

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 05 OCTOBER 2007

**07/0011/FL: PROPOSED ERECTION OF THREE DETACHED HOUSES
AND ASSOCIATED ROAD AND EXTERNAL WORKS ON VACANT SITE
AT HIGH HOUSE VIEW, AUCHINLECK**

APPLICATION BY REGENT BUILDERS LIMITED

Report by Head of Planning and Economic Development

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

Full planning permission is sought for the erection of 3 detached dwellings on the application site. All of the proposed dwellinghouses are of single storey construction. It is proposed to construct 2 Type B houses (detached, 4 apartments, 3 bedrooms) and 1 Type D house (detached, 5 apartments, 3 bedrooms). The proposed dwellinghouses will have uniformity of finishes with the external walls being finished in a dry dash render with smooth cement bands around door and window openings. House Type B will incorporate a facing brick panel on the front elevation. The roofs of all dwellings proposed will be finished in slate size grey roof tiles. These finishes are to match the existing dwellings that have been constructed within the existing residential development.

1.2 Access will be taken from an extended residential road from the existing cul-de-sac, forming a new turning head with associated visitor parking spaces. The application site was previously proposed as part of the public open space provision within this residential development site at Barony Road and was the area approved for active play area including play equipment. It is now proposed to move the location of this active play area further to the west within the site lying to the north of the existing properties at 21-27 High House View. No details of the proposed layout of this active play area have been provided by the applicant.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As is indicated at Paragraph 5.2 of the report, the application is considered to be in accordance with the Development Plan. Therefore, given the terms of Section 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to this application.

3.2 The proposed erection of three dwellings at this location is considered to be acceptable in policy terms and the design and density of the proposed dwellinghouses are compatible with the adjacent residential development. Uniformity in terms of external finishes is also to be maintained in the proposed development.

3.3 With regard to the representations received, the main concerns relate to the relocation and provision of the active open space. It is considered that the principle of the requirement for this facility should be maintained and that the relocation of this area further to the west will not result in any significant adverse impact on the residential amenity of nearby dwellings. It is considered that other points of objection are not valid in planning terms or can be addressed by condition.

CONTRARY DECISION NOTE

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

Alan Neish
Head of Planning, Development and Building Standards

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 proposed development is the subject of letters and a petition of objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies at the northern end of a small cul-de-sac at High House View forming part of the new residential development on the north side of Barony Road in Auchinleck, immediately opposite High House Industrial Estate. The site extends to approximately 0.34 hectare and is bounded to the north by the existing Glasgow - Dumfries rail line and Auchinleck Railway Station, to the south by the private housing development at Barony Road, to the east by maintained open space and Barony Road Industrial Estate and to the west by an area of public open space associated with the existing residential development. The application site slopes gently upwards from east to west and also falls gently from High House View in the south to the railway to the north and forms part of the public open space area provided for the existing residential development.

2.2 **Proposed Development:** Full planning permission is sought for the erection of 3 detached dwellings on the application site. All of the proposed dwellinghouses are of single storey construction. It is proposed to construct 2 Type B houses (detached, 4 apartments, 3 bedrooms) and 1 Type D house (detached, 5 apartments, 3 bedrooms). The proposed dwellinghouses will have uniformity of finishes with the external walls being finished in a dry dash render with smooth cement bands around door and window openings. House Type B will incorporate a facing brick panel on the front elevation. The roofs of all dwellings proposed will be finished in slate size grey roof tiles. These finishes are to match the existing dwellings that have been constructed within the existing residential development.

2.3 Access will be taken from an extended residential road from the existing cul-de-sac, forming a new turning head with associated visitor parking

spaces. The application site was previously proposed as part of the public open space provision within this residential development site at Barony Road and was the area approved for active play area including play equipment. It is now proposed to move the location of this active play area further to the west within the site lying to the north of the existing properties at 21-27 High House View. No details of the proposed layout of this active play area have been provided by the applicant.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objection to the proposal subject to the inclusion of conditions on the planning permission relating to the standard and construction of the site's internal roads and footways, the standard and formation of the driveways, individual access gates, parking provision and other general conditions.

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

3.2 Scottish Water has no objections to the proposed development.

Noted.

3.3 The Scottish Environment Protection Agency has no objections in principle to the proposed development provided the drainage arrangements are to its satisfaction. In this regard all foul drainage from the development must be connected to the public sewer to the satisfaction of Scottish Water. The developer should select and install appropriate Sustainable Urban Drainage Systems to treat and minimise the amount of surface water leaving the site.

The existing site is served by infrastructure in accordance with the requirements of SEPA and the proposed development will link into this infrastructure.

3.4 Scottish Power has not responded to the consultation letter.

Noted.

3.5 East Ayrshire Council Outdoor Service indicates that it has no objections to the proposed development but points out that as a fair number of dwellings have now been completed on site, the children's play area and surrounding landscaping should be completed at the same time as the building of the three dwellings.

It is considered appropriate to attach conditions to any grant of consent to ensure the timeous provision of the active play area and associated landscaping works for the site.

3.6 Auchinleck Community Council has no objection to the proposed development.

Noted.

