

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 01 APRIL 2004

**04/0009/OL: PROPOSED OUTLINE CONSENT FOR 4 NO. NEW
DWELLINGHOUSES AT ST. CLAIR'S PRIMARY SCHOOL, SINCLAIRSTON**

APPLICATION BY AUCHINLECK BUSINESS CENTRE

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the erection of four dwellinghouses within the site. It is proposed to make a connection to a septic tank and soakaway for drainage.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the notification to the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997.

3 CONCLUSIONS

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, however it is considered that these have been sufficiently addressed and do not indicate that planning permission should be refused.

3.2 Outline planning permission is being sought for a residential development on a site within the settlement envelope of Sinclairston. The site has been identified in the Local Plan as a miscellaneous Development Opportunity which is suitable for residential development. It is therefore considered acceptable in principle.

3.3 It is reasonable to expect that the development should be sympathetic to the existing environment in which it is located. The issue of drainage as well as

the impact on the road network will require to be considered further at the detailed matters stage. However, there are no grounds that would indicate that these matters cannot be satisfactorily resolved. The recommendation must therefore be one of approval.

Alan Neish
Head of Planning and Building Control

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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APPLICATION BY AUCHINLECK BUSINESS CENTRE

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an outline planning application which is to be considered by the Development Services Committee as the application if approved will require to be notified to the Scottish Ministers.

2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises an elongated parcel of land located on the west side of the B7046 road through the hamlet of Sinclairston. Measuring 0.3 hectare in area, the site is undulating with a north-south gradient and is an area of scrub grassland. The site is bounded by a 2m high post and mesh wire fence. Albeit there are no particularly significant features within the site there is a cherry tree of local importance and a water pump lies just outwith the boundary which is of historical value.

2.2 The former primary school of St. Clair's lies immediately south of the site and an agricultural access with agricultural land beyond lies to the north. The site falls away to the west where there is a hedgerow forming the boundary with agricultural land. The B7046 public road forms the east boundary and there are residential properties immediately opposite the site.

2.3 **Proposed Development:** Outline planning permission is sought for the erection of four dwellinghouses within the site. It is proposed to make a connection to a septic tank and soakaway for drainage.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has advised it has no objection to the proposed development subject to the following conditions:

- (i) the existing access to the site to be closed off and a new single access with visibility splays of 2.5m by 90m to be formed
- (ii) internal roads to meet the requirements of the Roads Development Guide 1996 with regard to road widths, footways, turning areas, street lighting, traffic calming, drainage etc and will require Construction Consent

The above conditions can be imposed on the consent if the Committee is minded to approve the application.

3.2 Scottish Water has advised there is an existing public water main located in the street adjacent and there are no known sewers to which a connection may be made.

Noted.

3.3 The Scottish Environment Protection Agency has advised that in order to maintain the water quality in the burn no more septic tank effluent discharges can be made. The developer should select and install suitable SUDs to treat and attenuate surface water on site, taking account of the ground conditions.

Drainage can be adequately addressed at the detailed matters stage should the Committee be minded to approve the application,

3.4 The Coal Authority has no objection to the development and no adverse comments to make.

Noted.

3.5 Power Systems has no objection to the proposed development.

Noted.

3.6 Drongan, Rankinston and Stair Community Council has been consulted but at the time of writing this report no response had been received.

Noted.

4. REPRESENTATIONS

4.1 This application has attracted five third party letters of representation. The writers have objected to the proposed development for the following reasons.

4.2 The proposed development will ruin the aspect and nature of the hamlet.

The site is an area of open grassland located within the settlement envelope. It is considered that if the site is developed sympathetically to the existing environment that it will not have a detrimental impact on the aspect and nature of the hamlet.

4.3 The only road that runs through Sinclairston is the diversion route for Heavy Goods/overnight vehicles avoiding the low bridge at Coalhall. It also serves as a through road for traffic servicing the open casts and travelling to Skares, Cumnock etc from Patna, Rankinston etc. This road gets busy and is extremely hazardous throughout the day when trying to enter/exit the writer's driveway. The writer has had a few near misses with traffic coming thundering round the corner, there is no speed limit and visibility is poor along the stretch of road from the top of the village to past the school. An increase in the number of dwellings will just add to an already dangerous problem with the potential for 16 or more cars accessing and exiting the proposed development day and night.

The Council's Roads and Transportation Division has advised that provided a new access to the development is formed with appropriate visibility splays they have no objection to the proposed development. Any road safety requirements shall require to be implemented prior to any of the dwellings being occupied should the Committee be minded to approve the application.

4.4 The development will have impact on wildlife, which now uses the playing fields. Recently there have been owls and hawks in this field.

Scottish Natural Heritage and Scottish Wildlife Trust were both consulted at the time of the previous application and had no concerns regarding the impact of the development on any wildlife which may at present use the site. Albeit there is wildlife that frequents the site it is not considered that there is any particular natural heritage interest which requires to be protected.

