

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 27 MAY 2011

10/0296/AMCPPP: PROPOSED ERECTION OF 40 RESIDENTIAL DWELLINGS

AT LAND EAST OF ANDERSON DRIVE, DARVEL

APPLICATION BY PRESTWICK LOCK UPS LTD

Report by Head of Planning and Economic Development

Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/caseFile.do?category=application&caseNo=10/0296/AMCPPP>

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Planning permission is sought for the construction of 40 dwellings together with the provision of roads, footpaths and associated infrastructure including a Sustainable Urban Drainage system (SUDS) with associated attenuation pond. The proposed development layout is largely dictated by the site levels with an access coming from the south west corner and thereafter moving up through the site towards a turning circle located in the northern part of the site. A pedestrian link and emergency vehicular access is located at the south eastern portion of the site onto Jamieson Road.

2.5 The residential units proposed are a mix of single and two storeys in height with the majority being detached and the balance semi detached. The development mix consists of 7 basic house types, the majority of which are single storey. The development will also utilise handing of the house types which will further increase the variety of dwellings within the site.

2.6 Areas of landscaping are located throughout the development but are predominantly located in the south western corner of the site at the entrance and SUDS pond with a further larger area adjacent to the turning circle. A 2 metres wide strip of land for a way leave has been provided along the western boundary of the site to allow for maintenance of an existing culvert.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

3.2 As is indicated in Section 6 above, there are material considerations relevant to this application. The proposal has attracted a degree of representation however the points of objection are either not of sufficient weight to justify refusal of the application or are not material to the determination of this application, for example the principle of the development.

3.3 The development of this area of undeveloped ground within the settlement boundary has raised concerns for some local residents and more specifically those people who bound the application site. However this application site is an identified residential opportunity site noted within the adopted East Ayrshire Local Plan 2010 in which the principle of residential development is accepted and indeed is for the discharge of conditions specified in the original outline planning consent. The application complies with the development plan and the site layout has been developed to minimise or remove any adverse impact to neighbouring dwellings. The areas of open space, house types, densities and road layout are considered to be suitable for a development at this location and are commensurate with the surrounding residential areas.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development based on the principle of the development, then the application would require to be referred to Council because a decision on that basis would represent a significant departure from the development plan.

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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1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for consideration an application for planning permission which is to be considered by the Local Planning Committee under the scheme of delegation as the proposal has been subject to more than 10 separate objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The site extends to an area of 2.7 hectares and is located on a piece of ground bounded by dwellings on Anderson Drive, Jamieson Road, Hillview Road and Campbell Street. The application site falls within the settlement boundary of Darvel and is noted as a residential development opportunity site in the adopted East Ayrshire Local Plan 2010 (Ref. 281H).

2.2 To the north the site is bounded by dwellings fronting Hillview Road and Paton Drive with an area of open space at the end of Paton Drive also bounding the site although no access is proposed through this area. To the west the site is bounded by dwellings fronting onto Anderson Drive with access taken to the site at the south west corner over an area of grassed open space which also forms part of the residential zoning. To the south of the site are dwellings fronting onto Campbell Street. To the east of the site are various dwellings fronting Jamieson Road with a secondary site access/egress located near the south eastern corner of the site.

2.3 In terms of existing land use, the site is undeveloped and comprises mainly of rough/overgrown ground which is at the highest point at the north eastern corner and falls away in height from this area. The site includes some areas of trees and vegetation, small elements of which, near the site entrance, are covered by a Tree Preservation Order. Further individual and blanket TPO areas are outwith but adjacent to the site on both the eastern and southern boundaries. An informal footpath meanders through the southern part of the site from Anderson Drive to Jamieson Road.

2.4 **Proposed Development:** Planning permission is sought for the construction of 40 dwellings together with the provision of roads, footpaths and associated infrastructure including a Sustainable Urban Drainage system (SUDS) with associated attenuation pond. The proposed development layout is largely dictated by the site levels with an access coming from the south west corner and thereafter moving up through the site towards a turning circle located in the northern part of the

site. A pedestrian link and emergency vehicular access is located at the south eastern portion of the site onto Jamieson Road.

