses for ambulant disabled people and represents a first phase Council house building development in East Ayrshire.

Noted.

3.5 East Ayrshire Council Roads and Transportation Division advise that the proposed parking spaces for visitor and resident parking is acceptable and they have no objections to the relocated bus stop.

Noted.

3.6 East Ayrshire Council Department of Corporate Support (Environmental Health) have no objections subject to the use of conditions/notes in terms of construction hours, noise from construction works, the burning of construction waste, drainage and contaminated land.

These matters can be addressed by the use of conditions/ advisory notes should Members decide to grant consent.

3.7 Scotland Gas Networks have no objections.

An advisory note can ensure that the applicant contacts Scottish Gas to ensure their apparatus is not affected by this development.

3.8 East Ayrshire Council Finance and Asset Management (Estate Management) have no objections provided that this development does not have a negative impact on the development potential of the remainder of the

site. Whilst each application to develop is considered on its individual merits, following discussions with Housing, Planning and the Roads Divisions, Estates have advised they are satisfied that this proposed development will not adversely impact upon the principle of developing on the remainder of the site.

3.9 SPT (Strathclyde Passenger Transport) have no comments to make.

SPT were consulted on the proposed relocation of the bus stop and have no objections to this. If Members decide to grant consent, a condition could ensure that the bus stop is relocated prior to the existing facility being removed for continuity reasons.

4. REPRESENTATION

4.1 No letters of representation have been received.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan (2007) and the Adopted East Ayrshire Local Plan (EALP) (2003).

Ayrshire Joint Structure Plan (AOCA) (AJSP)

5.2 There are no relevant policies in the Ayrshire Joint Structure Plan and the application is therefore assessed against the EALP.

Adopted East Ayrshire Local Plan 2003 (EALP)

5.3 Policies RES4, RES19, RES22, ENV7 and TLR5 apply to this application. Policy RES4 encourages the sympathetic residential development of gap, infill or other redevelopment sites, including those sites created through the large scale demolition of existing housing, not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed against a set of four stated criteria, as follows:

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

The proposed development would have minimal impact on the surrounding built environment and adjacent uses noting the predominant residential use in the surrounding area.

(ii) transportation and infrastructure implications;

The Roads Section and other consultees have no outstanding issues in this regard.

(iii) compatibility with surrounding densities and housing types; and

The proposal is generally compatible with surrounding densities and housing types.

- (iv) compliance with the Council's Development Promotion and Design Guidance.

The proposed design is acceptable for this location.

- 5.4 Policy RES19 concerns the provision of public open space.

Given the scale of the development, no formal public recreational open space requires to be provided.

- 5.5 Policy RES22 concerns the provision of private open space.

Whilst some plots fall slightly short of the Council's private open space standards, it is noted that the developer is a Registered Social Landlord and that the dwellings will accommodate older and ambulant residents who may not require large gardens. It is therefore considered appropriate to make an exception in this particular case, should Members choose to grant consent.

- 5.6 Policy ENV7 expects developers to comply fully with the Council's existing and emerging design guidance.

The proposed development is considered to be compliant with this policy.

- 5.7 Policy TLR5 states the Council's position with regard to Developer Contributions, for the improvement of leisure, recreational and sporting facilities throughout the Council area. This policy states contributions will be at a level agreed by the Council, based on the expected number of houses, and the level of need in an area for particular facilities.

This number of housing units would usually have an associated developer contribution, however, in this instance, these units being for the provision of social affordable, rent accommodation, are funded in part by central Government (the remainder of funding is provided by this Council), as amenity housing and the Developer Contribution is therefore not considered to be necessary in this instance.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

- 6.1 The principal material considerations relevant to the determination of this application are the Alteration to the East Ayrshire Local Plan with Modifications, the consultation responses received and the impact upon the amenity of the area.

Alteration to the East Ayrshire Local Plan, Finalised Draft with Modifications

6.2 As a result of unresolved objections to policies RES 23 and RES 26, the only policy within the Alteration to which weight can be given is RES 3.

6.3 Policy RES3 states that 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. Such proposals will be particularly supported where the development:

- (i) has no adverse impact on the surrounding natural and built environment and adjacent uses;

The proposed development would have minimal impact on the surrounding built environment and adjacent uses.

- (ii) has no unacceptable transportation and infrastructure implications;

There are no outstanding issues from the Roads Division and other consultees.

- (iii) is compatible with surrounding densities and housing types; and

The densities and house types are acceptable for this location.

- (iv) is in full compliance with the Council's approved Design Guidance.

The proposed development complies with the Council's Design Guidance relating to New Residential Development.

Consultation Responses

6.4 The consultation responses are detailed in the report and have been carefully considered. The submissions do not raise any issues of sufficient weight to warrant refusal of this application. It is considered that any issues raised by consultees can be addressed by conditions should Members choose to grant consent.

Impact on Amenity

6.5 Given the remaining landscape and grassed areas in the vicinity, and the residential uses surrounding the site, it is considered that housing is a suitable use for this site. The design of the proposed dwellings raises no issues in terms of visual amenity and the proposals are not considered to be detrimental in amenity terms.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications with regard to the determination of this application. If Members decide to grant consent, there is no need to refer this application to the Scottish Government under Circular 3:2009 'Notification of Planning Applications'.

8. CONCLUSIONS

8.1 The Town and Country Planning (Scotland) Act 1997 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. As indicated in Section 5 of the report the application is consistent with the provisions of the Development Plan.

8.2 As indicated in Section 6 of the report there are material considerations relevant to this application, but in this instance, it is considered that the material considerations are not such as to indicate that the proposal would be unacceptable. It is therefore considered that this application should be approved, subject to conditions.

