

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE – 12 DECEMBER 2006

DECISION OF THE NORTHERN AREA LOCAL PLANNING COMMITTEE HELD ON 24 NOVEMBER 2006 RELATING TO PLANNING APPLICATION NUMBER 06/0564/OL: OUTLINE PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT AT LAND TO EAST OF ANDERSON DRIVE, DARVEL BY GARTMORE PROPERTIES LTD

Report by the Depute Chief Executive/Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform the Committee of the decision of the Northern Area Local Planning Committee held on 24 November 2006 regarding the above planning application.

2. BACKGROUND

- 2.1 The Northern Area Local Planning Committee on 24 November 2006 considered a report dated 14 November 2006 (attached as an Appendix) by the Head of Planning, Development and Building Standards and agreed to refer the application to the Development Services Committee for determination, with a recommendation for refusal on the following grounds:- (i) road safety in respect of the access to the site; (ii) the loss of open space; and (iii) that the application is premature in view of the forthcoming review of the East Ayrshire Local Plan.
- 2.2 27 letters of objection were received in respect of this application and a Hearing took place at a meeting of the Local Planning Committee held on 27 October 2006. Therefore, there is a requirement for a Hearing at this meeting.

3. FINANCIAL/LEGAL IMPLICATIONS - Nil

4. POLICY/COMMUNITY PLAN IMPLICATIONS

- 4.1 The Committee are referred to the report dated 14 November 2006 by the Head of Planning, Development and Building Standards, attached as an Appendix to this report.

5. RECOMMENDATION

- 5.1 It is recommended that the Committee consider the planning application with reference to the report dated 14 November 2006 by the Head of Planning, Development and Building Standards and with consideration to the recommendation by the Northern Area Local Committee as detailed in paragraph 2.1 above.

Elizabeth Morton
Depute Chief Executive/Executive Director of Corporate Support

29 November 2006
CB/DL

LIST OF BACKGROUND PAPERS - Nil

Any person wishing further information on this report should contact Bill Walkinshaw,
Administration Manager on Telephone Number (01563) 576135

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 24 NOVEMBER 2006

06/0564/OL: OUTLINE PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT

AT LAND TO EAST OF ANDERSON DRIVE, DARVEL
BY GARTMORE PROPERTIES LTD

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposal aims to gain outline planning permission for residential use of the site and the means of access to the site. Given that the application is in outline, the site layout detailed in the submitted Transport Statement **is only indicative** and identifies the site for a possible 40 residential units with associated SUDS and open amenity/ space located at the southern end of the site.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet and that the issuing of the planning decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal agreement with the applicants in respect of a financial contribution to the TLR5 fund, as referred to in paragraphs 5.4 and 7.1 of the report.

3. CONCLUSIONS

3.1 As stated in the report the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 of the report there are material considerations relevant to the application however it is considered that these are not of such significant weight as to merit the refusal of the application.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will require to be referred to the Development Services Committee because such a decision would represent a significant departure from Council 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.

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 24 NOVEMBER 2006

**06/0564/OL: OUTLINE PLANNING PERMISSION FOR RESIDENTIAL
DEVELOPMENT
AT LAND TO EAST OF ANDERSON DRIVE, DARVEL
BY GARTMORE PROPERTIES LTD**

Report by Head of Planning, Development and Building Standards

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 Local Planning Committee under the scheme of delegation, as it is subject to objections. The application was continued for a site visit at the last Committee meeting.

2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises an area of vacant land extending to some 2.66 hectares. The site is bounded by the residential properties on Paton Drive to the north, Jamieson Road to the east, Campbell Street to the south and Anderson Drive to the west. Vehicular access to the site is proposed off Anderson Drive. There are a bank of beech trees and two single ash and birch trees covered by Tree Preservation Orders within the site. In addition there is a provisional Tree Preservation Order proposed to cover an area of trees comprising beech and hawthorn and a group of yew, cedar, cypress, holly, rowan, lilac and sycamore trees within the site.