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2.6 Areas of landscaping are located throughout the development but are predominantly located in the south western corner of the site at the entrance and SUDS pond with a further larger area adjacent to the turning circle. A 2 metres wide strip of land for a way leave has been provided along the western boundary of the site to allow for maintenance of an existing culvert.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Service has no objections subject to conditions. These include works required prior to roads construction consent stage such as the discharge point from the SUDS pond into either the burn or sewer and the extent of adoption from Scottish Water for all road drainage, SUDS pond and discharge points. Further conditions include a drainage impact assessment of the watercourse, calculations of the 200 year flood route to the SUDS pond being within the road channel, a vehicle containment barrier around the SUDS pond and a continuous footway around the pond. The Transport Assessment has also been fully considered by the Roads Division which has been found to meet with requirements.

Planning conditions and notes can be attached to any grant of consent to address the comments of the Roads and Transportation Service.

3.2 East Ayrshire Council Environmental Health Service (Contamination Section) has no objection in principle to the application and states that the contaminated land data base has not identified any specific area of concern but, due to the sensitive nature of the development an initial desk study to establish whether or not there is the potential for contaminants to be present on, or adjacent to, the site which may pose an unacceptable risk to key receptors.

The comments above do not relate to any direct threat of contamination and it should be noted that this application is for approval of matters specified in conditions where the principle of the development and the site constraints were fully considered by the Scottish Government reporter who raised no concerns in this regard. On this basis it is not considered appropriate to attach such a condition.

3.3 The Scottish Environment Protection Agency (SEPA) has no objection to the development and has advised that the foul drainage from the site must be discharged to the public sewerage system.

The foul drainage will require to be discharged through the public sewerage system and Scottish Water has not raised any significant issues within its consultation response.

3.4 Scottish Water has no objection in principle to the development but notes that this does not guarantee a connection to their supply. Scottish Water advises that if the existing waste water treatment network requires to be upgraded to enable connection the developer will have to meet these costs. A totally separate drainage system will be required with surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

The developer has put in place the requirements for a SUDS based drainage approach; however the details of connections and discharge of foul and surface water will be more fully considered at Roads Construction Consent stage and through appropriate discussions with Scottish Water.

3.5 East Ayrshire Council Roads (Flooding) section has advised that information on the flood route to the 200 year attenuation basin has to be provided and proven to work to ensure that all flow is contained in the road channel and that no property would be at risk along this route and that an access track for a JCB should be provided along the rear gardens of Anderson Drive to provide continued access to the culvert here, both prior to consent being granted.

The developer has indicated a 2 metre wide access track along the rear gardens of Anderson Drive to enable access to the culvert. The flood flow route calculations would be considered fully at Roads Construction Consent stage and a note to this effect could be added to any grant of consent.

3.6 East Ayrshire Council Outdoor Services has not responded to the consultation letter.

3.7 Darvel and District Community Council has not formally responded to the consultation letter. They have however noted their concern that the footpath coming from the site to Jamieson Road will not meet with a public footpath as Jamieson Road does not have one on this side of the road.

The Roads and Transportation Service considered this matter and found that there are footways on both sides of Jamieson Road, that visibility is good in both directions and the width of road where pedestrians and vehicles could be in potential conflict is short.

4. REPRESENTATIONS

4.1 The application has attracted 21 letters of representations objecting to the proposed development. The points of objection can be summarised as follows:

Roads and Access

4.2 There does not appear to be enough room for a two lane access road which could present problems during emergencies.

The submitted plans show that an access road into the site is achievable to the relevant Roads and Transportation Service standards. The access has been fully assessed by the Service and has been found to be acceptable.

4.3 Anderson Drive is already very busy and many young children use it and extra car activity could endanger lives.

The principle of the development was set through application 06/0564/OL which was approved by Scottish Government Reporter and agreed the access location in principle. The transport assessment and plans have been fully assessed by the Roads and Transportation Service which has offered no objection to the access through Anderson Drive.

4.4 Safety of our children: there will be a massive upgrade of Darvel Primary School, this plus a proposed build is way too much on the roads.

Darvel Primary is located to the east of the site off Jamieson Road. The vehicular access to the site is off Anderson Drive therefore there will be little conflict between these two uses in terms of access.

4.5 The land will need to be excavated: where will the works vehicles be housed, where will the vans and trucks be going with building material- will they use the already busy Campbell Street?

A vehicle route will require to be agreed with the Roads and Transportation Service at Roads Construction Consent stage and a planning condition could also be attached to any grant of planning consent to ensure that the site construction vehicular route is agreed.

4.6 The one and only entrance is unsuitable, the cars along Anderson Drive are already congested, if there was a fire or emergency services required immediate access to the scheme this would again be putting children in danger.

