

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 23 APRIL 2004

**04/0051/FL: PROPOSED CONSTRUCTION OF 20 DETACHED SINGLE AND ONE AND A HALF STOREY DWELLINGHOUSES AND ASSOCIATED SITE WORKS
AT WEST EDITH STREET, DARVEL
APPLICATION BY THIRLESTANE LANDS LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to erect 20 detached dwellinghouses within the site. Of these dwellinghouses, it is proposed that 7 houses will contain 4 bedrooms, and 13 houses will contain 3 bedrooms. In terms of finishes it is proposed to clad the roofs of the dwellings in concrete tiles, with external walls clad in stone panelling and a dry dash render.

1.2 The proposed road layout links to the adjacent development to the north of the site and includes a cul-de-sac offshoot from the internal road layout to the western end of the site. As per application Ref No KL/E/FL/79/126F, a single point of vehicular access to the development is proposed, from West Edith Street. The route of the existing footpath through the site is proposed to be diverted, although the existing points of access on the west and east of the site will be retained. An open area of planting is proposed to the immediate south of Dalquharn with a play area proposed in the south-eastern site corner.

2. RECOMMENDATION

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

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 the

cumulative weight attached to these material considerations is not sufficient to justify refusal of the application contrary to the policies of the Adopted Local Plan.

3.2 Suspensive conditions are recommended to ensure that the existing pedestrian means of access through the site is not impeded during development, existing trees of merit are retained within the site, and that a buffer zone of planting is provided around the proposed plot 8 which would otherwise directly border open space on 3 sides. Should planning permission be granted for the proposed development, the applicant will require to implement an appropriate scheme of landscaping within the site and provide and maintain play equipment at the location indicated on the plan.

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 not require to be referred to the Development Services Committee because such a decision would not represent a substantial departure from the Development Plan.

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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APPLICATION BY THIRLESTANE LANDS 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 a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as the application has been subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The site extends to approximately 1.2 Hectares and is located at the southern edge of Darvel, on the northern bank of the River Irvine. The site is generally level and is fringed by a number of attractive and mature trees along the southern and eastern boundaries. An established footpath traverses the site from west to east which currently runs past Dalquharn, a listed building.

2.2 To the north of the development site, works are currently ongoing related to the construction of dwellinghouses approved under the terms of planning application Ref No KL/E/FL/79/126F. To the east of the site, over a burn, lies the open expanse of Morton Park.

2.3 **Proposed Development:** It is proposed to erect 20 detached dwellinghouses within the site. Of these dwellinghouses, it is proposed that 7 houses will contain 4 bedrooms, and 13 houses will contain 3 bedrooms. In terms of finishes it is proposed to clad the roofs of the dwellings in concrete tiles, with external walls clad in stone panelling and a dry dash render.

2.4 The proposed road layout links to the adjacent development to the north of the site and includes a cul-de-sac offshoot from the internal road layout to the western end of the site. As per application Ref No KL/E/FL/79/126F, a single point of vehicular access to the development is proposed, from West Edith Street. The route of the existing footpath through the site is proposed to be diverted, although the existing points of access on the west and east of the site

will be retained. An open area of planting is proposed to the immediate south of Dalquharn with a play area proposed in the south-eastern site corner.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Department of Educational and Social Services has no objection to the proposal.

Noted.

3.2 East Ayrshire Council Roads and Transportation Division has no objection to the proposal.

Noted.

3.3 Transco has forwarded a copy of its record plan showing the location of their plant and has recommended that the applicant contact their Glasgow operations office prior to the commencement of works on site. Their records indicate that none of their apparatus will be directly affected by the proposed development.

Noted. A copy of the Transco consultation response can be forwarded to the applicant and an advisory note attached to any decision notice issued.

3.4 The Coal Authority has not identified any instability issues which would affect the determination of this planning application.

Noted.

3.5 Scottish Water has not objected to the proposed development.

Noted.

3.6 Historic Scotland has commented that it is a shame that the sense of a river 'frontage' to the town that is provided by Dalquharn and the road will be lost to this development. Historic Scotland note that the new houses are single storey which will to some degree preserve the existing status of the listed building. Historic Scotland would see the open space in front of the house as a very positive aspect of the proposal as the listed building will be an asset to the development and this will ensure that views to its principal front will not be obscured. Historic Scotland would suggest that slides and swings would detract considerably from the historic character of the house, and would recommend that these are located elsewhere and the area simply given some low-scale informal planting.