2.2 **Proposed Development:** The proposal aims to gain outline planning permission for residential use of the site and the means of access to the site. Given that the application is in outline, the site layout detailed in the submitted Transport Statement **is only indicative** and identifies the site for a possible 40 residential units with associated SUDS and open amenity/space located at the southern end of the site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have raised concerns regarding the feasibility of the development to satisfactorily address the perceived drainage constraints to ensure that 1 in 200 year rainfall event does not affect the properties on Campbell Street. They also indicate that the

attenuation basin on the site would require to be of sufficient capacity to accommodate this event as well as surface water run off from the new roads. The Roads and Transportation Division requested the submission of a Drainage Impact Assessment to address these concerns. Given that the application is in outline the applicants were not willing to provide this. The Roads and Transportation Division, in absence of the Drainage Impact Assessment have requested that it be noted that, due to the perceived drainage constraints on the site, these are likely to significantly impact on the number of units that could be accommodated on the site. Furthermore they comment that visibility requirements for the junction will be determined when the number of residential units has been established:-

3.1.1 The Division also requested the submission of a Transport Assessment (TA) however a Transport Statement (TS) was submitted by the applicants. In response, the Council's Roads and Transportation Division do not object to the application provided the following comments/ concerns are taken on board in the consideration of any detailed submission;

3.1.2 The TS predicts, based on an assumed development of 50 houses, that the development will generate a two-way total of 35 vehicle movements in the am and pm peak periods;

3.1.3 No existing traffic flows are provided for Anderson Drive or any other road in the TS;

3.1.4 The TS estimates that there are approximately 50 houses on Anderson Drive/Hillview Road/Braes Court Avenue and that the existing flows from these roads and the proposed development would be approximately the same. Although not stated in the TS this means that the flow on Anderson Drive between its junction with Burn Road and the proposed site access could double from its present level;

3.1.5 There is no consideration of junction capacities in the TS. Such an analysis would normally be expected in a full TA. Nevertheless the number of predicted new trips is lower than that would normally justify a full TA and junction capacity is not likely to be an issue;

3.1.6 The TS does not consider the existing on-street parking on the lower part of Anderson Drive between Burn Road and the proposed site access. Traffic cannot usually flow 2-way on Anderson Drive due to parked cars. Although on-street parking is common on residential roads, the additional generated traffic (estimated additional 35 vehicles during the peak hours) will make the passage of traffic more difficult;

3.1.7 The TS notes that it would be possible to form a footpath connection to Hillview Road. This is not shown on the proposed site layout drawing, although a

connection to Jamieson Road is shown. A Jamieson Road pedestrian connection would enhance access to the site and elsewhere on Anderson Drive and to Darvel Primary School.

3.1.8 Construction traffic is not considered in the TS, however access for construction traffic on Anderson Drive may require that consideration of traffic management arrangements during the construction period and may necessitate parking restrictions.

Appropriate planning conditions can be attached to the grant of any planning permission for this development addressing these matters and requesting in particular, the submission of a Transport Assessment. Conditions can be attached to any grant of planning permission in relation to required finished floor levels, ground levels, submission of a drainage impact and Transport assessments, drainage arrangements and details of any infilling or excavation works.

3.2 East Ayrshire Council's Outdoor Services have advised that a tree survey, to BS 5837 (2005) standard will be required for the existing trees located within the site and adjacent to.

A condition can be attached to any grant of planning permission in relation to submission of a tree survey.

3.3 East Ayrshire Council's Education and Social Services Division have advised that should the access off Jamieson Road permit vehicular access concern is raised over the increase in traffic this may generate on the road opposite the Darvel Primary School entrance.

The Council's Roads and Transportation Division have advised that only pedestrian access should be formed onto Jamieson Road. A condition can be imposed requiring the formation pedestrian access only on to Jamieson Road.

3.4 Scotland Gas Network have no objections to the proposal however request that a site visit takes place prior to any works commencing on site given that there is sensitive plant in the area.

