

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 07 JANUARY 2011

**08/0340/FL: ERECTION OF 9 DWELLINGHOUSES
AT LAND AT HILLVIEW ROAD, DARVEL
BY MR T DUNNACHIE AND OTHERS**

Report by Head of Planning and Economic Development

Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/centralDistribution.do?action=dispatch&caseType=Application&caseNo=08/0340/FL>

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Planning permission is sought for the erection of 9 dwellings of predominantly one house type with three bespoke dwellings. The proposal also includes the formation of an internal access road and the installation of site drainage. The layout plan also shows the provision of a single garage on six of the plots, however no design details have been provided. The dwellings are of 1.5 and two storey in nature and are proposed to be finished with a brick basecourse and dry dash render finish to the walls and a grey concrete tile on the roof. Access to the site is taken off an existing turning head between numbers 41 and 45 Hillview Road.

2. RECOMMENDATION

2.1 It is recommended that this application for planning permission should be refused for the reasons listed on the attached sheet.

3. CONCLUSIONS

3.1 The Town and Country Planning (Scotland) Act 1997 (as amended) 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 contrary to the provisions of the Development Plan as part of the site is located outwith the identified settlement boundary of Darvel. No specific justification has been submitted for this area although it is noted that the works included in this area are predominantly site services such as the access road and drainage.

3.2 As indicated in Section 6 above, there are material considerations relevant to this application. The letters of objection raise various points which include the principle of the development. Whilst the majority of the site is located within the identified housing site and is therefore compliant with the development plan, a section is proposed which projects into the rural area. On the basis that this section is outwith the settlement boundary it is considered that the objectors are correct over the development principle. The points over privacy and road safety however are not considered to carry any significant weight in the determination of the application.

3.3 The comments of the consultees are noted and no issue has been raised that would warrant the refusal of the application. The impact on amenity is considered to be relatively neutral and again would not warrant refusal of the application.

3.4 On the basis that a significant portion of the development is located on land outwith the settlement boundary which is being used to locate site services and thereby allows nine large houses to be located in the identified site, it is considered that the application is contrary to planning policy. Whilst there are material considerations with this application, none are considered to be of sufficient weight to justify a recommendation for approval contrary to the provisions of the development plan.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Economic Development, the application would not be required to be referred to 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 current scheme of delegation as it is subject to more than 10 objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a large area of predominantly un-maintained open space of approximately 0.8 hectares in area located at the northern boundary of Darvel. The site is located to the north of Hillview Road at the edge of this residential area. The site is bounded by residential streets to the south and by agricultural ground to the north, west and east with a farm track at the top of Jamieson Road abutting the site directly to the east of the site. The site levels are generally higher than those of the houses immediately to the south and the site gradually slopes down in a north to south direction. The majority of the site is zoned for residential development in the East Ayrshire Local Plan 2010 with an indicative number of 8 dwellings.

2.2 **Proposed Development:** Planning permission is sought for the erection of 9 dwellings of predominantly one house type with three bespoke dwellings. The proposal also includes the formation of an internal access road and the installation of site drainage. The layout plan also shows the provision of a single garage on six of the plots, however no design details have been provided. The dwellings are of 1.5 and two storey in nature and are proposed to be finished with a brick basecourse and dry dash render finish to the walls and a grey concrete tile on the roof. Access to the site is taken off an existing turning head between numbers 41 and 45 Hillview Road.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Water has no objections to the development although this does not guarantee a connection to their infrastructure. Scottish Water advises that any surface water should discharge to a suitable outlet with the principle of sustainable urban drainage systems (SUDS) supported by Scottish Water.

A swale and attenuation tank if proposed which would meet with the advice given by Scottish Water.

3.2 Scotland Gas Networks has no objections to the development although note that their apparatus is in close proximity to the site.

An advisory note can be attached to any consent granted for the proposed development to advise the applicant to make early contact with Scotland Gas Networks.

3.3 East Ayrshire Councils Roads and Transportation Service has no objections subject to conditions including surface water discharging to the swale, the adoption of the attenuation tank by Scottish Water and the submission of a construction traffic management plan to ensure road safety during construction.

The adoption of the attenuation tank by Scottish Water is a matter for the applicant to pursue with that organisation. The other matters can be addressed by the imposition of appropriate conditions in any grant of planning consent.

3.4 East Ayrshire Councils Roads and Transportation Service (Flooding Section) has advised that the finished floor levels of properties adjacent to the site ditches should be a minimum of 500mm above the adjacent burn/ditch levels and that air bricks be a minimum of 300mm above the adjacent burn/ditch levels.