9. RECOMMENDATION

9.1 It is recommended that this application for planning permission 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 Economic Development, the application would not require to be referred to the full Council, as this would not be a significant departure from Council policy.

Alan Neish
Head of Planning and Economic Development

12 January 2010
FMF/KW

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Adopted East Ayrshire Local Plan.
5. Finalised East Ayrshire Local Plan with Modifications.

Anyone wishing to inspect the above papers please contact Fiona Finlay,
Principal Planning Officer, on 01563 576798

Implementation Officer: Dave Morris

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 09/0803/PP

Location	St Matthew's Primary School Macdonald Drive Kilmarnock East Ayrshire
Nature of Proposal:	Proposed erection of 10 no. single storey amenity and ambulant disabled dwellings with associated gardens, parking and infrastructure
Name and Address of Applicant:	East Ayrshire Council Unknown John Dickie Street Kilmarnock KA1 1BY
Name and Address of Agent	Robert Potter And Partners 7 Miller Road Ayr KA7 2AX

DPOs Reference: FMF/KW

The above application for Planning Permission should be granted subject to the following conditions:-

1. The development hereby approved shall be implemented in accordance with the plans stamped as forming part of this permission unless a variation is required by a condition of the permission or a non-material change has been agreed in writing by the Planning Authority.

REASON To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

2. All trees to be planted on site shall be placed in tree pits throughout the area under the control of the Roads Construction Consent.

REASON In the interest of traffic safety and road and footway maintenance in and around the locus.

3. Notwithstanding the submitted plans, details and samples of all external materials to be used in the construction of the dwellings and driveway surfaces shall be submitted to and approved by the Planning Authority in

writing prior to the commencement of development on site and implemented as approved thereafter.

REASON In the interests of visual amenity; to ensure that the external finishing materials are appropriate to the character of the area.

4. Notwithstanding the approved plans, full landscaping details, including the species and size of proposed trees and beech hedging, shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any works on site.

REASON In the interests of residential amenity.

5. The landscaping proposals as approved under the terms of Condition 4 above shall be completed within the first planting season following the completion of the last dwelling house. For the avoidance of doubt this landscaping scheme shall include the landscaping of the garden grounds of individual plots.

REASON In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

6. All planting carried out on site shall be maintained by the developer in accordance with good horticultural practice for a period of 5 years from the date of planting. Within that period any trees, shrubs or plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually.

REASON In the interests of visual amenity and effective landscape management; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

7. No demolition or external construction work, site clearance or preparation works shall take place before 08:00 hours and after 18:00 hours on Mondays to Fridays and before 08:00 hours and after 13:00 hours on Saturdays, nor at any time on Sundays.

REASON In the interests of residential amenity.

8. During the period of construction works, the developer of the site shall ensure that adequate and continuing measures are taken such that roads and footpaths adjoining the site are maintained free from mud and other material carried from the site by construction and any other vehicles.

REASON In the interests of public and road safety.

9. No materials other than topsoil shall be brought into the site for the purposes of infilling or upraising ground levels without the prior written consent of the Planning Authority.

REASON In order to control the development of the site and materials used in the making up of ground levels.

10. Any waste arising from the construction works shall be disposed of to the satisfaction of the Waste Management Authority and other than by means of burning on site.

REASON In the interests of residential amenity.

11. The existing bus stop shall not be removed until a relocated bus stop has been installed and is operational. Prior to any work commencing on site, details of the location and specification of the new bus stop shall be submitted and approved in writing by the Planning Authority.

REASON In the interests of access to public transport facilities.

12. Prior to any work commencing on site and notwithstanding the approved plans, details of all boundary treatment (including any retaining walls), shall be submitted to and approved in writing by the Planning Authority. All boundary treatment shall thereafter be provided on site as approved prior to the last dwellinghouse being occupied.

REASON In the interests of residential amenity.

Advisory Notes to Applicant:

1. Construction works associated with the development shall be carried out in accordance with SEPA's guidelines on avoidance of pollution, and reference should be made to the relevant Pollution Prevention Guidance (PPG) from SEPA. Any waste materials imported to the site should be stored and used only in accordance with the waste management licence or exemption under the Waste Management Licensing Regulations 1994 as amended. Any waste materials removed from the site must be disposed of at a suitably licensed or exempt waste management facility in accordance with these Regulations.

2. The applicant should make early contact with Scottish Water on 0845 601 8855. The applicant should ensure that prior to development commencing on site, they have secured agreement from Scottish Water regarding the suitability of all proposed drainage connections and the suitability of the existing infrastructure to accommodate such connection.

3. The developer should make early contact with Scottish Environment Protection Agency and Scottish Water to confirm their request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.

4. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site

specific arrangements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.

5. The applicant is advised to make early contact with Scottish Water Developer Services, Clyde House, 419 Balmore Road, Glasgow, G22 6NU regarding sewer and water connections.

6. The applicant shall contact the Council's Roads and Transportation Division (Tel. 01563 576358) with regard to any traffic management, road construction or works administered by that Division.

7. The applicant is advised to contact Scottish Power with regard to their apparatus in the vicinity of the site.

8. If any unsuspected contamination is discovered on site, the Council should be informed immediately, and remedial measures formulated to address the risk of exposure to key receptors.

9. The applicant is advised that a heavy standard of 5 m in height is the Council's preferred option for the proposed trees.

10. The applicant is advised to make early contact with Scotland Gas Networks to discuss whether their apparatus will be affected by the proposed works.