A note can be attached to any grant of planning permission advising the developer to contact Scotland Gas Network.

3.5 West of Scotland Archaeology Service have not responded in respect of the proposal.

Noted.

3.6 National Health Service (NHS) have not responded in respect of the proposal.

Noted.

3.7 Scottish Water do not object in principle to the proposal however request that it be noted that any planning approval does not guarantee a connection to Scottish Water's infrastructure until a satisfactory solution is identified. They comment that Bradan Water and Meadowhead Waste Water Treatment Works both have sufficient capacity to service the proposed development, however they further advise that the Water and Waste Water Networks to serve the proposed development may have constraint issues.

A totally separate drainage system will be required with the surface water discharging to a suitable outlet and Scottish Water supports the principle of a sustainable urban drainage system (SUDS) which the developer should consider utilising in the surface water drainage design.

They advise that, in view of the network issues it will be necessary for the developer to ensure that the development will not have any detrimental impact on the water services that Scottish Water currently provide to existing customers and the developer will be required, as part of any network upgrading work, to provide a solution that would prevent or mitigate any further impact. If the development requires the existing network to be upgraded, these costs will generally be met by the developer. They further advise of the costs per property where additional public sewers or water mains are provided by a developer.

A note can be attached to any grant of planning permission informing the applicant of Scottish Water's position. A condition can be attached to any grant of consent relating to the requirement for a Sustainable Urban Drainage System.

3.8 Scottish Environment Protection Agency (SEPA) indicated that all foul drainage from the site should be connected to the public sewer and they direct the applicant to consult Scottish Water in this regard.

SEPA request that any planning permission granted includes a condition requiring the applicant to treat surface water from the site in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland, which was published by CIRIA in March 2000.

SEPA provide general advice and comments on construction waste and domestic waste. In addition SEPA comment that it promotes the restoration of culverted systems to open watercourse and the proposed development of the site provides an opportunity to de-culvert the culvert present on this site.

A Condition can be attached to any grant of planning permission in relation to SUDS, furthermore a condition will be imposed as detailed in section 3.1 requiring the submission of a Drainage Impact Assessment. Advisory notes can be attached in relation to all other matters.

3.9 Darvel Community Council have not responded in respect of the proposal.

Noted.

4. REPRESENTATIONS

Twenty seven individuals have objected to the proposal and one objection letter is accompanied by photographs. The grounds for objection are summarised as follows:

4.1 Objections are raised should the land to the rear of 36 Campbell Street, Darvel, be used for any form of building.

The application is in outline only therefore any layout submitted as part of the Transport Statement is purely indicative at this stage. The site lies within the settlement boundary of Darvel as defined in the adopted East Ayrshire Local Plan, therefore the principle of residential development on the site is considered acceptable.

4.2 The land where the access crosses was meant to remain as an open area when the original development took place in the late 70's by Salvesen Homes. The greenbelt land is a source of recreation and beauty which is enjoyed by children and dog lovers and lends natural beauty to an established estate. The proposal will result in a considerable loss of green space within the town of Darvel where the area is currently used by the local children as a safe play area and there are no other play facilities available within close proximity. As a condition to the houses to the north of Anderson Drive being built a play area for local children was required and to date no such area has been made available.

The land is not identified as protected open space within the adopted Local Plan and is not identified as a Greenbelt. A property history search has been carried out as detailed in section 6.5. There were numerous applications made for the site which are detailed in section 6.5 of this report and some of the schemes identified the small north western corner of this application site as an area of open space. Notwithstanding this the submitted Transport Statement provides an indicative layout that retains this area predominantly as undeveloped with the exception of the access road. The comments in respect of provision of a play area for a previous planning consent

are noted however are not relevant to the assessment of this application. Matters in respect of open space and play area provision will be reserved for a future detailed application should planning permission be granted.

