

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 22 APRIL 2008

**07/1013/FL: PROPOSED ERECTION OF 36 FLATS AT WELLWOOD STREET,
MUIRKIRK**

APPLICATION BY JOHN O'DONNELL

Report by Head of Planning and Economic Development

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a 36 unit residential flatted development. This consists of three main detached blocks with accommodation over three levels with each flat containing two bedrooms. Associated parking is shown along the frontage of the site accommodating a total of 59 off street parking spaces with two access points. An extensive area of associated open space is shown to the rear of the development which rises very steeply (approx 12m difference in height) towards the northern site boundary. Additional open space is noted between each block and immediately along the road frontage. These areas of open space are shown on the plans as fully landscaped areas with a mix of planting.

1.2 The plans include a street elevation and site sections (north/south) which show the relationship between the proposal and the existing residential units on either side of the application site and how the proposal is positioned within the steeply rising plot. Due to the existing ground level and degree of under building shown on the existing two storey villa's/flats to the west of the site, the projected overall ridge height of the proposal is shown as actually lower than those directly adjacent and to the west. To the east the proposed roof ridge height of the flats is shown as higher than the existing 1.5 storey dwellinghouse however, the proposal is recessed back from the building line and incorporates an area of landscaped open space in an attempt to mitigate this.

1.3 Finishing materials are noted as Marley Plain roof tiles which give a slate style appearance, with Cottage Stone and rendered block working proposed for the external walls. A small painted balcony is noted as a feature of the front elevation in a bid to take advantage of the elevated location which offers panoramic views over Muirkirk towards the hills and the Cairn Table.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As 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. As is indicated at Section 6 of the report, there are material considerations relevant to this application but they are not of sufficient weight to justify refusal of the application.

3.2 The proposed erection of 36 flats has generated a body of objection from local residents, with most of these objections questioning both the suitability and need for such high density residential accommodation. However, the proposal shows full compliance with the relevant policies set out within the Adopted East Ayrshire Local Plan both in terms of the principle of the development and the finer detailing including level of open space provision and parking requirements. The information received during the consultation process allowed many of the representation points to be adequately addressed and it is therefore considered that the representations would not carry sufficient weight to justify the refusal of the application.

3.3 To conclude, the application site is noted with the East Ayrshire Local Plan as a development opportunity site (044H) and at present has a valid consent for an 11 plot residential development. The information within the report has considered the consultation responses. Those points raised by objectors have been fully assessed in terms of planning policy and the circumstances of the site. Notwithstanding concerns presented in terms of the proposal amounting to overdevelopment and loss of views across the site, the proposal is considered to be an appropriate development form within its context.

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 for reasons other than the principle of residential development on site, the application will not require to be referred to the Principal Planning Committee because it would not be 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 determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as the proposed development is subject to twenty eight objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located on ground lying to the northern edge of Muirkirk within a predominantly residential area and specifically identified as a residential development opportunity site 044H within the Adopted East Ayrshire Local Plan. The ground within the site rises steeply from the road and is bounded to the north by a wooded plantation. To the south, the site overlooks a large area of public open space on the opposite side of the road which occupies a central location fixed between two existing dwellings, with a public footpath link leading to the Main Street. On land to the west of this area of open space a mix of mainly semi detached dwellings are positioned with further new detached properties recently constructed to the east. The ground on the western edge of the site consists of a row of two storey residential villa's/flats creating a formal road frontage and building line which then proceeds to step back further from the road creating more of a staggered building line. Immediately to the east a traditional semi detached residential property bounds the site with the St Thomas Apostle Church located further east towards the end of the street and like many of the more traditional buildings found in Wellwood Street, constructed in dark sandstone.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a 36 unit residential flatted development. This consists of three main detached blocks with accommodation over three levels with each flat containing two bedrooms. Associated parking is shown along the frontage of the site accommodating a total of 59 off street parking spaces with two access points. An extensive area of associated open space is shown to the rear of the development

which rises very steeply (approx 12m difference in height) towards the northern site boundary. Additional open space is noted between each block and immediately along the road frontage. These areas of open space are shown on the plans as fully landscaped areas with a mix of planting.

2.3 The plans include a street elevation and site sections (north/south) which show the relationship between the proposal and the existing residential units on either side of the application site and how the proposal is positioned within the steeply rising plot. Due to the existing ground level and degree of under building shown on the existing two storey villa's/flats to the west of the site, the projected overall ridge height of the proposal is shown as actually lower than those directly adjacent and to the west. To the east the proposed roof ridge height of the flats is shown as higher than the existing 1.5 storey dwellinghouse however, the proposal is recessed back from the building line and incorporates an area of landscaped open space in an attempt to mitigate this.