The Roads and Transportation Service has no objections to the access location or suitability which has already been agreed by Scottish Government reporter through the outline planning consent.

4.7 The access/egress from the site is inappropriate and inadequate and constitutes an increased and unacceptable risk to residents safety.

See response to section 4.6 above.

4.8 Provision is made for 2-3 vehicles per dwelling and this significant increase in traffic in the street along with the new road entrance being on a corner would make this a potentially dangerous junction.

See response to section 4.6 above.

4.9 There are a large volume of cars around the primary school already which would bound to increase if this development goes ahead. This would make crossing of Jamieson Road a lot more dangerous.

A pedestrian and emergency vehicle access is proposed onto Jamieson Road where an existing informal access point is located however this will not be used by cars from the estate to access the primary school. Given the close proximity of the site to the primary school it is likely that most children would walk from the site to the school.

4.10 The access is on a bend on a fairly steep hill which is seldom gritted in winter and creating a junction at this point would cause further chaos.

See response to section 4.6 above.

4.11 The point at which the traffic converges from the proposed estate onto Anderson Drive is already a known point of danger due to downhill descent and the adverse road camber which has contributed to few accidents and several near misses over the years.

See response to section 4.6 above.

Drainage and Flooding

4.12 The drainage system is already under stress.

The Scottish Environment Protection Agency, Scottish Water and Roads (Flooding Section) have no objections in principle to the proposed development on drainage grounds.

4.13 The stream running between 30 and 32 Campbell Street is subject to flooding and access to the site is over this burn which may cause further problems.

See response to section 4.12 above.

4.14 We have had our back door flooded in recent years, the land at present has inadequate drainage provisions and further building would put more strain on sewerage and water pressure is very low.

See response to section 4.12 above.

4.15 Erecting a further 49 dwellings increases the risk of flooding which has already been experienced in the area of Burn Road and Main Street, Darvel.

See response to section 4.12 above.

4.16 This will increase the burden on the water supply which is already poor.

Scottish Water has not objected in principle to the development but has noted that should any works be required to improve the water network as a result of the development, the developer will require to fund the works.

4.17 This facility appears to be accessible by the public and I would be worried that it will become an attraction to children. This must have safety implications which may result in a tragic outcome.

The objector refers to the SUDS detention basin. A vehicle barrier is required around the basin as requested by the Roads and Transportation Service; however it is best practice (section 16.7 of the SUDS manual, CIRIA 2007) that a low barrier of no greater than 1 metre is erected around such basins to maintain the amenity benefits of the pond whilst preventing toddler access.

4.18 I would also be concerned that some homes within our community – especially the ones so close to the reservoir - are being put in a position where there will have increased flood risks.

SEPA, Scottish Water and Roads (Flooding Section) have offered no objections to the development on flooding grounds in principle or with the proposed location of the detention basin. Full calculation of the flood flow route and capacity will be required to be provided at Roads Construction Consent stage.

Residential Amenity

4.19 The properties on Campbell Street enjoy a quiet and private outlook. 49 new dwellings and their subsequent inhabitants would increase noise and overlook our properties.

The general outlook of the objector is not a material planning consideration. The site is zoned for a residential use which is not particularly noisy given its location within an existing residential area. The house types, positioning and site levels have been carefully considered to minimise overlooking to an extent that would be typical in a normal residential situation.

4.20 The houses will be in unacceptably close proximity to the garden and rear/bedroom windows of my property.

The dwellings are located a minimum of 19 metres from the nearest existing residential property where windows face onto each other which is a typical residential separation distance. Where dwellings are in closer proximity, the new dwelling will present a gable elevation where no or only bathroom windows face the existing property. In a residential situation a degree of overlooking will always occur; however it is considered that this has been kept to a minimum.

4.21 The proposed dwelling and garden overlooks the rear of my property, in particular my decking area and garden.

See response to section 4.20 above.

4.22 I will lose my privacy if building were to take place.

See response to section 4.20 above.

4.23 A scheme like this could attract a lot of noise and young people who could make a nuisance of themselves and loiter about.

The site is zoned as a residential site which is commensurate with the surrounding residential uses and would not be an undue attraction to young people or noise, when complete. During any construction period noise will be a factor however an appropriate working times condition was attached to the outline consent limiting working times to 8am to 6pm Monday to Friday and 8am to 1pm on Saturday.