4.5 There may also be issues with regard to sewerage and drainage. Sewage is already a problem in the hamlet. Will there be enough ground for a reed bed to accommodate the new dwellinghouses and where will this be sited.

It is considered acceptable to resolve drainage at the detailed matters stage should the Committee be minded to approve the application.

4.6 When building starts, as Sinclairston is just a hamlet where would all the heavy machinery be parked as well as the workers cars during the day. The noise from the construction traffic will be excessive and this will be an invasion of privacy with vehicles turning and waiting to unload etc.

It is inevitable that when the construction of a development is underway there will be additional traffic and disruption in the vicinity of the development site. However, it is not considered that this is a material planning consideration which would indicate the application should be refused.

4.7 As Sinclairston is classed as a hamlet the writers do not see how the Council can justify the population expanse literally overnight by 10 houses, and all it 2 are not included in this plan – where does it all stop, when Sinclairston reaches Hayhill? At present there are no adequate facilities for the existing residents of Sinclairston, the nearest shops etc being in Drongan 2.5 miles away.

It is indeed recognised that the development of four dwellinghouses in the hamlet will inevitably increase the population. However, the site has been identified in the East Ayrshire Local Plan as being a Development Opportunity site and its development for residential purposes can contribute to the housing land supply for the area. The additional house numbers in the hamlet will in fact contribute to sustaining the community services and facilities in the nearby settlements.

4.8 A big concern is also the electricity supply which is full to capacity so would there be another connection for the new dwellinghouses and where would this be positioned.

Electricity supply is not a material planning consideration and has no weight in the determination of this application.

4.9 Water is also a problem, if this is taken from the mains, it would drop the pressure of the water that is currently supplied. On this subject the landmark the old “water pump” being removed from Sinclairston.

Scottish Water has advised that there is a water supply in the street adjacent. Water supply would be investigated through the Building Control process and is not material in the determination of this application. The issue of the water pump has been raised with the developer who has advised they will endeavour to retain it.

4.10 No one was informed that the recreational ground would be used for development, therefore leaving no recreation amenities, especially with a 4 year old child to consider. With all the dwellinghouses what amenities would there be for children, the swing park is hardly enough for the writer’s own child never mind when all these people move in. There is already a severe lack of open or recreational space in existence for the present residents of Sinclairston. The school playing field used to provide a safe and secure walking and playing area

for the children currently in the community until it was re-zoned and fenced off by East Ayrshire Council. The current play area for children is totally inadequate and is a major problem due to its location beside a busy main road

The site is indeed an area which may be used for informal recreation however it is not designated as such and has never been identified as an area of public open space. Hence its development for residential purposes is not considered to be a significant loss to the recreational opportunities within the hamlet.

4.11 Would the dwellinghouses be in keeping with the writer's own house and would the development of the schoolhouse be kept as sandstone? How high are the new dwellinghouses going to be as the writer's house is called Arranview and would they have to rename it Noview assuming their view is going to be totally blocked.

The application is for outline consent only at this stage and hence no details of the proposed houses are known, it is however expected that they would be in keeping with the existing houses in the hamlet. The development of the schoolhouse is not under consideration as part of this application. The site is actually on lower ground than the house known as Arranview and it is not considered that new dwellinghouses of an appropriate scale and design would have an overbearing impact on the existing houses.

4.12 Another point of concern is the access for emergency services, coal lorries, oil tankers and bin lorries, where would this be?

Access for such vehicles is taken into consideration by the Council's Roads and Transportation Division when assessing the proposed development in terms of road safety. The developer will be required to construct both the access and the internal layout to accommodate such vehicles.

4.13 The existing playground and adjoining field floods whenever there is a heavy rainfall.

The topography of the site would indicate that any surface water would flow towards the adjacent agricultural field. SEPA has not advised of any likely flooding problems however it is reasonable that this issue could be investigated further either in the submission of the reserved matters or prior to issuing a decision notice if the Committee are minded to approve the application.

4.14 If the proposed dwellings are to be family homes this will lead to a problem with local schooling. At present there are only Drongan and Littlemill Primary

Schools in the area with the nearest secondary school in Auchinleck. An extra 10 to 20 children coming into the hamlet will not only provide a problem for the local schools but will also have a detrimental effect to the existing children in their choice of school when they reach school age.

In identifying the site as a Miscellaneous Development Opportunity the Local Plan section consulted with Education Division and at this time there were no objections raised regarding school capacity in the area.

4.15 There are two unique items which exist, one within the proposed development and one just outside it. The first being a tree that was planted by the pupils of St. Clare's in memory of a teacher that had died. It would be a severe mark of disrespect not only to the teacher whose memory it serves but also to the pupils who planted the tree if it were to be removed. The second unique item just outside the development area is the old water pump that has been sited there since the early 1900's. This needs to be protected as it is part of Sinclairston's heritage and needs to be left in situ. Any proposal to remove this pump would meet with stiff local opposition.