Noted. Following discussions with the applicant, a revised site plan has been submitted showing relocation of the proposed play area towards the south-eastern corner of the site. Further comments from the objector following re-notification of the amended proposal have not been received. It is intended that the open area to the front of Dalquharn will be landscaped and planted instead.

3.7 West of Scotland Archaeology Service has stated that the application raises no known archaeological issue.

Noted.

3.8 Darvel and District Community Council has commented that, in relation to the site at West Edith Street, planning permission was granted some 10 years ago, and the present developer has increased the number of houses from 59 to 64. Further, the original plans indicated that the site would have two access points – from West Edith Street, and via a spur to Dykes Court and thence to Dublin Road. The single entrance/exit point currently being prepared has several unsatisfactory features. The rising slope is extremely close to the gable wall of an existing private property, the road emerges onto a tight corner with Fleming Street, and on to a bus route, and the estimate is that as many as 100 private vehicles may daily use this route to exit the site. The Community Council are extremely concerned at the potential hazards being created.

The total number of dwellinghouses approved under the terms of planning application Ref No KL/E/FL/79/126F (approved on 10 August 1993 by Kilmarnock & Loudoun District Council) was 60 units. Further, the site layout plan approved under the terms of application Ref No KL/E/FL/79/126F involved only one point of vehicular access to the development, from West Edith Street. The current application covers part of the site relating to application Ref No KL/E/FL/79/126F but does not involve an increase in the total number of residential units in the entire development to more than 60 units. As per application Ref No KL/E/FL/79/126F, a single point of vehicular access to the development is proposed, from West Edith Street. East Ayrshire Council Roads and Transportation Division have been consulted on the most recent application and have raised no objections to the proposal.

4. REPRESENTATIONS

In addition to the representations received from Darvel and District Community Council, 3 representations have been received summarised below :-

4.1 The proposal for the formation of a public play area immediately and directly in front of my property is totally unacceptable. At the time of the original planning decision in February 2004 (Ref No KL/E/FL/79/126F) that it was the specific view of the Scottish Civic Trust that the frontage of the house should remain a public open space. I therefore cannot understand why the front of the property should now be subject to a play area featuring all sorts of modern play equipment. Object to the proposal on the grounds that :-

- (i) It contravenes the recommendation of the Scottish Civic Trust that the frontage of the house should remain public open space;
- (ii) The formation of a play park and modern play equipment will totally spoil the frontage which has been carefully restored and enhanced at substantial cost;
- (iii) This in turn will be a loss not only to myself, but to the Darvel community;
- (iv) The formation of the play area will lead to substantial noise during the evening and prevent my quiet and peaceful enjoyment of my property;
- (v) An alternative play area is available.

Noted. Following discussions with the applicant, a revised site plan has been submitted showing relocation of the proposed play area towards the south-eastern corner of the site. Further comments from the objector following re-notification of the amended proposal have not been received. It is intended that the open area to the front of Dalquharn will be landscaped and planted instead.

4.2 Object to the proposed access road at Dalquharn Road which is going to run from Dublin Road to the new houses that are being built at Riverside Meadows by Thirlestane Homes.

Vehicular access to the development remains restricted to the access point granted under the terms of planning permission Ref No KL/E/FL/79/126F, via West Edith Street. There is no vehicular access proposed to the development site from Dalquharn Road.

4.3 I am writing to object to one of the houses at the Riverside Meadows development, Darvel. The house in question is adjacent to our property at Dykes Court.

This representation relates a house located in the portion of the site granted planning permission under the terms of application Ref No KL/E/FL/79/126F. The current application does not relate to this part of the site although it should be noted that a retrospective

application for planning permission has been submitted to this Division in respect of the house in question and will be dealt with on its own merits.

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 There are no structure plan policies directly relevant to this application.

Noted.

East Ayrshire Local Plan

5.3 The application site is located within a part of Darvel identified as a development opportunity for residential purposes. The identified area (101H) covers a total area of 4.27 hectares with an indicative capacity of 60 houses.

5.4 Policy RES 1 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. The sites identified will be reserved for residential and associated recreational and amenity open space development.

Residential development within this site is acceptable in principle. As 20 residential units are proposed the development does not exceed the indicative figure set within the Local Plan for the site, when considered in conjunction with the dwellinghouses approved on the remainder of the site under the terms of application Ref No KL/E/FL/79/126F.