Conditions can be attached to any planning consent granted for the proposal to meet the requirements of the Flooding Section.

3.5 The Scottish Environment Protection Agency has no objections to the development but has advised that the finished floor levels of plots 8 and 9 be raised and flood proof measures be incorporated into the construction of the houses.

Conditions can be attached to any planning consent granted for the proposal to meet the requirements of SEPA.

3.6 Darvel and District Community Council has not responded to their consultation request.

4. REPRESENTATIONS

4.1 Nineteen letters of objection have been received in connection with the application, details of which are summarised below.

Principle

- 4.2 The site is outwith the settlement boundary for Darvel and is therefore contrary to the Adopted East Ayrshire Local Plan.
- 4.3 The site is outwith the current town boundary line and is a designated green belt which is under objection by many residents (through the Local Plan Alteration).
- 4.4 The site is outwith the general village shape. We should be looking for brownfield with at least two old lace factories available.
- 4.5 Any need for more housing in Darvel would be for entry level, affordable housing and not for those at the upper end of the market as there are enough of these which are not selling.

The major part of the site is identified as a housing Development Opportunity Site and is within the settlement boundary of Darvel as defined by the East Ayrshire Local Plan 2010. However, part of the site is located outwith the settlement in the rural area and as such, development in this part is contrary to adopted planning policy.

Privacy

- 4.6 Plots 3 to 7 have two upper rear windows which invades the privacy of adjoining properties.
- 4.7 Plot 2 will be built on elevated ground and will have a domineering effect on adjoining residences.
- 4.8 A one metre high retaining wall will make the proposed house behind number 31 Hillview Road even higher.
- 4.9 Plot 2 has bay windows exacerbating the domineering and privacy problems.
- 4.10 No boundary treatment details therefore there could be an impact on privacy and residential amenity.
- 4.11 Every house will be overlooked by rear facing windows which will be above them facing down.

The application site generally sits at a higher level than those houses on Hillview Road to the south of the site given the location on the side of the valley. The dwellings have been designed and located to minimise overlooking and privacy issues predominantly by keeping separation distances between windows to greater than 18 metres which is a standard window to window minimum distance and also by keeping the houses themselves to the greatest distances.

Furthermore, window sizes have been minimised where this separation distance cannot be achieved with obscure glazing being utilised rather than standard window glazing. The boundary treatment details have not been finalised however a degree of retaining is required at the south west of the site with fences forming the likely boundary treatment on top and at other locations within the site.

Visual Impact

- 4.12 The proposed houses at 2 and 1.5 storeys high will be at least as high as the trees.

The house types proposed are not unusual and will not unduly impact upon the skyline when viewed at distance.

Road Safety

- 4.13 There could be 27 more vehicles using this road which will impact greatly on the established amenity of this area. Burn Road is already under extreme pressure given the existing proposed developments.
- 4.14 Plot 2 vehicle access to a single road.
- 4.15 Access road looks narrow making it difficult to get emergency vehicles into plots 1-4 and provide on street parking.
- 4.16 There is no detail of how road will be kept clean.
- 4.17 Road safety for traffic and pedestrians. Children and other vulnerable people will encounter more traffic and an increase in parked cars and driveways. It is extremely important that the children are able to travel safely to school on foot, encouraging them to care for the environment.
- 4.18 My home is directly in front of the hammerhead. This part of the street is already congested with vehicles parked and another 20 cars will cause traffic problems in this very quiet and residential street.

- 4.19 Traffic generation on roads which are already heavily used, both during the building phase where workers and suppliers will park, and after completion with residents and guests.

The Roads and Transportation Service has raised no objection to the development in terms of road safety but has acknowledged the confined residential location of the site by requesting, through planning condition, a construction traffic management plan. This plan would require to be approved by the Planning Authority in consultation with the Roads Authority prior to any start on site and would take account of road safety on Hillview Road and surrounding streets during construction works. This would also cover issues of maintaining the existing roads in a safe and clean condition.

Drainage/Water

- 4.20 It is difficult to imagine how the two burns adjoining this proposed development would be managed given the houses will be lower than the storm water pit.
- 4.21 The water pressure is already low and it is proposed to add another nine houses with no detail of how this will be managed.

The drainage layout has been accepted in principle by the Councils Roads Flooding Section, SEPA and Scottish Water, subject to appropriate conditions.

Wildlife

- 4.22 The wildlife living in the application site will be adversely affected namely bats which feed on the flies around the trees. Deer often visit this ground as do wild birds with many nesting in the trees on this site.

