

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 03 OCTOBER 2008

08/0629/FL: PROPOSED ERECTION OF 22 RESIDENTIAL DWELLINGHOUSES INCLUDING PARKING, NEW ACCESS ROAD AND RETENTION BASIN ON LAND AT LITTLEMILL ROAD, DRONGAN

APPLICATION BY IRVINE HOUSING ASSOCIATION

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 22 dwellings on the application site as an affordable housing development comprising both general needs and amenity dwellings. 20 of the proposed dwellings comprise terraced dwellings within 4 terraced blocks with a further two dwellings in a semi-detached block. A total of four house types are proposed as follows:

- (i) 12 Type A – semi-detached/terraced, two storey, 2 bedroom general needs dwelling;
- (ii) 7 Type B – semi-detached/terraced, two storey, 3 bedroom general needs dwelling;
- (iii) 2 Type D – semi-detached, single storey, 2 bedroom amenity dwelling;
- (iv) 1 Type F - semi-detached, two storey, 4 bedroom general needs dwelling.

1.2 All of the dwellings are shown to be finished externally in facing brick with elevational detailing, with roof tiles the colour of which is to be agreed with the Planning Authority. The proposed development will be served by a new access taken from Littlemill Road with a long cul-de-sac leading from this new section of residential road. Plots 1 to 14 will have a frontage onto Littlemill Road itself with vehicular access / parking being provided to the rear via the new residential road. Plots 15 to 22 inclusive will have a frontage onto the new residential road with associated parking provision.

1.3 The topography of the site is such the in the main, the terraced dwellings will have a stepped appearance due to differences in site levels. The style and design of the proposed dwellings is considered to be generally acceptable incorporating design features such as wall-head dormers. The site layout also accommodates a proposed sustainable urban drainage system and also provides areas of public open space with the main open space located at the southern end of the development site.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet, but that the issue of the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in Paragraph 7.1 of this report.

3. SUMMARY OF ANALYSIS

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 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. However, it is considered that an exceptional circumstances justification can be made for the proposed development given the oversupply of safeguarded open space provision within the settlement of Drongan. As is indicated at Section 6 of the report, there are material considerations relevant to this application which are either supportive of the proposed development or do not outweigh the justification for a departure from the development plan in this instance.

3.2 The application site lies within the settlement boundary of Drongan and the proposed development in terms of its layout, scale, design and use of finishing materials is considered to be generally acceptable for this location subject to the imposition of appropriate conditions, albeit that this revised scheme does not present the high standard of finishes and detailing previously proposed. Notwithstanding the loss of part of the safeguarded open space area, the provision of an affordable development at this location is considered to be appropriate and acceptable.

3.3 In terms of the recreational use of the site, there remains a sufficiently large open space area and it is considered that the proposed development will not have a significant detrimental impact on the availability of or accessibility to public recreation and amenity open space in Drongan.

CONTRARY DECISION NOTE

Should the Committee agree to refuse the application contrary to the recommendation of the Head of Planning and Economic Development, the application would not require to be referred to the Principal Planning Committee as such a decision would not 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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Report by Head of Planning and Economic Development

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 proposal represents a significant departure from the development plan and is recommended for approval.

2. APPLICATION DETAILS

2.1 **Site Description:** The site lies on the south-west side of Littlemill Road in Drongan and comprises an area of green open space lying between Littlemill Road and Bonnyton Avenue. The application site forms part of larger area of public open space that straddles the main local authority housing scheme to the south of Taiglum Burn. The application site extends to 0.95 hectare and the topography of the site is such that it slopes gently downwards in a south to north direction.

2.2 **Proposed Development:** Full planning permission is sought for the erection of 22 dwellings on the application site as an affordable housing development comprising both general needs and amenity dwellings. 20 of the proposed dwellings comprise terraced dwellings within 4 terraced blocks with a further two dwellings in a semi-detached block. A total of four house types are proposed as follows:

- (i) 12 Type A – semi-detached/terraced, two storey, 2 bedroom general needs dwelling;
- (ii) 7 Type B – semi-detached/terraced, two storey, 3 bedroom general needs dwelling;
- (iii) 2 Type D – semi-detached, single storey, 2 bedroom amenity dwelling;
- (iv) 1 Type F - semi-detached, two storey, 4 bedroom general needs dwelling.