5.5 Policy RES 19 states that the Council will require all housing developers to provide areas of recreational and amenity open space as an integral part of their development proposals and to make provision for the future maintenance of these areas, once formed, to the satisfaction of the Council. Developers will be expected to pay due regard to the indicative basic standards set out in Schedule 3 of the Local Plan in preparing their proposals, although the precise type, size, location and design of the open space will be dependent on the extent

of existing open space provision in the vicinity and the recreational and amenity needs of the wider area.

Schedule 3 of the Local Plan states that open space provision for developments of less than 30 houses is at the discretion of the Council. The proposal contains two areas of amenity open space, including one play area. These areas amount to around 1600 square metres of open space provision. Further open space provision also exists at the nearby Morton Park, to which an existing footpath will be retained. The scale, location, and type of open space is considered to be acceptable following the revisions to the application which re-locate the proposed play area away from Dalquharn.

5.6 Policy RES 22 states that all developers will require to observe the minimum private open space criteria and standards detailed in Schedule 4 of the Local Plan. The standards quoted may however, be relaxed at the discretion of the Council in respect of the conversion of existing properties to flats where the case for such a relaxation can be fully justified by the developer and where considered appropriate by the Planning Authority.

Schedule 4 of the East Ayrshire Local Plan states that a minimum of 1.5 times the ground floor area of a detached property should be provided as secluded private open space, subject to a minimum level of provision of 100 square metres per dwelling. It is considered that the proposed development is acceptable in terms of these standards.

5.7 Policy ENV 7 states that all developers will be expected to comply fully with the Council's existing and emerging Design Guidance and Policy documents relating to and advising on the particular type of development proposed. The policy also states that developments which do not meet the required design standards detailed in these documents will require to be fully justified and may not be supported by the Council.

The design of the proposed development is generally considered to be in keeping with adjacent residential development. Appropriately worded suspensive conditions can be attached to ensure good quality indigenous landscaping is incorporated within the site, should planning permission be granted, and also to protect existing trees of merit adjacent to the River Irvine.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses, the representations received, the planning history of the site, and the Council's Design Guidance Note 2: New Residential Development.

Consultations Responses

6.2 The consultation responses do not indicate that the application should be refused.

Representations

6.3 It is considered that the point of objection regarding the location of the play equipment relative to Dalquharn has been addressed satisfactorily by the re-location of the proposed play area. The concerns about the proposed access point are not shared by East Ayrshire Council Roads and Transportation Division.

Planning History

6.4 KL/E/FL/79/126F: Planning permission was granted on 10 August 1993 for the proposed erection of 60 number dwellinghouses and 59 number garages. This planning permission is currently being implemented on the area of land to the north of the application site.

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 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 the cumulative weight attached to these material considerations is not sufficient to justify refusal of the application contrary to the policies of the Adopted Local Plan.

8.2 Suspensive conditions are recommended to ensure that the existing pedestrian means of access through the site is not impeded during development,

existing trees of merit are retained within the site, and that a buffer zone of planting is provided around the proposed plot 8 which would otherwise directly border open space on 3 sides. Should planning permission be granted for the proposed development, the applicant will require to implement an appropriate scheme of landscaping within the site and provide and maintain play equipment at the location indicated on the plan.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed 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, the application will not require to be referred to the Development Services Committee because such a decision would not represent a substantial departure from the Development Plan.

Alan Neish
Head of Planning, Development and Building Standards

14 April 2004
(RD/MMM)

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. Previous application Reference Number KL/E/FL/79/126F.

Anyone wishing to inspect the above background papers should contact Robert Duncan on 01563 576 790.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/0051/FL

Site of Proposal:	West Edith Street DARVEL
Nature of Proposal:	Proposed Construction of 20 Detached Single and One and a Half Storey Dwellinghouses and Associated Site Works
Name & Address of Applicant:	Thirlestane Lands Ltd 27 Lauristane Street EDINBURGH EH3 3DQ
Name & Address of Agent:	Mr John Brennan 49 Brunstane Road EDINBURGH EH15 2QS

DPOs Reference: RD/MMM

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

1. Apart from where the conditions listed below require otherwise, the proposed development shall be carried out in accordance with the application form, the amended site plan submitted on 25 March 2004, and the other stamped approved plans.

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

2. Notwithstanding the terms of Condition 1 above, prior to the commencement of works on site, samples of all materials to be used for the external finishes of the buildings and surfaces of the internal access road and parking spaces shall be submitted to and approved in writing by the Council as Planning Authority and thereafter implemented as approved.