4.24 Loss of privacy from a large two storey property. The ground levels appear to have been built up which could leave the property several metres higher than my property.

The site levels information provided by the developer indicates that the two storey dwellings at the south west of the site and adjacent to Anderson Drive will not change significantly with some marginally lower levels proposed than existing at the proposed plot 13 and only marginally higher levels of approximately 40cm at plot 12. Given the separation distances of the properties it is not considered that any undue loss of privacy will occur that would not be expected in a general residential situation.

4.25 Two storey dwellings at a raised elevation look directly down into our property at 19 Anderson Drive. Even a single storey bungalow would infringe on our privacy.

A separation distance of 34 metres is proposed between the objectors property and the nearest proposed plot. Due to the challenges of this steep site a significant change in levels is required to allow the construction of the dwellings in the northern portion of the site. Whilst plot 30 will have increased levels it is considered that the separation distances reduce any significant adverse privacy concerns.

4.26 Notice that the land in the upper part of the site would appear to be banked up or at least the level of the land increased. I would have serious reservations about the impact that this would have on the privacy in my household given that two storey buildings are proposed to be built on raised land directly behind my house.

The objector raises similar concerns to those addressed at section 4.25 above.

Landscape/open space/trees/wildlife

4.27 The trees on the land are protected and any digging would interfere with the root systems.

As part of the application submission the developer submitted a tree survey detailing each tree on site and making recommendations on each. The majority of TPO protected trees on site including those at the site entrance are recommended for retention with some works to ensure their continued good health. Other trees and landscaping on site have no particular protection and can be removed by the developer without requiring consent. It should be noted that tree planting and landscaping has been proposed by the developer throughout the proposed residential development.

4.28 There are many beautiful trees in the open space and wildlife a plenty which would be put in danger.

With regard to the trees section 4.27 provides a response to this issue. In terms of wildlife, the site has no statutory designations requiring protection and the outline consent decision noted that "there is no evidence of wildlife interest being harmed and it is important to remember that that new housing areas can themselves have material beneficial wildlife impacts".

4.29 We want to keep our green open areas, there is a large factory in Jamieson Road which is dangerous to walk past incase you are hit by falling debris: why can't these areas be used and leave our green spaces where children play safe and wildlife thrives.

The principle of residential site development is set by the outline planning consent which is reflected in the local plan through its residential designation.

4.30 It is stated in our title deeds that we along with other residents have a right of use of the public open spaces through which the access road would pass.

The area to which the objector refers is included in the residential designation of the site. The content of the objector's title deeds is not a material planning consideration but is a private legal matter between the applicant and objector.

4.31 There are several mature trees on the ground where the entrance road is shown on the plans.

See response to section 4.27 above.

4.32 The development would disturb wildlife but also rats and mice. We have already had problems with mice coming in our house, with a young child this is far from ideal. If their habitat is disrupted it is likely this will happen again.

See response to 4.28 above. In specific terms of the rats and mice there is no clear evidence that the residential development of this site would lead to disruption of existing residents.

4.33 Our local MP Des Brown supported a successful campaign by local resident to prevent private housing developments being built in the local amenity areas of this estate. To allow further progress in this planning application would be in total disregard to all previous legal decisions that were made and upheld in order to protect these same amenity areas. It would appear that one of these amenity areas would completely disappear to allow access to this development and for the building of two houses.

The sites to which the objector refers are in proximity to, but do not include, the application site. The outline residential consent which included the access area was granted consent on appeal and as such its use in developing the wider site for residential purposes has been agreed.

Ownership issues

4.34 Two properties on Campbell Street (30 and 32) own land up to the proposed road entry into the site and the plans look as though they will enter our boundaries.

The applicant has submitted ownership certificates commensurate with the application red line site claiming ownership of the site. Any dispute of this is a private legal matter between the objector and the applicant.

4.35 The detention basin will encroach onto our land.

See response to section 4.34 above.

4.36 Part of the ground through which the entrance road goes is owned by several house owners in Campbell Street.

See response to section 4.34 above.

4.37 In the title deeds to our house there is a clause/commitment to a permanent retention of green/play areas within Anderson Drive. This application would violate that as it is proposed to build on/use these areas for site access.

See response to section 4.34 above.

Other matters

4.38 The local primary school is already at full capacity and there are no plans for expansion.

The site is included within the East Ayrshire Local Plan 2010 as a residential site and was fully considered in terms of capacity of the primary school.

