

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 18 FEBRUARY 2005

**04/0693/FL PROPOSED FORMATION OF 11 No. HOUSING PLOTS AND
ASSOCIATED TRAFFIC AND DRAINAGE ARRANGEMENTS
AT LOW GREENBANK, EAST MAIN STREET, DARVEL
BY ALEX PATERSON**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the formation of eleven housing plots, (Plots 23-33 on the submitted drawing) and associated road and drainage works. Said proposals necessitate the removal of the former railway embankment. The proposal includes the maintenance of the existing right of way through the site with the remaining embankment adjacent to the viaduct being graded, to approximately 30 degrees, to allow access and egress from the higher level of the viaduct to the proposed road. The layout of the proposal affords the right of way access over the public highway through the site to connect with the existing route at the eastern end of the development.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated 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 indicated in section 6 of the report there are material considerations relevant to the application however it is not considered that these are of significant weight to merit the refusal of the application. It is clear from the submission that the plot sizes proposed will facilitate high amenity housing units. The eventual quality of their design and finish can be secured by 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, on the basis of the principle of residential development, 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.

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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 it involves more than 10 houses and is subject of an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is a 135 metre length of the disused Irvine Valley railway line located immediately to the east of the River Glen Viaduct. The site is approximately 70 metres wide and bounded to the north by an area of level ground which has planning consent for residential use. The application site is bounded on its western boundary by a grade "B" Listed Viaduct which straddles the River Glen and by higher ground to the east. The application site contained the railway embankment which rose approximately 15 metres above the adjacent housing to the south in John Morton Crescent and was located along an east-west axis.

2.2 A right of way from Kirkland Road to Darvel Cemetery traverses the site following the line of the former railway track.

2.3 It should be noted that prior to the determination of this application the applicant removed much of the former railway embankment. The embankment has been reduced in level to match that proposed in this planning application. Planning enforcement action has been taken against these unauthorised works and an appeal against the enforcement action is currently being considered by the Scottish Executive Inquiry Reporters Unit.

2.4 **Proposed Development:** Full planning permission is sought for the formation of eleven housing plots, (Plots 23-33 on the submitted drawing) and associated road and drainage works. Said proposals necessitate the removal of the former railway embankment. The proposal includes the maintenance of the existing right of way through the site with the remaining embankment adjacent to the viaduct being graded, to approximately 30 degrees, to allow access and egress from the higher level of the viaduct to the proposed road. The layout of the proposal affords the right of way access over the public highway through the site to connect with the existing route at the eastern end of the development.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have no objection to the road layout subject to the attachment of appropriate conditions to any grant of planning consent. With regard to flooding the Council's Roads and Transportation Division Flooding Section have indicated that they have no objection to the proposal provided the Flood Risk Assessment submitted in support of Planning Application 00/0711/OL for the housing site immediately to the north of the application site is implemented in full.

A condition can be attached to the grant of any planning consent in relation to the requirements of said flood prevention works and roads requirements .

3.2 Transco have raised no objections to the proposed development.

Noted.

3.3 Scottish Water indicated that they have no objection to the proposal. However they would recommend that the applicant should consider the implementation of a sustainable urban drainage system within the development.

The applicant has indicated their intention to utilise a Sustainable Urban Drainage System for the proposal.

3.4 The Scottish Environment Protection Agency (SEPA) have made no objection to the proposal however any planning permission granted should include 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. They also indicate that if access to the public sewer requires the use of a sewerage pumping station then the applicant will require to confirm if

an emergency overflow to the Glen water is an essential part of the scheme. If this is the case then the applicant will require to obtain the appropriate consent from Scottish Water and SEPA . SEPA also indicate that the part of the site may be within the flood envelope as shown on the Centre for Ecology and Hydrology indicative 100 year flood maps and as such the matter should be clarified with the Council's Roads Department flooding section.