4.3 The current quiet and privacy that is afforded by the current use of the land for agricultural purposes will be eroded by the proposed residential use and resultant vehicular use.

There is no evidence that the land is used for agricultural purposes. The site is located within the settlement boundary of Darvel and is not identified as prime quality or good quality locally important agricultural land falling within the categories of the Macauley Land Use Research Institute, on the Council's mapping system.

4.4 The applicants state that no trees, some of which are protected, are to be felled however lack of detail prevents assessment of this and there are many well established trees and shrubs within the proposed site which are home to wildlife and native birds which would be seriously disrupted if excavation of the land takes place. The vehicle access point appears to cross further limited green space and will destruct several mature trees.

The application is in outline only therefore there is no requirement at this time to demonstrate whether any trees would require felling. As detailed in section 3.2 any grant of planning consent will be subject to a condition requiring submission of a tree survey.

4.5 The proposed development would completely change the landscape and detract from the natural beauty of the area.

It is acknowledged that the principle of residential development on the site will alter the landscape of the area, however the site is located within the settlement boundary and it is considered that the proposed residential use is compatible with surrounding residential land uses. It is therefore considered that residential land use can be accommodated on the site without significant detriment to the surrounding area.

4.6 The continued expansion of housing within Darvel is contributing to a considerable change of character of the village towards it becoming a 'dormitory village' and the inherent social and transport problems associated with such.

Noted.

4.7 The proposed development would be inconsistent and out of character with the local area and general amenities and access are insufficient to sustain this development.

As previously detailed residential land use on the site is compatible with the surrounding area and it is considered that this use could be accommodated without significantly detracting from the character and amenity of the surrounding residential area. Concerns regarding lack of amenities are noted and as detailed in section 3.1 the Council's Roads and Transportation Division do not raise any objections in respect of the principle of residential development on the site.

4.8 The use of the proposed land is unnecessary and the wildlife should be left in peace. The adverse impact imposed on the wildlife living in the field at present.

The site is not identified as a listed wildlife site.

4.9 Ownership - The application site encompasses an area of land within the ownership of 36 and 30 Campbell Street.

The claim of ownership has been brought to the attention of the applicant's agents, who confirm that the correct owner notification procedure has been carried.

4.10 A proposal of this nature was refused in the early 1980's given that it did not accord with the Planning Policy Statement on Housing Development nor was it in accordance with the zoning provisions for housing as set out in the approved Town Map for Darvel. A similar development was refused in the 1980's because the sewers were at capacity.

The application history of the site is detailed in section 6.5. With respect to capacity of sewers Scottish Water's consultation response in respect of foul drainage is detailed in section 3.7.

4.11 Capacity of the Sewer - The Irvine Valley sewer is currently operating beyond design capacity and the drainage from the site would increase the overloading of the sewer. At present the water pressure is poor and more houses may exacerbate this situation.

Scottish Water do not object in principle to the proposal and their response in respect of sewer capacity and water pressure is detailed in Section 3.7.

4.12 Objection on grounds of inadequate drainage – at present the land is prone to flooding which resulted in the flooding of the back gardens and drains of properties on Campbell Street. In addition concern is raised regarding the impact the new dwellinghouses will impose on the existing burn. The burn at the side of the property at 32 Campbell Street flooded when the Paton Drive area was under construction when materials from the site clogged the drains.

Concerns in respect of flooding are noted. As detailed in Section 3.1 a condition shall be imposed on any grant of planning consent requiring the submission of a Drainage Impact Assessment.

4.13 Questions are raised over whether the town requires another residential development and have the necessary increases in local facilities been appropriately planned for and increased in light of the town's current residential capacity. Whether the approval of this development fits the wider considerations relating to the planning and development of the town and district.

The application seeks permission to develop a vacant 'infill' site within the settlement boundary of Darvel. As detailed in Section 3 no comments/objections have been received from the NHS and Department of Education and Social Services to indicate that the application should be refused on the basis of impact on capacity of local facilities. As detailed in section 5 it is considered that the principle of residential development meets the general aims, policies and proposals of the Local Plan.