2.3 All of the dwellings are shown to be finished externally in facing brick with elevational detailing, with roof tiles the colour of which is to be agreed with the

Planning Authority. The proposed development will be served by a new access taken from Littlemill Road with a long cul-de-sac leading from this new section of residential road. Plots 1 to 14 will have a frontage onto Littlemill Road itself with vehicular access / parking being provided to the rear via the new residential road. Plots 15 to 22 inclusive will have a frontage onto the new residential road with associated parking provision.

2.4 The topography of the site is such that in the main, the terraced dwellings will have a stepped appearance due to differences in site levels. The style and design of the proposed dwellings is considered to be generally acceptable incorporating design features such as wall-head dormers. The site layout also accommodates a proposed sustainable urban drainage system and also provides areas of public open space with the main open space located at the southern end of the development site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Drongan Community Council has not responded to the consultation letter.

Noted.

3.2 East Ayrshire Council's Roads and Transportation Division (Flooding Section) states that it has no objections in principle to the proposal in relation to flooding as the application site lies outwith the flood plain of the Taiglum Burn. The SUD system will require to attenuate the run-off from the 30 year rainfall event after the development to the 2 year Greenfield run-off or 4.5 litres per second per hectare, whichever is the lower. Confirmation of SEPA and Scottish Water approval of the proposals and future maintenance responsibilities for the surface water drainage system will be required.

Conditions can be attached to any planning consent granted for the proposed development to meet the requirements of the Roads and Transportation Division (Flooding Section).

3.3 East Ayrshire Council's Roads and Transportation Division states that it has no objections in principle to the proposed development subject to conditions as follows:

- (i) Access to the site will require to be taken via internal roads that comply with the Roads Development Guide 1996 and will require Construction Consent. This consent would cover details such as road widths, road construction, footways, turning areas, traffic calming, street lighting, drainage, gradients etc.
- (ii) Prior to the occupation of any dwellinghouse within the development, the roads and footways to and across the frontage of the property must be completed to underside of wearing coarse level and street lighting must be operational.

- (iii) Junction visibilities of 2.5 metres by 90 metres are required at the junction of the B730 Littlemill Road with no fencing, buildings, hedges etc. over 1 metre in height being allowed within these areas.
- (iv) Minimum off road car parking of one space per 2/3 bedroom and two per 4 bedroom properties must be provided for each dwelling with 0.3% on road visitor parking (7 visitor spaces). The visitor space shown between plots 11 and 12 should be removed.
- (v) Any proposed garages must be set back a minimum distance of 6 metres from the rear of the footway.
- (vi) The private driveways will require to be hard paved over their full width for a minimum distance of 2 metres from the rear of the footway to avoid overcarry of loose material onto the public road.

Conditions can be attached to any planning consent granted for the proposed development to meet the requirements of the Roads and Transportation Division.

The Division has also had discussion with the developer regarding agreement over the following issues:

- (i) The existing 30 mph speed limit on Littlemill Road will require to be moved out along the B730 to cover the development site, the cost of advertising this proposed Traffic Order will require to be borne by the developer;
- (ii) At the new speed limit location, new signs, textureflex markings and gateway markings will require to be provided, with the costs being borne by the developer; and
- (iii) New footways will be required along the B730 linking to the existing footway at Taiglum Burn and along Bonnyton Avenue linked to the existing public footpath system.

The developer is aware of these requirements which will require to be secured by means of a Section 75 Agreement. The developer is willing to enter into such an Agreement in respect of these matters.

3.4 Scottish Water has no objections to the proposed development. A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water supports the principle of a sustainable urban drainage system (SUDS) and the developer should consider utilising this in the surface water drainage design. It is important to note that Scottish Water will not adopt surface water drainage systems that require water flows to be pumped.

Appropriate conditions and notes can be attached to any consent granted for the development to advise early contact with Scottish Water regarding service provision and drainage of the site.