An ecological overview of the site was submitted by the applicant that advises that no protected species were recorded on the site and it also makes recommendations on proposed works. The application site has been cleared by the applicant and given that it has no statutory wildlife designations the development is considered unlikely to have any adverse impact on wildlife. It is noted that in the consultation response on the previous application 07/0305/FL (See section 6.5 below)SNH did not raise any issues in respect of the development of the site.

Change of use

4.23 This area is used by children as a playground.

4.24 There is a loss of public open space

The major part of the application site is designated as a housing development opportunity site in the East Ayrshire Local Plan 2010 and as such the general principle of housing development is acceptable within this area.

Other issues

4.25 There is no clear time scale for completion of the development.

The applicant does not require to provide a time scale for the completion of the development and is not material to the consideration of the proposed development.

4.26 The proposal will result in more car use given the distance, uphill, it is from shops and other amenities.

The site has been designated as a housing site in the East Ayrshire Local Plan 2010 therefore the principle of residential development is set.

4.27 There will be disruption to residents by way of site safety issues to the young and vulnerable and also by noise. Furthermore there will be the inevitable inconvenience of the loss of electricity and water supplies and water contamination.

A planning condition restricting the hours of construction could be attached to any grant of consent to limit the disturbance to nearby residents during construction works.

4.28 The developer does not have the finance to complete the development in an acceptable timescale.

This is not a material planning consideration.

4.29 The development will remove my view into the countryside.

This is not a material planning consideration.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 For the purposes of this application the development plan comprises the East Ayrshire Local Plan 2010.

East Ayrshire Local Plan 2010

5.2 Policy SD3 notes that there will be a general presumption that all new development will be located within settlement boundaries unless it has a justified need for a countryside location. Developments which cannot demonstrate such a need will not receive Council support.

Whilst the major part of the site is located within the housing opportunity site and therefore within the settlement boundary, a portion of the site measuring approximately 150 metres in length by 18 metres deep is located outwith the settlement boundary. This area is predominantly utilised for site services and in particular site drainage given the difficult nature of the site when trying to locate all services and the proposed dwellings within the opportunity site. Whilst it is not argued that this site presents challenges to the developer, there has been no evidence to suggest that a lower number of dwellings or revised house types have been considered to enable all development to be contained within the site. On this basis it is considered that the applicant has not demonstrated or justified the need to encroach into the countryside.

5.3 Policy RES1 advises that the Council will encourage and support the residential development of Development Opportunity Sites identified for housing on the local plan maps.

The Development Opportunity Site as shown on the local plan map indicates a notional capacity of 8 dwellings for this site. The current proposal indicates nine detached dwellings but is also located partly outwith the designated site as shown on the local plan map. This area outwith the identified site measures approximately 150 metres in length by 18 metres deep and predominantly accommodates proposed drainage for the site although also includes part of the access road and a small section of two plots.

In this respect, the proposed development represents a departure from Policy RES1.

5.4 Policy RES2 advises that proposals to extend the supply of land for residential development outwith settlement boundaries will not be acceptable unless they meet with eight separate criteria.

As indicated at section 5.2 above, this development is partially located outwith the settlement boundary of Darvel. Whilst the extension element is not added to accommodate houses in particular, it does accommodate the services for the dwellings proposed within the identified site. This predominantly relates to the drainage for the site which takes into account the sloping nature of the ground above the site, to the north.

In terms of the various criteria under this policy the proposed development fails to meet with criteria (i) to (iii) in relation to housing land shortfalls and the Housing Development Strategy. There is also no evidence presented to demonstrate that the services cannot be located within the site through redesigning the site itself, reducing the housing numbers or altering the housing types.

5.5 Policy RES26 relates to the provision of private open space within new housing developments.

The development provides for a reasonable degree of private open space at each plot and is therefore compliant with this policy.

5.6 Policy RES29 relates to the provision of appropriate developer contributions where the development is for four or more dwellings.

This site would generate £3,321 in developer contributions based on the 9 houses proposed. The applicant has indicated a willingness to pay the required developer contribution.

5.7 Policy ENV9 advises that the Council will actively encourage and demand the highest design standards and expects that developments will fully comply with the Council's design guidance.

The proposed dwellings are considered to be acceptable and meet with the Council's Design Guidance.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultation responses, the letters of objection, the impact upon the amenity of the area and the supporting information.

Consultation Responses

6.2 The consultation responses do not raise any issues of sufficient weight to warrant refusal of this application and planning conditions can be attached to any consent to address any matters raised in the consultation process.