2.4 Finishing materials are noted as Marley Plain roof tiles which give a slate style appearance, with Cottage Stone and rendered block working proposed for the external walls. A small painted balcony is noted as a feature of the front elevation in a bid to take advantage of the elevated location which offers panoramic views over Muirkirk towards the hills and the Cairn Table.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Muirkirk Community Council have formally objected to the proposal, the basis of which is noted below:

- The Council has demolished flats in the area already.

The Council have demolished a number of flats and the ground has now been re-used with the erection of a number of private houses recently constructed and occupied. However this is not a Council development and is proposed for private occupation.

- There is enough open space in the area to build self contained houses

A planning application has been approved for a plotted development consisting of 11 residential units. However no further applications have been received for the individual development of each plot.

- Concern about the drainage in the area.

When visiting the site it is clear there are surface water drainage issues however it is the understanding that some infrastructure work has already taken place in compliance with the previous planning consents. In addition Scottish Water has not raised any adverse comments during

the consultation period. Ultimately the onus would be on the developer to comply with Scottish Water requirements and a condition would be attached to any consent granted to ensure Scottish Water and SEPA were satisfied with the proposal.

- The road here is very narrow for vehicles passing.

The Roads Division have requested a number of conditions be attached to any consent granted which would include the widening of the road to 5.5m and inclusion of 59 car parking spaces provided within the application site boundary. The Roads Division have not identified further road safety concerns.

3.2 East Ayrshire Council Roads Division has responded to the details of the proposal and has raised no adverse issues on road safety grounds and offer the following comments:

- (i) Access to the site shall be taken via a standard driveway access crossing to East Ayrshire Roads Department standards.
- (ii) The developer shall provide a 2m wide footway across the frontage of the site which shall require construction consent.
- (iii) Junction visibility splays of 2.5m by 35m shall be provided at the access point with no structures over 1m in height allowed within these areas.
- (iv) No surface water shall discharge from the site onto the adjacent public road/footway.
- (v) The existing public road across the full frontage of the site shall be widened to 5.5m.
- (vi) Residents and visitor parking shall be provided in line with the Roads Development Guide 1996 which requires 1.65 spaces per flat to accommodate residents and visitor parking.

Noted. Should the application be granted, appropriate conditions in respect of the above can be attached to the planning permission.

3.3 Scottish Power has provided comments and have no objection to the proposed development.

Noted.

3.4 Scottish Water has provided comments and have no objection to the proposed development.

Noted.

3.5 Scottish Environment Protection Agency SEPA has no objection in principle to the proposed development provided that all foul drainage is connected to the

public sewer with all surface water from the site being treated in accordance with the principles of the SUDS Manual (C697) which was published by CIRA in March 2007.

Noted. The above comments can be attached as a planning condition/advisory note to any consent granted.

3.6 Scotland Gas Networks has no objection to the proposed development provided that no mechanical excavations take place above or within 0.5m of the low pressure system, 2m of the medium pressure system and 3m of the intermediate pressure system.

Noted. The above comments can be attached as planning conditions / advisory notes to any consent granted.

3.7 East Ayrshire Environmental Health Division has no objection in principle to the development and offers the following comments:

- (i) Noisy work on the site during demolition and construction should be restricted to 7am to 7pm Monday to Friday, 8am – 1pm on a Saturday and no noisy work on a Sunday.
- (ii) Noise from the works during construction shall be at such a level as will not cause annoyance or be otherwise detrimental to the amenity of the area.
- (iii) All drainage from the property shall be completed to the satisfaction of SEPA.
- (iv) All waste arising from the construction works shall be disposed of to the satisfaction of the waste management Authority.

The comments raised by the Council's Environmental Health Division can be addressed by attaching appropriate conditions to any consent granted for the proposed development.

4. REPRESENTATIONS

4.1 Twenty eight objections have been received including the objection received from Muirkirk Community Council. The main points of objection are summarised as follows:-

4.2 The proposed flats would not blend in architecturally with the character of the street.

The introduction of flats is not a new form of residential development to Wellwood Street as many of the objectors have made reference to the previous Council flats, which have now been demolished. The

applicant has provided a design which, although it encompasses three levels of accommodation, the roof ridge height of the adjacent dwellings to the west as shown on the street elevation will not be compromised. In terms of the building line, although the three main blocks have been positioned far enough from the road to allow for off street parking, this is not considered to be of detriment to the existing building line of the street, primarily due to an existing staggered line. The careful selection of materials would assist in the proposal blending in with the existing buildings some of which are traditional in design and which are finished in a range of materials from traditional sandstone to painted wet cast.

4.3 The development and the influx of new residents would have a detrimental impact on the sense of community in the village.

The above point is not a valid planning ground for objection.