4.14 Objection to any more houses being built in Darvel as there are several large scale building development ongoing in Darvel at present.

Noted.

4.15 Lack of detailed information about the proposed housing development does not allow for a full assessment of the impact of the development on the local infrastructure and local environment. The application will detrimentally affect the surrounding area, which does not have the associated amenities to support such an increase in housing. There is one primary school, no bank, a doctor's surgery shared with Muirkirk and Newmilns, one dental practice for the whole of the Valley and one small sports centre and fear is raised regarding the impact more housing will impose on these local facilities. The proposal will exacerbate the pressures put on the local primary school and nursery.

The application is in outline only therefore the number of units proposed on the site is unknown at this time. As detailed in section 3 no consultation responses indicate that the principle of residential development on the site should be refused on the basis of impact on the capacity of local facilities.

4.16 The siting of the proposed access road on the greenbelt area between the dwellings at 39 and 39a Anderson Drive will increase traffic flow and volume to a very serious level and at an acute bend in the road where traffic flow is already high and this increase in traffic would be detrimental to the residents of Anderson Drive in terms of safety and volume. The proposed access point is inadequate and will compromise pedestrian safety.

Parking between Burn Road and this area is already congested and is an 'accident waiting to happen'. Increased volume of traffic on this road will exacerbate the situation and should be actively discouraged. An access road at this location should not be permitted given that Anderson Drive is already busy enough and is getting busier all the time as more families increase their quota of cars. As there is only one access and exit route to this estate this will have a knock on effect to the 'feeder' Burn Road therefore accessing Darvel Main Street will become heavily congested and hazardous.

As detailed in Section 3 the Council's Roads and Transportation Division do not object in principle to the site being accessed from Anderson Drive and a condition shall be imposed on any grant of planning consent requiring the submission of a Transport Assessment that will require to meet the satisfaction of the Council's Roads and Transportation Division.

4.17 In winter conditions the occupiers of 39a Anderson Drive claim that cars and a van have careered into the front garden of this property despite the gritting of the road by the Council's Road's department.

Noted.

4.18 At present there is a new housing development being established on Burn Road some three hundred metres from this proposed development which will clearly add further congestion, therefore instead of a quiet rural area the face of Darvel will be changed altogether which cannot be undone once changed. When the houses on Burn Road are occupied parked cars will sit outside these properties therefore placing pressure on a build up of traffic coming from Anderson Drive or going up into Anderson Drive.

Noted.

4.19 Vehicular access at the corner of Anderson Drive is a very busy road with cars parked on either side of the road and may pose a problem for emergency vehicles gaining access and may compromise the safety of children due to the increase in traffic. Several years ago the Forestry Commission were denied access to transport logs via Burn Road due to the volume of traffic on this road and public opposition to the access route. The land will require a lot of

excavation work and questions are raised on whether the roads will cope and whether a guarantee can be provided that pedestrians will not be put at risk

As detailed in section 3 The Council's Roads and Transportation Division do not object in principle to the site being accessed from Anderson Drive and a condition shall be imposed on any grant of planning consent requiring the submission of a Transport Assessment that will require to meet the satisfaction of the Council's Roads and Transportation Division.

4.20 Access from the corner of Anderson Drive as proposed would be the best access point compared to gaining access from Paton Drive. If access was taken from Paton Drive, major congestion on Hillview Road and Anderson Drive would result and strong objections are raised to this.

The application as submitted proposes access from Anderson Drive.

4.21 There is already a breach of the law from parked cars on the pavements of Anderson Drive thus endangering children. The proposal will exacerbate this problem.

Illegal parking is a matter that should be addressed to the police.

4.22 There are currently 96 dwelling houses served by only one vehicle access road and it is understood that a further 70 houses on the application site are proposed therefore increasing the total number of houses and cars accessing Anderson Drive. The increase in traffic congestion could only be alleviated by the introduction of a traffic management system.