4.39 There are so many beautiful homes in Darvel that are on sale presently but are unable to be sold due to the present recession; do we really need more houses to sit in competition with these residents trying to sell their homes?

The development of the site whilst other dwellings remain on sale is a commercial decision by the applicant and not a material planning consideration.

4.40 It is not clear where utilities/services/sub stations and to be sited and therefore cannot assess any increase in risks to safety which may arise.

No specific compounds have been shown on the drawings. Residential sites always include small scale infrastructure equipment, such as GRP boxes, throughout said sites. This is standard practice in a residential layout and would require to meet with the relevant standards of the service providers involved and therefore is unlikely to increase safety risks.

4.41 The access strip for the culvert only looks big enough for a mini digger. If the culvert gets blocked or needs replaced in the future surely larger equipment will be needed.

The way leave has been agreed with the Roads and Transportation Service and is considered to be fit for purpose.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

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

East Ayrshire Local Plan

5.2 The application site lies within the settlement boundary of Darvel in the Adopted East Ayrshire Local Plan 2010. Policy SD4 states that:

“The Council will direct all new development to those development opportunity sites specifically identified on the local plan maps as being suitable for the type of development proposed. Any development on sites not identified for the specific purposes envisaged will be assessed on their own merits against the provisions of all appropriate local plan policies.”

The application site is identified within the EALP as Development Opportunity Site 281H. The proposed residential development of this site is consistent with the provisions of Policy SD4.

5.3 Policy RES1 relates to the principle of the residential development and states:

“The Council will encourage and support the residential development of those Development Opportunity Sites identified for housing purposes on the individual local plan maps. The sites identified will be specifically reserved for residential development at the indicative capacities indicated, with development taking place in line with any phasing programme described in the plan, or such other programming as may be agreed for the sites in question.”

The proposed development site for 40 houses is identified as a residential opportunity site (281H) within the local plan with an indicative capacity of 45 houses. The principle of residential development at this site is therefore acceptable and is in accordance with this element of RES1.

5.4 Policy RES23 relates to residential open space provision and states:

“The Council will require all housing developers to provide areas of recreational and amenity open space as an integral part of their development proposals and to ensure that the location of all such areas is addressed as a primary consideration in the preparation of any housing layout design. All open space, and particularly those areas of open space containing play equipment, should be located in accessible positions which are centrally located within the housing layout and open to public view. The provision of public open space in peripheral, backland locations will not be considered acceptable.

Developers are also required to ensure that the design of all open space is to the highest possible standards and to make provision for the future maintenance of these areas, once formed, to the satisfaction of the Council. In preparing their proposals, developers should have regard to the interim guidelines in Schedule 4. The precise type, size, location and design of the open space will, however, be dependent on the extent of existing open space provision in the vicinity and the recreational and amenity needs of the wider area. Prospective developers are advised to consult fully with the Council's Head of Leisure Services in this regard, prior to formulating their development proposals."

With regard to the site layout submitted, it is considered that the considerable area which takes in the SUDS basin can be included in the open space requirement as access around the pond area is achievable, making it a useable space. Taking this open space along with the other identified areas, the proposed layout exceeds the open space guidelines as described in Schedule 4 of the Local Plan.

5.5 Policy RES24 relates to public open space provision and states:

"In formulating their development proposals, developers should ensure that:

(i) areas of open space are of a size and configuration that is easily maintainable. Larger areas of well-located, consolidated open space should be provided in preference to a series of smaller, individual areas scattered throughout the proposed development site;

(ii) proposed areas of open space link, wherever possible, with other areas of adjacent existing open space;

(iii) the proposed areas of open space are safe and secure, overlooked if possible by adjacent properties;

(iv) play areas, kick about areas and games pitches are provided as required by the Council's Head of Leisure Services;

v) play equipment and facilities for the disabled and those with special needs are provided as considered appropriate;

(vi) areas of open space are attractively planted and, where appropriate, use plant species to encourage wildlife; and

vii) all open spaces are provided, as appropriate, with footpaths for both access and leisure walking, linking with adjacent open spaces wherever possible."

The areas of open space within this site are located in different part of the site which brings benefit to all areas and users of the site. The parcels of open space are each of reasonable size and will be easy to maintain on this basis. One large area at the south western boundary in particular contains a significant proportion of the space. These areas are all overlooked to a reasonable degree and are proposed to be landscaped and planted to improve the visual and environmental amenity of the area.