3.7 Network Rail states that it has no additional comments to make on the proposed development but requests that the developer be advised to contact Network Rail to discuss the proposals.

An advisory note can be attached to any consent granted to advise the applicant accordingly.

4. REPRESENTATIONS

4.1 A total of four individual letters of objection from 6 signatories have been received objecting to the proposed development. A petition with a total of 35 signatories objecting to the formation of a play park as part of the proposal has also been received. The main points of objection are as follows:

4.2 The proposed development will require part of the access road to be constructed through an area which incorporates part of the grounds purchased by myself from the Highhouse Estate developers and I therefore object to the development.

The objector refers to a small grassed strip of land lying to the rear of the existing visitor parking area at the end of the existing High House View cul-de-sac. The objector is claiming ownership rights over this land but the applicant's agent claims that the ownership is with the developer. Notwithstanding these claims, the issue of ownership is a legal matter between the two parties and is not a valid ground of objection to the proposed development.

4.3 When we purchased our house, it was because there was only to be landscaped ground to the rear of the property. The location of the play park is now to be moved to the rear of 21-25 High House View.

The proposed development will result in the active play area within the site being relocated further west within the site. While being located closer to these properties, it is considered that the proposed relocation will not result in any significant adverse amenity issues. The rear of the properties have 1.4m - 1.8m high screen fencing and the location lies at a lower level than the dwellings. Subject to the introduction of appropriate and acceptable play equipment, it is not considered that any privacy issues will arise.

4.4 In the last 22 months we have on numerous occasions had to notify Network Rail about the dangerous state of fencing separating the spare

ground from the railway property. With the proposal to put a children's play area in this area, who will be responsible for ensuring the safety of children if vandals tear down the fencing?

The existing planning consent for the Highhouse Estate requires a 1.8 metres high concrete post and weld mesh fence to be provided along the northern boundary of the site adjacent to Auchinleck Rail Station and rail line to meet the safety requirements of Network Rail. This requirement will need to be conditioned in the present development proposal should consent be granted for the development.

4.5 The residents of the estate have already signed a petition requesting that the play area be scrapped from the plans for various reasons, three of which are:

- (i) The danger to young children should they enter railway property.

Comments as per 4.4 above. It should be noted that the proposed relocation site for the active play area is further away from the existing public access entrance to Auchinleck Station than the previously approved location.

- (ii) The railway station is already used by people for drinking and congregating in the evening, causing disturbances with arguments, fighting and language which you can only imagine.

- (iii) Who will take responsibility for any young or adult if they pick up a dirty syringe which can be found in the recreational parks located within Auchinleck?

The objectors and petitioners are of the view that the proposed active play area will encourage young people to congregate there bringing with it potential anti-social behaviour. The proposed open space and active play area are integral parts of the approved residential development in the High House Estate and are necessary in terms of meeting the Council's open space standards as indicated in the adopted East Ayrshire Local Plan. The open space provides for access links for the development to and from the central parts of Auchinleck. The issues of anti-social behaviour are matters of policing for resolution and should not be the reason for not providing such facilities.

4.6 We object to the formation of a play area adjacent to the estate. Although the young population may change from time to time, at present there is little need for such an area.

The provision of an active play area for the High House Estate is a requirement in terms of the open space standards defined in the adopted East Ayrshire Local Plan to allow for play facilities

particularly for young children in reasonable proximity to homes which would also afford a degree of supervision in safety terms.

4.7 A play area will encourage groups of young people from other parts of the town to use as a meeting place, as is the case of the nearby railway station, to loiter, as a drinking place to indulge in alcohol and other substance abuse and create a nuisance to local residents.

Comments as per 4.5 above.

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).

East Ayrshire Local Plan

5.2 Policy RES4 states that, within Settlement Boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites, including those sites created through the large scale demolition of existing housing, not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed against a set of four stated criteria, as follows:

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

The application site is adjacent to the Barony Road site which was reserved for housing in the Local Plan and is within the settlement boundary of Auchinleck. Therefore, it is considered that there will be no impact on the surrounding natural and built environment and adjacent uses.

(ii) transportation and infrastructure implications;

There are no adverse transportation or infrastructure implications arising from the proposed development.

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

It is considered that the application is compatible with surrounding densities and house types.

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

It is considered that the proposal complies with the Council's Design Guidance.

5.3 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 policy also allows those standards quoted to be relaxed in respect of the conversion of existing properties to flats where this can be fully justified by the developer and where considered appropriate by the Planning Authority.

It is considered that the proposal in itself meets with the minimum standards required for private open space. Furthermore the development of this site, while reducing the overall area of public open space within the High House Estate, still meets the open space standards required by the local 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.

Consultation Responses

6.2 The consultation responses do not indicate that planning permission should be withheld in this case.

Representations

6.3 The main thrust of the objections relate to the relocation and indeed the principle of having an active play area associated with the High House Estate. It is considered that the site now proposed for the play area is acceptable and should not result in any significant adverse impact on the amenity or privacy of nearby residential properties. The concern about the safety of children given the proximity of the railway line is extremely pertinent and is already addressed through the existing planning consent for the High House estate and can be further reinforced by condition in any consent granted for the proposed development. While having some degree of sympathy with the concerns regarding potential anti-social behaviour, the benefit of the play facility as an amenity afforded to the site should not be lost simply by the poor behaviour of a minority. This is a matter of policing and not planning.