The indicative number of proposed units has not been stated on the application form, however it is noted that the submitted Transport Statement indicates 40 units on the site. The Roads and Transportation Division do not raise any objections to the proposed access junction into the site from Anderson Drive.

4.23 Noise and Pollution - Noise and pollution will result from both the construction phase and the increase in traffic both during and after the construction phase and will be both noisy and hazardous to children and the general public.

As indicated in section 3 it is likely that the Council's Roads and Transportation Division would require a traffic management system to be in place during the construction phase.

4.24 Concerns that the proposal would compromise the privacy and security of the properties at 16, 18, 20 and 32 Campbell Street given that the development would provide access to the rear garden of these properties.

Impact in terms of overlooking this will be assessed at the reserved matters stage. In terms of impact on security, the boundary treatment of the site will be considered at the reserved matters stage. At present properties on Campbell Street back onto the site which can be accessed by the public.

4.25 Concern regarding the increase in crime in Darvel.

Noted.

4.26 Lack of detailed information on the proposed housing development does not allow for a full assessment of the impact of the development on the privacy of the property at 15 Jamieson Road.

The detailed impact, in terms of overlooking will be assessed at the reserved matters stage.

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 and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 Policy ADS 3 states that new residential, economic, commercial, cultural, educational and community development shall be directed to and located within, settlements as defined by local plans.

5.3 Policy G1 states that the three Ayrshire Council's shall, in providing for new development, give priority to the use of land within existing settlements. Any proposed development outwith settlement boundaries shall not conform to the structure plan except in three stated circumstances.

It is considered that the proposal to utilise a vacant site within the settlement boundary of Darvel accords with the general principles of policies ADS3 and G1 of the Structure Plan.

East Ayrshire Local Plan

5.4 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;

It is considered that residential development at this location would have a minimal impact on the surrounding natural and built environment and on adjacent uses which are all residential in nature.

- (ii) transportation and infrastructure implications;

Whilst the Council's Roads Division have raised concerns in respect of the number of units that can be accommodated on site given the perceived drainage constraints they do not object to the principle of residential development of the site.

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

The application is in outline only and therefore the compatibility of the proposed house type with surrounding properties will be addressed at the reserved matters stage of the application.

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

The application is in outline only and it is therefore not possible to comment on the compatibility of the proposed development with the Council's Development Promotion and Design Guidance.

5.5 Policy TLR5 states that the Council will request all potential developers of residential sites comprising four or more houses, to enter into a Section 75 Agreement with the Authority for contributions towards the provision of appropriate leisure and recreational facilities within the area to which the development relates.

The applicant has indicated that they are willing to make a contribution to the TLR5 fund. Given that the application is in outline any grant of planning consent shall be upheld until a Section 75 legal

agreement has been secured in relation to the TLR5 fund contribution.

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, the issue of impact on the amenity of the area and the planning history.

Consultation Responses

6.2 The concerns raised by the Council's Roads and Transportation Division are noted, however they do not indicate that development of the site could not proceed in principle and the remaining consultation responses do not indicate that the application should be refused.

Representations

6.3 The representations received have been summarised in Section 4 of the report and are not considered to be of such weight as to merit refusal of the application.

Impact on the Amenity of the Area

6.4 The application is in outline only and it is considered that some form of residential use can be accommodated on the site, subject to the attachment of appropriate planning conditions to any grant of planning consent, with no significant detriment to the area.

Planning History

6.5 Outline planning application C/4488 for private housing purposes on 18.3 acres of land on the east side of Burn Road (C.133) and to the north of Campbell Street, Darvel was approved on 31 January 1968. The application site included the land covered by the current application.

6.6 Planning application C/7824 for formation of roads and sewers prior to formation of individual private housing development was withdrawn on 31 December 1971.

6.7 Planning application D/2518 for the erection of 75 private dwellinghouses was approved by the committee on 05 June 1974.