3.5 The Scottish Environment Protection Agency has indicated that it has no objections in principle to the proposed development. The foul drainage from the site must be discharged to the public sewerage system and the applicant should

contact Scottish Water in this regard. SEPA would ask that any planning permission granted includes a condition requiring the proposed discharge of surface water to the water environment to be in accordance with the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended). SEPA would emphasise that surface water from the site must also be treated in accordance with the principles of the SUDS Manual (C697) which was published by Ciria in March 2007. However the design of the drainage system must be site specific and dependent on the contaminants at the site, the remediation strategy and the risks posed by any residual contamination, in addition to the normal design considerations.

Appropriate conditions and notes can nonetheless be attached to any consent granted for the development to advise early contact with SEPA regarding service provision and drainage of the site.

3.6 Drongan, Rankinston and Stair Community Council has not responded to the consultation letter.

Noted.

4. REPRESENTATIONS

4.1 There are no third party representations in respect of this application.

Noted.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application, the development plan comprises the Approved Ayrshire Joint Structure Plan (1999) and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 There are no structure plan policies directly relevant to this application.

Noted.

East Ayrshire Local Plan 2003

5.3 The application site is identified in the EALP as forming part of the large area of safeguarded open space within the settlement boundary of Drongan. Policy TLR8 states:

“There will be a presumption against development on those safeguarded areas of public and private recreational or amenity open space as identified on the Local

Plan maps and on other undeveloped land within settlement boundaries which contributes to the setting, character and appearance of the settlement concerned. However, the following types of development on existing areas of maintained amenity or recreational open space will be considered appropriate, subject to compliance with all appropriate Council Development Promotion and Design Guidance:

- (i) laying out of new playing fields, bowling greens, putting greens;*
- (ii) creation of all-weather sports facilities;*
- (iii) creation of new children's play areas; and*
- (iv) development of pavilions or other ancillary facilities to serve any existing or proposed outdoor sport and recreational activities in the area."*

The proposed development is not associated with any of the stated development types and the proposal is therefore not consistent with Policy TLR8.

5.4 Policy TLR9 further states:

"The development of both private and public recreational or amenity open space for purposes other than those described in Policy TLR8 above, will be permitted only in exceptional circumstances where:

- (i) the retention or enhancement of the facilities can best be achieved by the redevelopment of part of the site and where the development would not adversely affect the overall sporting, recreational and amenity value of the site itself; or*

This criterion is not relevant to the proposed development.

- (ii) alternative provision of equal community benefit and accessibility can be made available within close proximity to the site; or*

This criterion is not generally relevant to the proposed development but is it acknowledged that there is still significant open space provision existing within close proximity to the application site.

- (iii) there is a clear, long term excess of pitches, playing fields and amenity open space in the wider area.*

It is considered that in relation to the settlement of Drongan, there is an oversupply of safeguarded open space and it is considered that the loss of 0.95 hectare to the proposed development will not have a significant detrimental impact on the availability or accessibility of public recreation and amenity open space in Drongan.

5.5 Policy RES9 states that the Council will require the provision of special needs housing for older people, people with a physical or learning disability etc, on the sites identified and specifically safeguarded for such developments on the Local Plan maps. Special Needs housing provision on other sites within close

proximity to a Post Office, range of shops and public transport route will be acceptable to the Council, subject to the following considerations:

- (i) impact on surrounding environment and adjacent uses;

The proposal contains an element of special needs housing within the overall development. It is considered that the proposed development would not have any significant adverse impact on the surrounding environment and adjacent uses.

- (ii) transportation and infrastructure implications; and

There are no adverse transportation or infrastructure implications associated with the proposed development.

- (iii) loss of maintained open space.

See responses to Policies TLR8 and TLR9 above.

5.6 Policy RES10 relates to affordable housing developments and states that the Council will require the provision of affordable and low cost housing for sale on the sites identified as appropriate for such purposes in the Local Plan. Housing will be required to meet the Council's standards regarding design and layout.

It is notable that no affordable housing sites have been specifically identified in Drongan in terms of the adopted local plan. The proposed development site is however considered to be an appropriate location for an affordable housing development notwithstanding the loss of safeguarded open space that would result as a consequence of the proposed development.