4.4 The proposed development could have a detrimental effect on the current market value of your property.

The above point is not a valid planning ground for objection.

4.5 Wellwood Street is named because of the wells on the site and the woods behind that. This part of the street is the only remaining part of the street where the woods are visible. The three blocks of three storey flats would completely obstruct this view.

In its current form there is very little access to the northern part of the site in which the objector makes reference to the wells and the woods. As there has been no development on this site a view has always been afforded but no formal access provided. The proposal shows on the site plan a large area of ground to the rear and sides of the three blocks which will be utilised as areas of open space with associated landscaping, so although the flats ultimately will reduce the vista to the rear of the site there will a more formal access afforded and still vistas to the rear available between and to the sides of the proposed blocks.

4.6 Overdevelopment is a bad thing and Muirkirk is not the kind of village that warrants attempting to cram in as many people as possible into a small piece of land.

The proposal has been assessed in terms of the level of amenity space that would be required in relation to the size/scale of the development. The minimum level required has been exceeded primarily due to the large area of ground remaining to the north of

the site. Although this density is predominantly higher than its immediate surroundings the application meets with the Policy requirements as set out in the Adopted East Ayrshire Local Plan and explained in section 5 of this report.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan (2007) and the Adopted East Ayrshire Local Plan (2003).

Approved Ayrshire Joint Structure Plan

5.2 No relevant policies.

East Ayrshire Local Plan

5.3 Policy RES1 encourages and supports the residential development of those Development Opportunity Sites identified for housing purposes on the individual Local Plan maps and reserves them for residential and associated recreational and amenity open space development.

The site lies within the identified residential development opportunity site 044H therefore the principle of residential use at this location is acceptable.

5.4 Policy RES19 requires all housing developers to provide areas of recreational and amenity open space in their developments to the indicative basic standards set out in Schedule 3 of the Local Plan. The policy states also that the precise type, size, location and design of the open space required is dependent on the extent of existing open space provision in the vicinity and the recreational and amenity needs of the wider area.

Given that a flatted development is proposed, it is considered that the development should only be required to meet the Council's private open space standards.

5.5 Policy RES22 requires all developers to observe the minimum standards for the provision of private open space detailed in Schedule 4 of the Local Plan.

The Council's minimum private open space standards state that within a flatted development, 25m² of open space per bedroom should be provided as part of the overall development. Therefore a minimum level of 1800m² is required to meet the policy requirement. As the site extends by approximately an additional 40m to the rear of the flatted blocks to the site boundary, a total amenity area in excess of 6000m² can be provided which will be suitably landscaped.

5.6 The proposal shows full compliance with the policies contained within the development plan.

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, and the planning history of the site.

Consultations Response

6.2 The consultation responses have not raised any issues which would indicate that the application should be refused.

Representations

6.3 The sheer volume of objection to the proposal indicates a strong public opposition to the proposed development however it is important to consider that although a high level of objections have been received, the majority of which took the form of a standard letter/questionnaire, only a limited proportion raised some valid planning grounds of objection which have been expanded and discussed. Therefore it is not considered that significant weight should be given to these in the determination of the application.

Planning History

6.4 An application for outline planning consent (ref: 04/0135/OL) for the residential development of the site was approved on 7th May 2004 and following this approval a further reserved matters application (ref: 05/0768/RM) was submitted for the development of the site for an 11 plot residential development, which was subsequently approved on 30th September 2005.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of this application.

Noted.

8. CONCLUSIONS

8.1 As 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. As is indicated at Section 6 of the report, there are material considerations relevant to this application but they are not of sufficient weight to justify refusal of the application.

8.2 The proposed erection of 36 flats has generated a body of objection from local residents, with most of these objections questioning both the suitability and need for such high density residential accommodation. However, the proposal shows full compliance with the relevant policies set out within the Adopted East Ayrshire Local Plan both in terms of the principle of the development and the finer detailing including level of open space provision and parking requirements. The information received during the consultation process allowed many of the representation points to be adequately addressed and it is therefore considered that the representations would not carry sufficient weight to justify the refusal of the application.

8.3 To conclude, the application site is noted with the East Ayrshire Local Plan as a development opportunity site (044H) and at present has a valid consent for an 11 plot residential development. The information within the report has considered the consultation responses. Those points raised by objectors have been fully assessed in terms of planning policy and the circumstances of the site. Notwithstanding concerns presented in terms of the proposal amounting to overdevelopment and loss of views across the site, the proposal is considered to be an appropriate development form within its context.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development the application for reasons other than the principle of residential development on site, the application will not require to be referred to the Principal Planning Committee because it would not be a significant departure from the development plan.