6.8 Planning application KL/75/285 for the erection of 98 dwellinghouses was refused on 18 March 1976.

6.9 Planning application KL/76/265 for the erection of 68 dwellinghouses was approved on 21 October 1976. This consent only encompassed the south western corner of the current application site.

6.10 Outline planning application KL/E/79/420A for a residential development was refused on 19 February 1981. The refusal site generally accords with the boundary of the current application site.

6.11 Outline planning application KL/E/79/420B for residential development at Jamieson Road, Darvel was refused on 30 March 1982. The refusal site generally accords with the boundary of the current application site.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 The applicant's agreement to make a contribution to the Sports, Leisure and Recreation Fund in terms of Policy TLR 5 will require a formal legal agreement to be entered into between the Council and the applicant.

8. CONCLUSIONS

8.1 As stated in the report the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6 of the report there are material considerations relevant to the application however it is considered that these are not of such significant weight as to merit the refusal of the application.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet and that the issuing of the planning decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal agreement with the applicants in respect of a financial contribution to the TLR5 fund, as referred to in paragraphs 5.4 and 7.1 of the report.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards,

the application will require to be referred to the Development Services Committee because such a decision would represent a significant departure from Council Policy.

Alan Neish
Head of Planning, Development and Building Standards

14 November 2006
(GC/MMM)

FV/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 (1999).
7. Planning History.

Anyone wishing to inspect the above papers please contact Gillian Craig, Senior Planning Officer, on 01563 576769.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0564/OL

Site of Proposal:	Land to East of Anderson Drive Darvel KA17 0DW
Nature of Proposal:	Outline Planning Permission For Residential Development
Name & Address of Applicant:	Gartmore Properties Ltd Grassyards Farm Sorn Road Mauchline KA5 6HH
Name & Address of Agent:	James Barr 226 West George Street GLASGOW G2 2LN

DPOs Reference: (GC/MMM)

The above OUTLINE 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 under mentioned 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) The existing and proposed site levels.

REASON The approval is in outline only.

2. Notwithstanding the terms of the submitted Transport Statement the number of units to be accommodated within the site is not hereby approved and such detail shall be submitted in pursuance of condition 1a.

REASON In the interests of road safety.

3. The details in pursuance of condition 1c shall provide details of the surface water drainage system and submission of a Drainage Impact Assessment.

REASON In the interests of residential amenity

4. The details in pursuance of condition 1d shall provide a pedestrian access from Jamieson Road into the site, the submission of a Transport Assessment and a traffic Management Scheme for the development which shall be agreed in writing by the Planning Authority and thereafter the approved scheme shall be implemented and maintained throughout the duration of on- site operations.

REASON In the interests of road safety.

5. External construction works shall take place only between the hours of 8:00 am to 6:00 pm Monday to Friday and 8:00 am to 1:00 pm Saturday and at no time on a Sunday.

REASON In the interests of the amenity of the area.

6. Before any work commences on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved by the Planning Authority in writing. The Sustainable Urban Drainage System shall thereafter be installed on site prior to the occupation of the dwellinghouses.

REASON To ensure that adequate drainage is provided.

7. The public highway in the locality of the site shall be kept clear of mud or any other deposited materials at all times by means of mechanical brushing to the satisfaction of the Planning Authority.

REASON In the interests of road safety.

8. Prior to any work commencing on site a tree survey shall be submitted to BS 5837 (2005) standard for existing trees present on site and adjacent to the boundary.

REASON To allow an assessment to be carried out of the existing trees on site.

NOTES:-

1. The developer should have early contact Scottish Water to discuss their objection to the application and to achieve a development not having a detrimental impact on the assets or infrastructure of Scottish Water.
2. The developer shall contact SEPA with regards to obtaining advice and comments on construction waste and domestic waste and to discuss the possibility of restoration of culverted systems to open watercourse.
3. The developer shall contact Scotland Gas Networks to arrange a site meeting to ascertain the location of sensitive plant in the area.

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