5.7 Policy RES26 relates to residential private open space provision and states:

“All developers of new housing developments should have regard to the private open space guidelines in Schedule 5. These may be relaxed where the Council is satisfied that relaxation is justified.”

Most dwellings within the site meet with or exceed the minimum standard of private open space as advised by schedule 5. A small number do not meet with the standards however it is recognised that many of the units have a significant over provision of private open space. A relaxation of the guidelines is therefore considered appropriate in this case and on average across the development as a whole private open space significantly exceeds recommended levels.

5.8 Policy RES29 relates to developer contributions and states:

“Where a development of 4 or more houses, either on its own, or in association with existing developments, will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities. Contributions will relate to the development concerned, including in nature, scale and kind. Where these cannot be secured by planning conditions or other appropriate means, the council will expect developers to complete a section 75 or other legal agreement. Contributions sought under this policy will be waived or reduced only in exceptional circumstances – for example, where a developer demonstrates that a development would have exceptional development costs, would bring particular economic, social or other benefits, or is ‘enabling development’ as defined in the plan.”

Given that this development is for approval of matters specified in conditions, it is considered that this is not the appropriate stage to consider developer contributions which was fully considered at the outline planning application stage under policy TLR5 of the East Ayrshire Local Plan 2003.

5.9 Policy ENV 9 relates to the Councils Design Guidance and requires that developers comply with this guidance where it relates to the particular type of development proposed.

The proposal is most relevant to Design Guide 2: New Residential Development. On the basis of the design and layout of the site and that of the individual houses it is considered that the proposal meets with this guidance and therefore policy ENV9.

5.10 Policy ENV18 relates to the safeguarding and protection of trees and states:

“The Council will actively seek to preserve and supplement existing broadleaf and native tree species throughout East Ayrshire.”

The application is accompanied by a tree survey as required by the outline consent. This survey has considered all of the trees on site and recommends that some are removed whilst a large proportion can be

retained on site. This is considered to be reasonable and appropriate tree protection conditions can be attached to any grant of consent to ensure their protection during construction works.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representations received, the impact on the amenity of the area and the planning history of the site.

Consultation Responses

6.2 There has been detailed engagement with consultees particularly the Roads and Transportation Service. There are no significant adverse issues raised by consultees that cannot be addressed by use of appropriate conditions.

Representations

6.3 The representations have been carefully assessed within this report but it is considered that the points of objection are either not of sufficient weight to justify refusal of the application. are not material to the determination of this application or can be addressed through the imposition of appropriate conditions.

Planning History

6.4 Planning application 06/0564/OL for outline planning permission for residential development was refused on 12 December 2006. The proposed development was subsequently allowed at appeal on 28 June 2007. This decision set the principle of residential development at the site.

Impact on the amenity of the area

6.5 Given that the proposal is for residential development within an existing residential area the use itself is considered to be commensurate with the surrounding area. Careful design and layout and house type choices throughout the site and particularly at the site boundaries will minimise any adverse impact to neighbouring properties to acceptable levels. Whilst the overall open and 'park' type feel of the site will change, areas of public open space and planting will help to offset this impact and soften the development.

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 in Section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and

Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

8.2 As is indicated in Section 6 above, there are material considerations relevant to this application. The proposal has attracted a degree of representation however the points of objection are either not of sufficient weight to justify refusal of the application or are not material to the determination of this application, for example the principle of the development.

8.3 The development of this area of undeveloped ground within the settlement boundary has raised concerns for some local residents and more specifically those people who bound the application site. However this application site is an identified residential opportunity site noted within the adopted East Ayrshire Local Plan 2010 in which the principle of residential development is accepted and indeed is for the discharge of conditions specified in the original outline planning consent. The application complies with the development plan and the site layout has been developed to minimise or remove any adverse impact to neighbouring dwellings. The areas of open space, house types, densities and road layout are considered to be suitable for a development at this location and are commensurate with the surrounding residential areas.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated 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 based on the principle of the development, then the application would require to be referred to Council because a decision on that basis would represent a significant departure from the development plan.

Alan Neish
Head of Planning and Economic Development

17 May 2011
DW/DW

FV/HM

LIST OF BACKGROUND PAPERS

1. Application Form, Plans and technical reports.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Letters of representation
5. Adopted East Ayrshire Local Plan (2010)

Any person wishing to inspect the background papers listed above should contact Mr David Wilson on 01563 576779.