5.7 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.

The amount and location of public open space proposed in the affordable housing development meets the Council's standards.

5.8 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 proposed development meets with the Council's minimum private open space standards.

It is considered that the proposed development is contrary to the provisions of Policy TLR8. However, on the basis that there is

considered to be an oversupply of safeguarded public open space in Drongan, the provision of an affordable housing development with elements of special needs provision is considered to meet the exceptional circumstances provided for in respect of Policy TLR9.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation replies and the planning history of the site.

Consultation Replies

6.2 The consultation replies do not raise any significant adverse issues that cannot be addressed through the imposition of appropriate conditions in any consent granted for the proposed development.

Planning History

6.3 A previous planning application relating to this site promoted the erection of 25 dwellinghouses, again as affordable housing and special needs provision. This application was presented to the Southern Local Planning Committee on 23 March 2007 at which time the Committee resolved to grant consent subject to conditions and the concluding of a Section 75 Agreement in the same terms as described in section 7.1 below. However, this application was subsequently withdrawn from consideration and no decision notice was ever issued, primarily due to the costs of implementing the proposed scheme. The present application represents a revised scheme that the applicant considers more financially viable.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 Legal implications for the Council in the determination of this application relate to the requirement to secure link footways to the development site and the relocation of the existing 30 mph speed limit, new signage, road markings and gateway features as described in the consultation response from the Roads and Transportation Division. This will require the concluding of a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997.

7.2 In terms of financial implications, the application site was formerly in the ownership of the Council and was previously declared surplus to requirements and disposed of to the applicant for the purposes of an affordable housing development. The sale of this land to the applicant is subject to a clause requiring the Council to repurchase the land from the applicant in the event that planning permission is not granted for the proposed development. While this may be a financial implication for the Council, it is not relevant to and has no bearing on the assessment of the planning merits of the 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 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. However, it is considered that an exceptional circumstances justification can be made for the proposed development given the oversupply of safeguarded open space provision within the settlement of Drongan. As is indicated at Section 6 of the report, there are material considerations relevant to this application which are either supportive of the proposed development or do not outweigh the justification for a departure from the development plan in this instance.

8.2 The application site lies within the settlement boundary of Drongan and the proposed development in terms of its layout, scale, design and use of finishing materials is considered to be generally acceptable for this location subject to the imposition of appropriate conditions, albeit that this revised scheme does not present the high standard of finishes and detailing previously proposed. Notwithstanding the loss of part of the safeguarded open space area, the provision of an affordable development at this location is considered to be appropriate and acceptable.

8.3 In terms of the recreational use of the site, there remains a sufficiently large open space area and it is considered that the proposed development will not have a significant detrimental impact on the availability of or accessibility to public recreation and amenity open space in Drongan.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet, but that the issue of the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in Paragraph 7.1 of this report.

CONTRARY DECISION NOTE

Should the Committee agree to refuse the application contrary to the recommendation of the Head of Planning and Economic Development, the application would not require to be referred to the Principal Planning Committee as such a decision would not represent a significant departure from the development plan.

Alan Neish
Head of Planning and Economic Development

23 September 2008
HM/HM
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses.
4. Adopted East Ayrshire Local Plan (1993).
5. Approved Ayrshire Joint Structure Plan (1999).
6. Previous application 06/0944/FL

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

Implementation Officers: Dave Morris
Anna Gallagher (Legal Services)

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 07/0789/FL

Location	Littlemill Road, Drongan.
Nature of Proposal:	Proposed erection of 22 residential dwellinghouses
Name and Address of Applicant:	Irvine Housing Association Bridgegate House IRVINE
Name and Address of Agent	Robert Potter and Partners 7 Miller Road AYR

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

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

1. A minimum of one off-road parking space shall be provided internally for each 2/3 bedroom dwelling and a minimum of 2 off-road parking spaces shall be provided internally for each 4 bedroom dwelling.

REASON – In the interests of residential amenity and public road safety.

2. The private driveways shall be paved for a minimum distance of 2 metres over their full width from the rear of the footway/edge of the public road carriageway.

