

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 30 MARCH 2007

**06/0605/OL: OUTLINE PLANNING PERMISSION FOR 3 NO. DETACHED
NEW BUNGALOWS
AT LAND TO REAR OF 12 CAMPBELL STREET EAST DARVEL
BY MRS FIONA LAW**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the residential development of the land. The applicant has stated that the proposal is for 3 detached bungalows although no details have been submitted. Therefore, the application is to assess the principle of residential development on the site and does not include assessment of the siting, design, external appearance, means of access or landscaping of the site, all of which have been specifically excluded by the applicant.

2. RECOMMENDATION

2.1 It is recommended that the application for outline planning permission be approved subject to the conditions on the attached sheet.

3. CONCLUSIONS

3.1 As indicated 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 per Section 6 of the report there are material considerations relevant to the application however these are supportive of the application given the application of appropriate conditions.

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 and should such a decision be based solely on the principle of residential development, it will require to be referred to the Development Services Committee as this 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.

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06/0605/OL: OUTLINE PLANNING PERMISSION FOR 3 NO. DETACHED
NEW BUNGALOWS
AT LAND TO REAR OF 12 CAMPBELL STREET EAST DARVEL
BY MRS FIONA LAW

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 an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises of an area of vacant ground to the rear of 12 Campbell Street East, Darvel. The site is elevated approximately four metres higher than Campbell Street East. It measures 0.28 hectares in area. The site is bounded to the south by one single storey dwelling house, while Darvel Primary School is on its western boundary and agricultural fields adjoin the northern and eastern boundaries of the site.

2.2 **Proposed Development:** Outline planning permission is sought for the residential development of the land. The applicant has stated that the proposal is for 3 detached bungalows although no details have been submitted. Therefore, the application is to assess the principle of residential development on the site and does not include assessment of the siting, design, external appearance, means of access or landscaping of the site, all of which have been specifically excluded by the applicant.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Darvel Community Council has not responded at the time of writing this report.

Noted.

3.2 East Ayrshire Council Roads and Transportation Division had originally made a recommendation that the application be deferred as they had expressed concerns regarding the structural capacity of the retaining wall to support highway loading and also the requirement for turning facilities within

the site. They have since confirmed that they are content with the proposal subject to the application of conditions and advisory notes.

3.3 The Roads Division has indicated that the proposal would require a minimum of a 4.5metre wide carriageway and service strips with barriers to prevent vehicles or pedestrians falling down the adjacent bank. A standard residential turning head would be required within the site and a bin collection point provided adjacent to Campbell Street East, although not within the public footpath.

3.4 The Roads Division has noted that the structural adequacy of the wooden retaining wall would not be considered acceptable in the longer term. However, as the access road need not be constructed to adoptable standard it is confirmed that the structural adequacy of the retaining wall will not be assessed by the Roads Division.

The Roads Division has confirmed that the site is capable of accommodating the required roads geometry and that their requirements can be fully addressed by the imposition of suitable conditions.

The issue of the long term stability and structural adequacy of the retaining wall is not a material planning consideration in the determination of this outline planning application as the road will not be adopted. This is a private legal matter for the applicant / prospective developer and an advisory note to the applicant summarising the concerns of the Roads Division is included in the recommendation

3.5 Scotland Gas Network has no objections to the proposal.

Noted.

3.6 Scottish Water. has no objections to the proposal.

Noted.

4. REPRESENTATIONS

4.1 One letter of objection has been received in relation to this proposal. It indicates that a boundary stock proof fence had not been provided between the site and the objector's land, as had been agreed by the applicant previously. The need for this fence should be imposed on this application.

This is a private legal matter and is not a material planning consideration. A condition will however be added to require the submission of fence and boundary treatment details with the reserved matters application.

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 (AAJSP) and the Adopted East Ayrshire Local Plan (EALP).

Approved Ayrshire Joint Structure plan

5.2 The application does not raise any strategic issues that would require assessment against the provisions of the AAJSP.

Adopted East Ayrshire Local plan (EALP)

5.3 The application site lies within the settlement boundary for Darvel identified in the EALP. Policy RES4 in the EALP 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 proposed residential development is unlikely to have any detrimental impacts on the surrounding natural and built environment subject to compliance with appropriate design, layout and roads guidance. There are trees within the site close to the eastern boundary which should be protected during the construction phase and retained in the longer term.

- (ii) transportation and infrastructure implications;

The Roads Division and Scottish Water consultation responses have indicated that the proposal is acceptable in principle in terms of transportation and infrastructure.

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

Any proposed housing development would be expected to be of such a density and house type that it would be compatible with the surrounding area. Up to three houses on this site would be compatible with the surrounding area. The detailed design and layout will be considered at the reserved matters stage.

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

Any proposed housing development on the site would be expected to accord with the Council's Design Guidance. This would be a matter assessed fully upon receipt of any detailed application.

- 5.4 Policy RES22 in the EALP requires all developers to observe the minimum standards for the provision of open space detailed in Schedule 4 of the Local Plan.

The application is in outline only and there are no details available to make an assessment of the proposal against this particular policy. This matter can however be addressed at the reserved matter stage

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

- 6.1 The principal material considerations relevant to the determination of this application are the consultation responses, the representation received, the planning history and the impact on the amenity of the area.