Implementation Officer: Hugh Melvin

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 10/0296/AMCPPP

Location	LAND EAST OF ANDERSON DRIVE, DARVEL
Nature of Proposal:	PROPOSED ERECTION OF 40 RESIDENTIAL DWELLINGS
Name and Address of Applicant:	PRESTWICK LOCK UPS LTD 154 MAIN STREET PRESTWICK KA9 1PB
Name and Address of Agent	ELEVATION 11 CAIRNFORE AVENUE TROON

Officer's Ref: David Wilson
01563 576779

The above application for APPROVAL OF MATTERS SPECIFIED IN CONDITIONS should be granted subject to the following conditions:

1. Notwithstanding the submitted plans and details hereby approved, details/samples of all external materials shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any house foundation work, and shall thereafter be implemented on site as approved.

Reason: In the interests of the visual amenity of the area due to the elevated and prominent position of the site.

2. Notwithstanding the submitted plans and as per BS 5837 (2005) the tree root protection zones shall be calculated for all trees being retained on site as identified in the approved tree survey and no development works shall be undertaken within these root protection zones. Such trees shall have a permanent fence erected around them reflecting the protection zone prior to ground clearance works commencing on site to physically protect the root zones and shall be retained in place during all site construction works.

Reason: In the interests of visual amenity and environmental protection.

3. Prior to the commencement of development on site a drainage impact assessment of the existing burn shall be undertaken and the detailed findings submitted for the written consideration and approval of the Planning Authority in consultation with the Roads Division.

Reason: To ensure full information is available on the drainage capacity of the burn.

4. Notwithstanding the plans and details hereby approved, the SUDS detention basin shown on the approved plans shall be provided with a continuous footway along the detention basin frontage and a vehicle containment barrier detail shall be provided at the SUDS basin, details of which shall be submitted for the written approval of the Planning Authority in consultation with the Roads Division and shall be implemented on site as approved thereafter prior to the drainage system coming into use.

Reason: In the interests of road and public safety.

5. Details of the access locations to the culvert access track along the western boundary of the site shall be submitted for the written approval of the Planning Authority prior to the commencement of works on site and shall be constructed on site as approved thereafter. Said details shall include the maintenance of the track, specific access methods to the track and a means of splitting the track into smaller sections.

Reason: To ensure that the culvert is kept clear and accessible at all times in the interests of the long term maintenance of the culvert and to ensure that the track is not accessed otherwise than for maintenance.

6. Prior to any ground clearance works commencing on site a Construction Traffic Management Plan shall be submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads and Transportation Service and shall be implemented as approved thereafter during construction and other works.

Reason: In the interests of Road Safety.

7. Prior to the commencement of any development on site, details of a parking area within the application site for the parking of site traffic and construction staff vehicles shall be submitted to and approved in writing by the Planning Authority and shall be implemented on site as approved. At all times thereafter all site traffic and staff vehicles shall park within the designated area.

Reason: To ensure that adequate parking is provided during construction works in the interests of road safety and residential amenity.

8. The landscaping scheme for the site as detailed in approved drawing 366.01.01c shall be implemented on site no later than the first planting season following the completion of the last dwellinghouse.

Reason: In the interests of residential and visual amenity.

9. Notwithstanding the plans hereby approved, details of the height, materials and colour of all boundary treatments including retaining walls shall be submitted to and approved by the Planning Authority in writing prior to the commencement of development and shall be constructed in accordance with such details thereafter and be completed prior to the occupation of the last dwellinghouse.

