

**EAST AYRSHIRE COUNCIL
CENTRAL LOCAL PLANNING COMMITTEE: 02 JUNE 2006**

**05/1255/FL: ERECTION OF 28 NO. RESIDENTIAL UNITS
AT SITE BOUND BY SUTHERLAND DRIVE, MACDONALD DRIVE AND
MACBETH DRIVE, NEW FARM LOCH, KILMARNOCK
BY ATRIUM HOMES**

**SUPPLEMENTARY REPORT – APPLICATION PREVIOUSLY
CONSIDERED BY CENTRAL LOCAL PLANNING COMMITTEE
31 MARCH 2006**

1. APPLICATION HISTORY

1.1 This application was previously considered by the Central Local Planning Committee on 31 March 2006. The Committee agreed to continue consideration of the application to allow the Head of Planning, Development and Building Standards to enter into discussions with the applicant with a view to lowering ground levels at Macdonald Drive as well as rotating the houses at Plots 22 and 23.

2. APPLICANTS' RESPONSE

2.1 LOWERING OF GROUND LEVELS AT MACDONALD DRIVE

(i) *"The applicant has been advised that reducing the levels at MacDonald Drive would have a knock-on effect on the levels of the whole site with several thousand cubic tonnes of earth requiring to be removed across the whole area. At a practical level, although this is achievable it would have a major restrictive effect on the building project and would cause a period of significant disruption for local residents.*

Whilst this activity would reduce the level of the new buildings on MacDonald Drive, it would also have major implications for the proposed sewer and surface water drainage connections across the whole site. It had been their intention to connect to the main sewer infrastructure which serviced the 3 storey flatted blocks which previously occupied on the site. However, their engineer advises that dropping levels would remove their ability to link to this sewer in this way and that the only alternative would to make nine individual new connections, two on Sutherland Drive at Plots 22 and 23 and seven along the length of MacDonald Drive. Whilst feasible to do this, it would again result in significant additional disruption to the residents of MacDonald Drive and of course additional cost.

Finally, the engineer considered the impact of dropping levels on the surface water attenuation system required by Scottish Water and SEPA. He has confirmed that the SUDS proposals for the scheme as it stands are acceptable to these bodies. However, he has advised that adjusting levels

across the site would mean we would be unlikely to be able to fully comply with SUDS requirements, placing in jeopardy the necessary approvals from SEPA and Scottish Water. His conclusion therefore is that this would present an insurmountable obstacle to any development on a lowered site".

2.2 ROTATING TWO HOUSES AT PLOTS 22 AND 23

(i) The proposed development has been amended whereby the two houses at Plots 22 and 23 have been rotated and the front elevations of both houses are now onto Sutherland Drive. The siting of both houses remains in the same position as previously. A 1 metre high metal fence separating the front gardens from Sutherland Drive is proposed.

(ii) A 2 metre wide landscape strip has been introduced along the front boundary of Plots 22 and 23. A 2 metre landscape strip is also proposed adjacent to MacDonald Drive to Plots 1-7.

(iii) Re-neighbour notification has taken place regarding the above proposed changes and all previous objectors have been notified of the proposed changes.

3. REPRESENTATIONS

3.1 There are now 22 objections to the proposed development. Twelve of the previous 14 objectors have submitted further letters of objection to the amended proposals. Five new objections have been received to the amended proposals. The previous grounds of objection are detailed in the Committee Report dated 31 March 2006 (copy attached). The new grounds of objection are as follows:-

3.2 The planned houses facing MacDonald Drive are too high.

It is considered that the difference in level between the proposed houses and the existing houses on MacDonald Drive is acceptable. There is a distance of 23 metres between the existing and proposed houses and this is considered sufficient to offset any adverse effect in terms of any overbearing or oppressive impact. Furthermore 3-storey flats were previously located within this site.

3.3 They are too close to the existing houses in MacDonald Drive.

This is addressed in Section 3.2 above.

3.4 The changes in the overall scheme are negligible and purely cosmetic and the developer has gone to no trouble whatsoever in accommodating the concerns of the residents of MacDonald Drive. Rotating the two plots at this point in the process seems to be merely an administrative exercise.

Noted. The applicants have indicated within Section 2 above why they are constrained in terms of adjusting site levels.

3.5 They propose that the Council works with the developer to minimise the financial impact regarding the removal of waste material by removing the topsoil for Council use or assisting in distributing it to residents who may well have a demand.