Letters of Objections

6.3 The points raised by the objectors relate primarily to the principle of the development, loss of privacy/residential amenity and road safety. As noted at section 5 above the principle of the development is generally acceptable as the majority of the site has been zoned for residential use. The site has been designed to maximise distances between windows and to minimise windows where they are in close proximity to private garden ground and windows of existing properties. On this basis it is considered that privacy levels between the site and the existing dwellings are reasonable and would be expected of a residential situation. The concerns over road safety are not fully shared by the Roads and Transportation Service although they do require the provision of a condition for construction management during building works.

Impact on Amenity

6.4 The development will generally have a fairly neutral impact on the amenity of the area. The proposed use is residential which ties with the surrounding land use although there will be more vehicles on the surrounding road network as a result of the development.

Planning history

6.5 Planning application 07/0305/FL for the Erection of 7 Dwellings and 2 Plots was withdrawn on 13 August 2007. This related to a slightly smaller site in terms of area.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications with regard to the determination of this application however there would be a legal implication for the Council in the event of any approval, arising through the requirement to enter into a Section 75 agreement relative to a developer contribution under Policy RES 29 of the East Ayrshire Local Plan 2010.

8. CONCLUSIONS

8.1 The Town and Country Planning (Scotland) Act 1997 (as amended) 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 contrary to the provisions of the Development Plan as part of the site is located outwith the identified settlement boundary of Darvel. No specific justification has been submitted for this area although it is noted that the works included in this area are predominantly site services such as the access road and drainage.

8.2 As indicated in Section 6 above, there are material considerations relevant to this application. The letters of objection raise various points which include the principle of the development. Whilst the majority of the site is located within the identified housing site and is therefore compliant with the development plan, a section is proposed which projects into the rural area. On the basis that this section is outwith the settlement boundary it is considered that the objectors are correct over the development principle. The points over privacy and road safety however are not considered to carry any significant weight in the determination of the application.

8.3 The comments of the consultees are noted and no issue has been raised that would warrant the refusal of the application. The impact on amenity is considered to be relatively neutral and again would not warrant refusal of the application.

8.4 On the basis that a significant portion of the development is located on land outwith the settlement boundary which is being used to locate site services and thereby allows nine large houses to be located in the identified site, it is considered that the application is contrary to planning policy. Whilst there are material considerations with this application, none are considered to be of sufficient weight to justify a recommendation for approval contrary to the provisions of the development plan.

9. RECOMMENDATION

9.1 It is recommended that this application for planning permission should be refused for the reasons listed on the attached sheet.

CONTRARY DECISION NOTE

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

**Alan Neish
Head of Planning and Economic Development**

DW/HM/
22 December 2010

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Letters of Objection.
5. East Ayrshire Local Plan 2010.
6. Ecological overview.

Anyone wishing to inspect the above papers please contact David Wilson, Acting Senior Planning Officer, on 01563 576779.

Implementation Officer: Dave Morris

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 08/0340/FL

Location	LAND AT HILLVIEW ROAD DARVEL AYRSHIRE
Nature of Proposal:	Erection Of 9 Dwellinghouses
Name and Address of Applicant:	Mr T Dunnachie And Others 2 BRAESCOURT AVENUE DARVEL AYRSHIRE KA17 0DG
Name and Address of Agent	D M Hall 45 BANK STREET IRVINE KA12 0LL



Officer's Ref: David Wilson
01563 576779

DPOs Reference:

The above application for planning permission should be refused for the following reasons:-

1. The proposed development, on a site that extends beyond the existing settlement boundary of Darvel and into open countryside, would be contrary to Policy SD3 of the East Ayrshire Local Plan 2010 as there is no demonstration of a justified need for a countryside location.
2. The proposed development, on a site that extends beyond the existing settlement boundary of Darvel and into open countryside, would be contrary to Policies RES1 and RES2 of the East Ayrshire Local Plan 2010 as the applicant has not evidenced a demonstrated shortfall in the supply of effective housing land where the development is located.



<p>Title/Location</p> <p>Land at Hillview</p> <p>Darvel</p> <p>Application No. 08/0340/FL</p>	<p>East Ayrshire Council</p> <p>Department of Neighbourhood Services Planning & Economic Development Service. 6 Croft Street Kilmarnock KA1 1JB Tel: (01563) 576790 Fax: (01563) 576774 E-Mail : Planning@east-ayrshire.gov.uk Com Date: 7/1/2011</p> 
<p>Key</p>  <p>Application Site</p>	

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