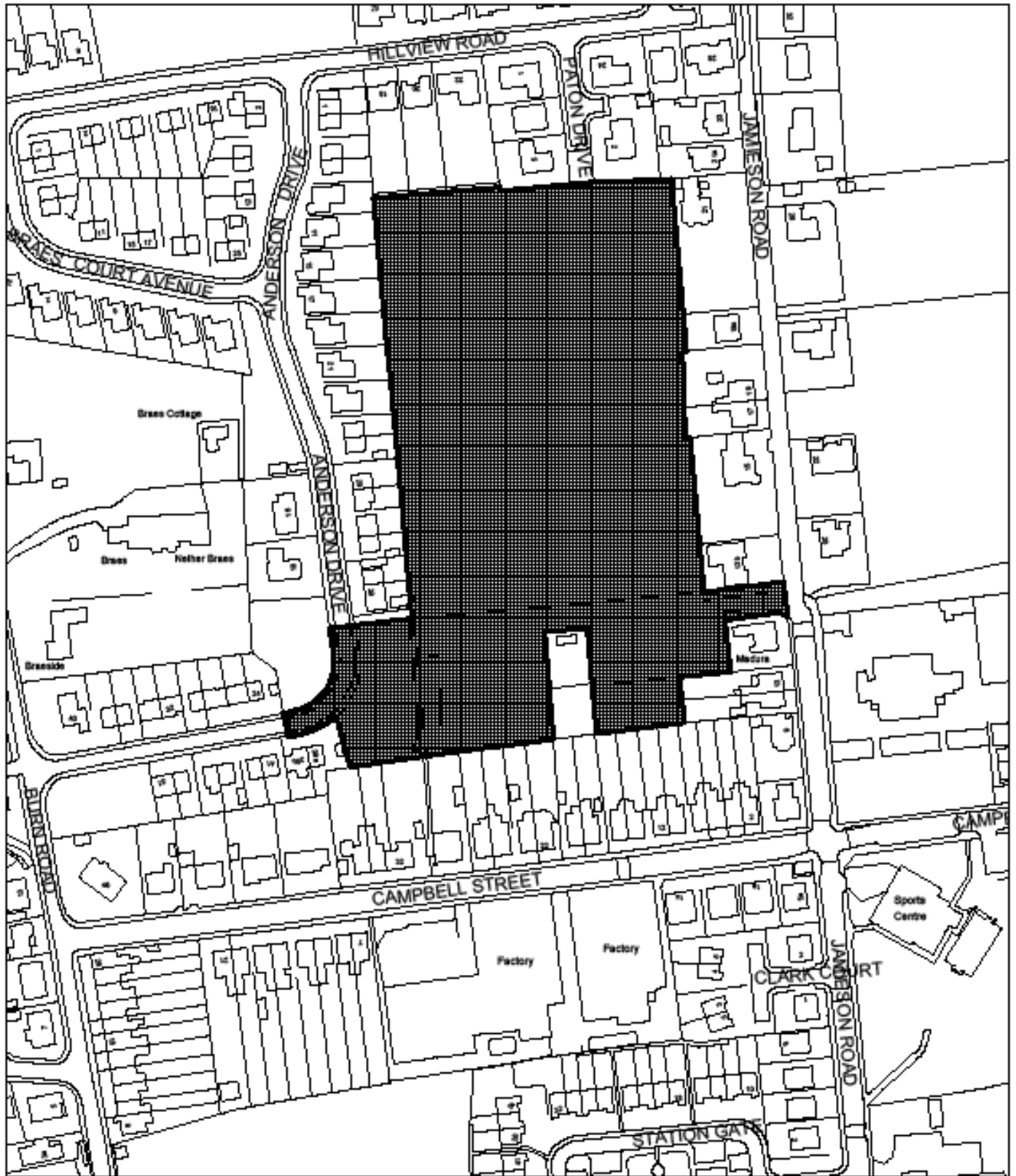
Reason: In the interests of visual and residential amenity and to maintain the character and setting of the area.

Notes to Applicant

1. The applicant should be aware that prior to Roads Construction Consent (RCC) the SUDS pond will require clarification to ensure that the discharge of road surface water into the pond will be permitted by Scottish Water. The proposed discharge point of the pond into either the existing watercourse or a Scottish Water sewer should be clarified and approved by either SEPA or Scottish Water.
2. The applicant will require to provide clarification and confirmation prior to RCC stage regarding the extent of adoption from Scottish Water of all road drainage, SUDS pond and discharge points.
3. At RCC stage the flood route on this will require to be proven to work (by calculation) to ensure that all flow is contained within the road channel and that no property will be put at risk along this route.
4. Details of the culvert design under the proposed carriageway will require to be submitted at RCC stage.
5. The applicant should be aware that 2 no. grit bins will require to be provided within this development.

Reason for the Decision

The proposal is compliant with the Development Plan and after careful consideration of representations and other relevant factors it is considered that the material considerations do not, on balance, indicate that the application should be refused contrary to the Development Plan.



Title/Location **Land East of Anderson Drive**
Darvel
Application No. 10/0296/AMCPPP

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 Department of Neighbourhood Services
 Planning & Economic Development Service.
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Key  **Application Site**

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