The local importance of these two items has been brought to the attention of the developer who has stated they will endeavour to retain them. None of these features currently have any statutory protection. If the Committee is minded to approve the application this could be conditional that the items are indeed afforded suitable protection.

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 which are especially relevant to this application.

East Ayrshire Local Plan

5.3 The site is identified as miscellaneous development opportunity site 093M in the adopted Local Plan suitable for a sympathetic residential, community or

Class 4 business or industrial use. This proposal for housing development therefore accords with the site's local plan designation.

5.4 Policy RES1 states that the Council will encourage and support the residential development of those Development Opportunity Sites identified for housing purposes on the individual Local Plan maps.

Residential use has been identified as an appropriate redevelopment of the site and therefore the proposal does comply with Policy RES1.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses and third party representations.

Consultations Responses

6.2 None of the consultation responses have raised any objections which would indicate the application should be refused.

Representations

6.3 Some of the objections raised by third parties are indeed material planning considerations. These are primarily based on road safety implications; drainage; overdevelopment within the settlement; impact of development on services and facilities and the visual impact of the development. All of the issues raised have been given due consideration and it is considered that they can be sufficiently addressed so as not to merit a recommendation of refusal.

Planning History

6.4 A previous application for the development of the site for residential purposes as well as the conversion of the former primary school into residential units (Ref: 03/0980/OL) was withdrawn on the basis that there was insufficient information regarding the conversion scheme for the application to receive a favourable recommendation.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 Financial and legal implications will arise for the Council in the determination of this application through the disposal of the site to the applicant.

7.2 The Council is the current owner of the application site and is certified as such. Although the proposed development complies fully with the development

plan and five third party letters of representation have been received that could be considered a substantial body of objections in this instance. As the Council has a financial interest in this site, this requires the application to be notified to the Scottish Ministers. However, this interest should form no part in the decision making on this application.

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, however it is considered that these have been sufficiently addressed and do not indicate that planning permission should be refused.

8.2 Outline planning permission is being sought for a residential development on a site within the settlement envelope of Sinclairston. The site has been identified in the Local Plan as a miscellaneous Development Opportunity which is suitable for residential development. It is therefore considered acceptable in principle.

8.3 It is reasonable to expect that the development should be sympathetic to the existing environment in which it is located. The issue of drainage as well as the impact on the road network will require to be considered further at the detailed matters stage. However, there are no grounds that would indicate that these matters cannot be satisfactorily resolved. The recommendation must therefore be one of approval.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the notification to the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997.

Alan Neish
Head of Planning and Building Control

16 March 2004

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 (1999).

Anyone wishing to inspect the above background papers should contact Nicola Monroe on 01563 555485.

Implementation Officer: Alan Neish

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 04/0009/OL

Location	St. Clair's Primary School SINCLAIRSTON KA18 2RT
Nature of Proposal:	Proposed outline consent for 4 no. new dwellinghouses
Name and Address of Applicant:	Auchinleck Business Centre School Road AUCHINLECK KA18 2HZ
Name and Address of Agent	W I Munro 1 Seaford Street KILMARNOCK KA1 2BZ

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

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

1. Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby reserved.
 - (a) the layout of the site;
 - (b) the size, height, design and external appearance of the proposed dwellinghouses;
 - (c) the means of drainage and sewage disposal;
 - (d) details of the access arrangements;
 - (e) the provision for open space and associated maintenance arrangements;
 - (f) the provision for car parking;
 - (g) the boundary walls/fences to be erected;
 - (h) the landscaping of the site and associated maintenance arrangements;
 - (i) finished site levels/floor levels.

REASON – The approval is in outline only.

2. The dwellinghouses hereby approved shall be traditionally styled and no greater than two storey (dormer or attic) and constructed using locally found materials.

REASON – In order that the new build dwellings are in keeping with the character of the existing hamlet.

3. The developer shall take cognizance of the cherry tree and water pump which are located in and adjacent to the site respectively and make provision for their retention both during and after construction and this shall be demonstrated in the submission for the approval of Reserved Matters.

REASON – The cherry tree and water pump are items of historical importance to the local community and their removal would be detrimental to the amenity of the hamlet.

4. The developer shall fully resolve the matter of drainage and submit a scheme with the submission of Reserved Matters to demonstrate that SEPA and Scottish Water are satisfied with the proposed disposal of foul and surface water drainage.

REASON – To ensure a satisfactory means of drainage in the interests of public health.

5. Prior to the commencement of any development works on the site the developer shall close off the existing access to the site and a new single access with visibility splays of 2.5m by 90m shall be formed to serve the development.

REASON – In the interests of road safety.

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VIEWING PLEASE CONTACT (01563) 576790.**