Consultation responses and representation

- 6.2 The concerns raised by the Council's Roads and Transportation Division are noted, however they do not indicate that the development could not proceed in principle. The remaining consultation responses do not indicate that the application should be refused. The representation received does not raise any material planning considerations.

Planning History

- 6.3 Planning application 04/0182/OL for residential development on the site was withdrawn on 05 November 2004.

- 6.4 Planning Application 04/1178/FL for residential development of the site was withdrawn on 10 June 2005.

- 6.5 Outline planning permission 03/0458/OL for the residential development of the former factory site to the south of this site (incorporating the driveway of the current application site) was granted subject to conditions on 05 September 2003.

- 6.6 Full planning permission 03/0873/FL for the erection of seven houses (three blocks of semi detached houses and the conversion of former factory building to house) on the former factory site to the south of this site (incorporating the driveway of the current application site) was approved on 26 January 2004.

Impact on Amenity

6.7 It is considered that the principle of residential development at this location would not have a detrimental impact on the amenity of the surrounding area, provided any future reserved matters application accords with the requirements of the Council's Roads Division and Design Guidance.

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 indicated 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 per Section 6 of the report there are material considerations relevant to the application however these are supportive of the application given the application of appropriate conditions.

9. RECOMMENDATION

9.1 It is recommended that the application for outline planning permission be approved subject to the conditions on the attached sheet.

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 and should such a decision be based solely on the principle of residential development, it will require to be referred to the Development Services Committee as this would represent a significant departure from Policy.

Alan Neish

Head of Planning, Development and Building Standards

22 March 2007

(ADC/RH)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted East Ayrshire Local Plan.
6. Planning Application No. 04/0182/OL.
7. Planning Application No. 04/1178/FL.
8. Planning Application No. 03/0458/OL.
9. Planning Application No. 03/0873/FL.

Anyone wishing to inspect the above papers please contact Austin Cooke, Senior Planning Officer, on 01563 576772.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 06/0605/OL

Site of Proposal: LAND TO REAR BETWEEN NO 12 AND
PRIMARY SCHOOL, CAMPBELL STREET
EAST, DARVEL, KA17 0BP

Nature of Proposal: OUTLINE PLANNING PERMISSION FOR
RESIDENTIAL DEVELOPMENT

Name & Address of Applicant: MRS FIONA LAW
24 GRANGE STREET
KILMARNOCK
KA1 2AR

Name & Address of Agent: MUNRO ARCHITECTS
23 PORTLAND ROAD
KILAMRNOCK
KA1 2BT

DPOs Reference: AC/RH

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 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 details to be submitted under Condition 1 (b) above shall provide for the height of all buildings on the site to be restricted to a maximum of 1 ½ storeys.

REASON Due to the prominence and height of the site and in the interests of residential and visual amenity.

3. The details to be submitted under Condition 1 (d) above shall include the following;

- a. Minimum 4.5metre wide carriageway
- b. Service strips with barriers
- c. Standard residential turning head within the site
- d. Bin collection point adjacent to Campbell Street East (not to be placed on the public footway)

REASON To ensure adequate access, turning and refuse collection arrangements are in place, in the interests of road safety. To enable vehicles to enter and leave the highway in forward gear at all times.

4. The details to be submitted under Condition 1 (e) above shall comply in all respects with the Council's approved policy on the provision of open space/design guidance as contained in the Adopted East Ayrshire Local Plan.

REASON To ensure that the sufficient open space is provided within the development, in the interests of visual amenity and residential amenity.

5 The detailed plans required by condition 1 (g,h and i) above shall clearly illustrate, in cross-section form, the existing ground level, the extent of any underbuilding, the finalised floor level of the proposed development in relation to the levels of adjacent land and buildings (including windows of buildings within 18 metres) and any intervening existing or proposed screening (walls or fences). The floor levels shall clearly relate to a Fixed Datum Point on or nearby the site such as a road or pavement which shall be identified on the submitted plans.

REASON In the interests of residential and visual amenity, to ensure that there is no significant detrimental impact on adjacent properties and to avoid excessive underbuilding.

6. All trees existing on the site at the date of this decision shall be retained and no trees shall have roots cut or be lopped, topped, felled, uprooted or removed. The details required by condition 1 (h) above shall include an accurate survey to be carried out by a qualified arboriculturist of all trees existing on the site and all trees adjacent to or overhanging the site. The survey shall contain details of the position, canopy spread, bole diameters, health, size and species of all trees within the site and specify tree protection measures during the construction phase

REASON In the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily taken into account in the preparation of the detailed site layout plan and protected before and during construction works.

7. 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.

8. 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.

REASON In the interests of road safety.

NOTES

1. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.

2. The developer should have early contact with Scottish Water to discuss the assets or infrastructure of Scottish Water.

3. The developer shall contact Scotland Gas Networks to arrange a site meeting to ascertain the location of sensitive plant in the area.

4. The Roads and Transportation Division of the Council has queried the long term stability and structural adequacy of the retaining wall to support the highway loading. As the access road need not be constructed to adoptable standard, only to the standard geometry, the structural adequacy of the retaining wall is not being assessed by the Council. The contact in the Roads and Transportation Division is John Trakalo (01563 576359)

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**