Planning History

6.4 The site has been the subject of several previous applications for planning permission as follows:-

(i) 96/0477/OL: Outline planning permission for the development of land for residential purposes on a site forming the major part of the current application site was approved 19 December 1996.

(ii) 00/0375/FL: Full planning permission for the erection of 12 dwellings on part of the above outline application site was approved on 11 August 2000 (Phase 1 development)

(iii) 02/0974/FL: Full planning permission for the erection of 37 house units with associated roads, gardens, parking and play space was approved on 20 June 2003.

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 at Paragraph 5.2 of the report, the application is considered to be in accordance with the Development Plan. Therefore, given the terms of Section 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to this application.

8.2 The proposed erection of three dwellings at this location is considered to be acceptable in policy terms and the design and density of the proposed dwellinghouses are compatible with the adjacent residential development. Uniformity in terms of external finishes is also to be maintained in the proposed development.

8.3 With regard to the representations received, the main concerns relate to the relocation and provision of the active open space. It is considered that the principle of the requirement for this facility should be maintained and that the relocation of this area further to the west will not result in any significant adverse impact on the residential amenity of nearby dwellings. It is considered that other points of objection are not valid in planning terms or can be addressed by condition.

9. RECOMMENDATION

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

CONTRARY DECISION NOTE

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

Alan Neish
Head of Planning and Economic Development

25 September 2007
HM/HM
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices and certificates.
3. Consultation responses.
4. East Ayrshire Local Plan 2003
5. Ayrshire Joint Structure Plan 1999
6. Planning applications: 96/0477/OL 00/0375/FL and 02/0974/FL.

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

Implementation Officer: Dave Morris

Application No: 07/0011/FL

Location	VACANT SITE AT HIGHHOUSE VIEW AUCHINLECK
Nature of Proposal:	PROPOSED ERECTION OF THREE DETACHED HOUSES AND ASSOCIATED ROAD AND EXTERNAL WORKS
Name and Address of Applicant:	Regent Builders Limited 1 New Lodge Drumdown Road Turnberry
Name and Address of Agent	ADDS 14A Beresford Terrace AYR

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

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

1. Prior to the commencement of any works on site, the applicant shall submit to and have approved by the Planning Authority, a landscaping scheme for the site. This scheme shall indicate the number and species of trees and shrubs to be introduced within amenity spaces within the development site. The scheme approved under this condition shall be implemented not later than the first planting season after the development has been carried out. The scheme shall also include provision for the future maintenance of landscaped areas within the development site.

REASON – To ensure that appropriate provision is made for landscaping within the site and for its future maintenance.

2. Prior to works commencing on site, the applicant shall submit to and have approved by the Planning Authority details of the layout, surfacing and provision of play equipment at the designated play area within the application site. The play area shall be completed to the satisfaction of the Planning Authority prior to the occupation of any of the proposed dwellinghouses hereby approved.

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

3. A 1.8 metres high concrete post and weld mesh fence shall be provided along the northern boundary of the site adjacent to Auchinleck Rail Station and rail line, the details of which shall be submitted to and approved by the Planning Authority prior to works commencing on site. The fence shall thereafter be provided on site prior to the occupation of any of the dwelling hereby approved.

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

4. Prior to the commencement of works on site, the applicant shall submit to and have approved by the Planning Authority details of screen fencing to be erected within the development site.

REASON – In the interests of residential and visual amenity.

5. During the construction of the dwellinghouses, no building or other operations shall take place on the site outwith the hours of 08:00 to 19:00 Monday to Saturday and not at any time on a Sunday.

REASON – In the interests of residential amenity.

6. Access to the site shall be taken via internal roads which comply with the Roads Development Guide 1996 and will require Construction Consent from East Ayrshire Roads and Transportation Division.

REASON – In the interests of public road safety.

7. The link footpaths shown on the approved plans leading to Auchinleck Railway Station shall be provided as part of the development and shall be laid out and completed at the same time as the formation and planting of the proposed open space area.

REASON – In the interests of public road safety

8. Private access driveways shall be paved for a minimum distance of 2 metres from the rear of the footway to avoid overcarry of loose material onto the public road.

REASON – In the interests of public road safety

9. Any access gates shall open inwards only away from the public road.

REASON – In the interests of public road safety

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992, any garages associated with the development shall be of permanent construction and finished in the same materials as the dwellinghouse to which they relate. All garages shall be set back a minimum distance of 6 metres from the rear of the footway.

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

• **NOTES TO APPLICANT**

1. Prior to the commencement of development on site, the applicant should satisfy himself as to the suitability of the application site for construction purposes.
2. This consent does not involve the Council in the maintenance of open space.
3. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency to discuss drainage arrangements.
4. The applicant shall make early contact with Network Rail with respect to construction practices adjacent to railways.
5. The developer shall make early contact with Scottish Power and Transco to ensure that building works do not interfere with their apparatus on site.

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