The difference in levels between the existing and proposed housing is considered acceptable in planning terms without detriment to adjoining properties.

3.6 With regard to drainage, they believe that they could obtain a report contrary to the applicant's view but these financial resources are not available to local pensioners. They believe that the applicant seems to be purely focussed on obstacles to solving this problem rather than actively looking for solutions.

The applicant has indicated that it would not be possible to reduce the ground level of the new houses adjacent to MacDonald Drive without severe drainage implications.

3.7 The plan initially was a mixture of private and 'social' housing and now all the 28 houses will be social housing and for rent. They have had very little warning of this and have been unable to confirm that the most likely candidates for the rented housing will be individuals with social problems with addiction, drug addicts, alcoholics and general down and outs as neighbours. This site is in very close proximity to three schools two of which are primary schools. If these houses are allocated to individuals with social problems, their quality of life will change, there is real concern for the safety of children in the area and individuals with social problems will roam the neighbourhood. The introduction of drugs on their doorstep and addiction is well known to be linked to crime and vandalism.

The applicant is a housing association with charitable status. All 28 houses will be social rented under the management of the applicant, a Registered Social Landlord (RSL). The individuals who would occupy this housing is a matter for the applicant and is not a material planning consideration.

3.8 No proper illustrations ie roads, car parks, green belts, positioning of units and insufficient time to fully investigate further changes to initial plans as neighbour notification was sent second class mail.

The application is accompanied by detailed drawings showing the location of the dwellinghouses, roads, car parking spaces and landscaping. All neighbours were given the statutory 14 days to put forward comments. The Town and Country Planning (General Procedure) Order does not specify that neighbour notification should be sent by first class mail.

3.9 The proposal will lead to an infringement of their basic human rights.

It is not envisaged that the proposed development will infringe the human rights of adjacent residents as the proposed development has been processed and assessed against the criteria detailed in the Town and Country Planning (Scotland) Act 1997.

4. CONSULTATIONS AND ISSUES RAISED

4.1 Both the Council's Roads and Transportation Division and Outdoor Amenities Section have been consulted on the amended proposals.

4.2 East Ayrshire Council's Roads Division have no adverse comments to make regarding the proposed development.

4.3 East Ayrshire Council's Outdoor Amenities Section have advised that there are two options for the landscaping strips adjacent to Plots 22 and 23 and Plots 1-7.

- Firstly a quick growing evergreen hedge planted and maintained at a workable height (ie 1.8 metre) once established, Privet (*Ligustrum Ovalifolium*) would be appropriate as it is quick growing, hardy and evergreen.
- Secondly a selection of evergreen shrubs planted, with careful selection given to more colour. The shrubs would need trimmed once they mature. In both cases the hedging plants or shrubs should be of the largest size available to them to give an instant effect.

3. CONCLUSION

3.1 In conclusion the applicant has rotated Plots 22 and 23 so the front elevations face Sutherland Drive, and created a landscape strip to the front of Plots 22 and 23 adjacent to Sutherland Drive and adjacent to MacDonald Drive.

3.2 They have advised that they are unable to lower the ground levels at MacDonald Drive for the reasons indicated in Section 2.2 above.

3.3 Members are advised that objectors have requested that a site visit be carried out by them.

3.4 Members are advised to determine the planning application as presented in the main report to the Local Planning Committee on 31 March 2006 (copy report attached) and as supplemented by the details in Section 2.2.

4. RECOMMENDATION

4.1 It is recommended that the application be approved subject to the conditions detailed in the main report for the application presented on 31 March 2006 and subject to the following amended conditions:-

4.2 Condition 1 should read “the proposed development shall be carried out in accordance with the application form and plans received on 17 November 2005 and the amended plans received on 09 May 2006.

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

4.3 Condition 5 should read “A landscaping scheme for the amenity open space areas and the landscape strips along the boundary of the site shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on site and shall be implemented not later than the next appropriate planting season after the occupation of the first residential property. These details shall include a quick growing evergreen hedge Privet (*Ligustrum Ovalifolium*) or evergreen shrubs especially along the frontage of Plots 22 and 23 and Plots 1 to 7. The scheme shall also include details of the maintenance arrangements and the landscaping shall thereafter be maintained in accordance with these details.

REASON To ensure that the site is adequately landscaped and is subsequently maintained in the interests of residential and visual amenity”.

(PC/RH/MMM)
25 May 2006

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