Alan Neish
Head of Planning and Economic Development

RG
07 March 2008
SV DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (2007)

Anyone wishing to inspect the above background papers should contact Robin Ghosh on 01563 555483.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 07/1013/FL

Location	WELLWOOD STREET, MUIRKIRK
Nature of Proposal:	ERECTION OF 36 FLATS
Name and Address of Applicant:	MR JOHN O'DONNELL THE WILLOWS FLAKEFIELD ROAD, CHAPLETON
Name and Address of Agent	MR JIM STRUTH 1 OAKLANDS STRATHAVEN

DPO's Ref: Robin Ghosh
PPO's Ref: Hugh Melvin

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

1. The proposed development shall be carried out in accordance with the application form and plans received by the Planning Authority on 1st October 2007 and the amended site layout, received by the Planning Authority on 7th April 2008.

REASON: To ensure that development is carried out in accordance with the approved details.

2. Notwithstanding the submitted plans, the external finishing materials are not hereby approved. Details/samples of the external roof coverings and external wall coverings shall be submitted to and approved by the Planning Authority prior to the commencement of any development work on site and thereafter implemented as approved.

REASON: In the interests of visual amenity.

3. Notwithstanding the details on the plans hereby approved a 2 metre high vertically boarded screen fence shall be erected along both the west and east boundary marked in green prior to the occupation of any of the units. The fence shall be stained in a suitable dark colour and maintained in a neat and tidy condition in perpetuity.

REASON: In the interests of safeguarding residential amenity.

4. Prior to the commencement of development on site, the developer shall submit a landscaping plan for the areas of public open space as shown on the approved plans. This shall incorporate an appropriate mix of native trees, hedges and shrubs which shall be planted no later than the first planting season following completion of development.

REASON: In the interests of visual amenity.

5. Prior to the commencement of development on site, the developer shall submit a program for the future management and maintenance of the area of public open space shown on the plans hereby approved for the further written approval of the Planning Authority. The program shall thereafter be implemented as agreed.

REASON: To ensure the area of public open space has sufficient provision for future maintenance.

6. Prior to the commencement of development on site, the developer shall submit to, and have agreed by the Planning Authority, written confirmation that suitable arrangements regarding foul and surface water drainage have been made to the complete satisfaction of SEPA and Scottish Water.

REASON: In the interests of public health and safety.

7. Prior to the commencement of any development works on site details of the location of the bin storage area shall be submitted to and approved in writing by the Planning Authority, in consultation with East Ayrshire Roads and Transportation Division.

REASON: In the interests of pedestrian and road safety.

8. Prior to the commencement of any development works on site details of the boundary wall treatment along the road frontage shall be submitted to and approved in writing by the Planning Authority and shall be constructed on site prior to the occupation of the first unit.

REASON: In the interests of the residential visual amenity and streetscape.

9. Access to the site shall be taken via a standard driveway access crossing to East Ayrshire Roads and Transportation Division standards.

REASON: In the interests of pedestrian and road safety.

10. The developer shall provide a 2m wide footway across the frontage of the site which shall require construction consent and be in place prior to the occupation of the first unit hereby approved.

REASON: In the interests of pedestrian and road safety.

11. Junction visibility splays of 2.5m by 35m shall be provided at the access point with no structures over 1m in height allowed within these areas. Such splays shall be in place prior to the occupation of the first unit hereby approved and maintained in perpetuity thereafter.

REASON: In the interests of pedestrian and road safety.

12. No surface water shall discharge from the site onto the adjacent public road/footway.

REASON: In the interests of pedestrian and road safety.

13. The existing public road across the full frontage of the site shall be widened to 5.5m prior to the occupation of the first unit hereby approved.

REASON: In the interests of pedestrian and road safety.

14. Notwithstanding the plans hereby approved, a total of 59 residents and visitor off road car parking spaces shall be provided within the site in compliance with the Roads Development Guide 1996 and shall be available prior to the occupation of the first unit hereby approved.

REASON: In the interests of pedestrian and road safety.

15. Prior to the commencement of any development works on site details of the boundary wall treatment along the road frontage shall be submitted to and approved in writing by the Planning Authority; such treatment as approved shall be constructed on site prior to the occupation of the first unit.

REASON: In the interests of the residential and visual amenity.

16. All waste to be removed from the site (demolition, construction waste etc.) shall be removed by a licensed waste carrier to an appropriately licensed or exempted site.

REASON: In the interests of public health and safety.

17. Construction works on site shall not be carried out prior to 0800 hours and after 1700 hours on Monday to Saturdays, and not at any time on Sundays.

REASON: To prevent noise disturbance extending into hours during which other sources of noise have subsided in the interest of residential amenity.

NOTES:

It is advised that early contact should be made with Scotland Gas Networks in relation to the locations of any gas apparatus within the application site. Scotland gas Networks can be contacted on 0141 418 4093.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
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