REASON - To ensure that full details of all the external finishes of the buildings and internal road and parking spaces including colours, are agreed.

3. Notwithstanding the terms of Condition 1 above, prior to the commencement of works on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved in writing by the Planning Authority. Prior to the occupation of any flats or dwellinghouses within the site, the SUDS arrangement approved under the terms of this condition shall be installed and be fully operational.

REASON - To ensure for the provision of adequate surface water drainage within the site.

4. External construction works shall take place only between 8 am and 6pm, Monday to Friday, and between 9 am and 5 pm on Saturday. No such works shall be undertaken at any time on Sunday.

REASON - In the interests of the residential amenity of the surrounding area.

5. Notwithstanding the terms of condition 1 above, a landscaping scheme including the treatment of the boundary of the site, areas for public open space and play areas, shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any development, and shall be implemented not later than the next appropriate planting season after the development has been carried out, and shall be maintained thereafter to the satisfaction of the Council as Planning Authority for the lifetime of the development.

REASON - To ensure that adequate landscaping is provided within the site and that it is subsequently maintained, in the interest of residential and visual amenity.

6. Notwithstanding the terms of condition 1 above, prior to the occupation of any of the dwellings or flats to which they relate, the internal road layout and vehicle car parking spaces shall be provided and operational, in accordance with the approved plans to the satisfaction of the Council as Planning Authority.

REASON - To ensure appropriate parking facilities are available within the site for incoming residents.

7. Notwithstanding the terms of condition 1 above, details of the location, design and construction of all fences and walls to be erected on the site shall be submitted to and approved in writing by the Planning Authority before any development commences on the site.

REASON - To allow the Planning Authority to control the design and construction of such features in the interests of visual and residential amenity.

8. Notwithstanding the terms of condition 1 above, the existing line of trees shown on the approved plan shall be retained and augmented along the entire length of the riverbank as it abuts Plots 9 to 20; details of such augmentation to be submitted further to Condition 5 above..

REASON – In the interests of visual amenity.

9. Notwithstanding the terms of condition 5 above, a buffer landscaping scheme for the area outlined in orange on the approved site plan, shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any development, and shall be implemented not later than the next appropriate planting season after the development has been carried out, and shall be maintained thereafter to the satisfaction of the Planning Authority. This scheme should provide an effective buffer zone between Plot 8 and the adjacent public open space.

REASON – In the interests of visual and residential amenity.

10. A safe and unimpeded means of pedestrian access shall be maintained through the site at all times from Dalquharn House to the existing footpath accessing onto Morton Park, including during construction.

REASON – In order not to impede existing public access through the site.

11. The details to be submitted further to condition 5 above shall include details of the position, maintenance, the design and colour of play equipment which shall be provided within the play area at the southeast corner of the site prior to the occupation of the final dwellinghouse hereby approved, and maintained in place thereafter.

REASON In the interests of visual and residential amenity.

Notes to Applicant:

1. Prior to the commencement of development on the site, the applicant should satisfy himself as to the suitability of the site for construction purposes.
2. A copy of the consultation responses received from Transco and The Coal Authority are attached. The developer is strongly advised to note same and take any appropriate recommended action.
3. SEPA have advised that all drainage arrangements should be to the public sewer and consideration given to the use of Sustainable Urban Drainage (SUDS) techniques for the disposal of surface water. SEPA have further advised that any waste arising should be disposed of at a suitably authorised site. The developer is advised to contact SEPA at 2 Alloway

Place, Ayr, KA7 2AA, Tel 01292 294 000, particularly with regard to confirming the consequences, if any, of surface water drainage connection to the public sewer.

4. The applicant should make early contact with Scottish Water at their Office at 35 Glenburn Road, Prestwick, KA9 2NS, Tel 0845 601 8855.
5. Following the advice in Note 4 above, the developer is advised that the Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific arrangements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA. The developer should not assume that East Ayrshire Council will undertake maintenance unless there is a site specific agreement to that effect. Where the developer makes his own maintenance arrangements, the Council will require to be convinced that these will work without impact on Council interests.
6. The applicant will require to secure the necessary Roads Construction Consent, details of which should be discussed with the Roads and Transportation Division of East Ayrshire Council.
7. The applicant should contact Scottish Power to discuss alteration/protection of their apparatus within the site.

**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.**