REASON – To avoid overcarry of loose material onto the public highway in the interests of maintaining a secure road surface.

3. Any gates shall open inwards away from the public road.

REASON – To prevent obstruction of the public highway in the interests of pedestrian and road safety.

4. Visitor parking shall be provided as indicated on the approved plans with the exception of the proposed visitor car parking space between Plots 11 and 12 which shall not be implemented on site. The visitor parking shall otherwise be formed to the complete satisfaction of the Planning Authority in consultation with the Roads Authority.

REASON – In the interests of residential amenity and public road safety.

5. No surface water shall be allowed to egress onto the public highway.

REASON – In the interests of maintaining a secure road surface.

6. Prior to the occupation of any dwellinghouse within the development, the roads and footways to and across the frontage of the property shall be completed to underside of wearing coarse level and street lighting shall be operational.

REASON – In the interests of road safety and pedestrian safety.

7. The proposed driveways shall be not less than 4.8 metres in length and 2.5 metres in width.

REASON – In the interests of public road safety and residential amenity.

8. Access to the site will require to be taken via internal roads that comply with the Roads Development Guide 1996

REASON – In the interests public road safety.

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

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

10. Prior to the commencement of development, the developer shall submit to and have had approved by the Planning Authority, details of the proposed roof tiles to be used in the roof finish of the proposed dwellinghouses.

REASON – In the interests of visual amenity.

11. Prior to the commencement of development, the developer shall submit to and have had approved by the Planning Authority, details of the proposed external wall finishing materials of the proposed dwellinghouses.

REASON – In the interests of visual amenity.

12. Notwithstanding the plans hereby approved, and the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no front boundary walls or fences shall be constructed forward of the front elevation of any dwellinghouse facing onto a road without the prior written approval of the Planning Authority.

REASON – In the interests of visual amenity and to ensure continuity and uniformity of boundary treatment.

13. Prior to the commencement of development on site, the applicant shall submit to and have had approved by the Planning Authority a landscaping plan for the development site. The plan shall provide details of the numbers, species and sizes of trees and shrubs to be planted in all areas of open space within the development site. The details shall also indicate the proposed future maintenance arrangement for the open space areas and timing of implementation of the landscaping scheme. The landscaping scheme shall also provide details of screen fencing to be erected on site, particularly in respect of plots 1 to 13 inclusive.

REASON – In the interests of visual and residential amenity

14. No development works on the proposals hereby approved shall have started on site prior to there having been submitted to the Planning Authority full details of the Sustainable Urban Drainage system (SUDS) to be installed, including any safety fencing to be erected. Furthermore, no development works shall have started on the site prior to a programme for the future management of the SUDS and written confirmation of the acceptability of its design to Scottish Water and SEPA, having been submitted to and approved by the Planning Authority and all necessary permissions having been received.

REASON – To ensure an appropriate means of surface water runoff in the interests of public health and safety.

15. At all times during the development of the site, the developer shall ensure that access roads leading to the site and passing through the adjacent residential area shall be maintained free of mud and other materials carried from the site. This should involve the prompt sweeping up of deposited materials when required; or the use of alternative measures to be agreed by the Planning Authority. In addition, the developer shall ensure that waste materials generated within the development site are stored/collected so as to prevent their dispersal outwith the site.

REASON – In the interests of road safety and residential amenity.

NOTES TO APPLICANT

1. East Ayrshire Council Roads and Transportation Division has advised that Construction Consent will be required for the construction of the residential roads and footpaths, street lighting etc. The Division can be contacted on Tel 01563 555330. The internal roads must comply with the Roads Development Guide 1996. This consent would cover details such as road widths, footways, road construction, street lighting, drainage, traffic calming, internal junction visibilities etc.
2. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency regarding drainage of the site and to confirm the request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.
3. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.
4. The applicant should make early contact with Power Systems and Transco with regard to the protection or diversion of apparatus that may be affected by the proposed development.
5. All waste to be removed from the site (construction waste etc.) shall be removed by a licensed waste carrier to an appropriately licensed or exempted site.

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