The applicant has indicated that the site will be served by a sewerage pumping station and that all appropriate consents for emergency discharges are in place. Should planning permission be granted for the proposed development, an appropriately worded condition can be imposed to ensure that a SUDS arrangement to SEPA's satisfaction is implemented within the development to deal with surface water drainage.

With regards to the flooding issue the Council's Roads Division Flooding section have indicated that they have no objection to the proposal providing the Flood Risk assessment submitted in support of Planning Application 00/0711/OL for the housing site immediately to the north of the application site is implemented in full. A condition can be attached to the grant of any planning consent in relation to the requirements of said flood prevention works.

3.5 East Ayrshire Council Environmental Health and Waste Management section have indicated that they have no objection to the proposal. Revised information from the applicants with respect to ground conditions confirms that that contaminant concentrations in soils are below current soil guideline values. Environmental Health has no objection to the development on ground contamination issues.

Noted

3.6 Darvel Community Council has made no comment on the proposal.

Noted

3.7 East Ayrshire Council Access Officer has not replied at the time of writing this report.

Noted

4. REPRESENTATIONS

4.1 One letter of representation as been received in relation to the proposal. It indicates that it is not clear what is happening to the right of way which exists through the site.

The planning application incorporates the existing right of way into its layout and the route shall remain unaltered other than a deviation in its vertical alignment.

4.2 The planning application contains little information and no real detail of the proposed housing.

The planning application being determined relates to the creation of a plotted housing development and therefore does not contain information on the proposed housing units. These will require to be the subject of further applications.

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 With regard to the structure Plan the application is consistent with policy G1 as the proposal is an identified housing site within the settlement boundary of Darvel.

East Ayrshire Local Plan

5.3 Policy RES1 encourages and supports the residential development of those Development Opportunity sites identified for housing purposes on the individual Local Plan maps and reserved for residential and associated recreational and amenity open space development.

As an identified residential development opportunity site (097H) the principle of residential development is acceptable. The Local Plan requires high amenity housing at this location, defining "high amenity" as housing in the upper market range, generally consisting of larger, quality homes on larger housing plots. The local plan also says that use should be made of a Legal Agreement to achieve "high amenity". In as much as, on the Local Plan's own definitions, "high amenity" derives from larger house plots on which larger homes can reasonably be anticipated, there is sufficient information in the submission to confirm that this will be a high amenity development in this respect. In terms of the quality of the development this can

be achieved through the application of conditions. Consequently a high amenity development consistent with the definition offered in the Local Plan can be achieved without use of a Section 75 Agreement in this case.

5.4 Policy RES11 of the Adopted Local Plan requires the provision of high amenity housing on the sites identified as appropriate for such purposes in the Local Plan.

As the application proposal is for a plotted housing development and with the use of appropriate conditions, the proposal will meet the terms of this policy.

5.5 Policy TLR5 of the Adopted local Plan confirms that developers will be requested to enter into an agreement with the Council to make contributions to the provision of appropriate leisure and recreational facilities in the local area.

The applicant has indicated that he does not wish to contribute to the TLR5 fund.

5.6 Policy TLR7 gives priority to the development and promotion of new circular routes and footpath links between settlements, especially where these utilise existing disused railway lines, forestry access roads, minor country roads, etc.

The proposal involves the removal of a substantial part of the existing railway embankment which passes through the site however the right of way will be maintained along its current route therefore the proposal accords with the requirements of this policy.

5.7 Policy T1 actively seeks to integrate and achieve improvements to the local and strategic road, rail, cycle and footpath infrastructure within East Ayrshire and to improve links with the national networks in line with the Local Plan's Transport Development Strategy.

The incorporation of the right of way into the layout of the proposed development would be compatible with this particular policy objective, should there be any future plans to link Darvel with the national footpaths and cycle networks.

In conclusion it is considered that the proposal is in accordance with the Development Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultation Responses

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

Representations

6.3 The representation received has been summarised in Section 4 of the Report and is not considered to be of such weight as to merit refusal of the application.

Impact on the amenity of the area

6.4 The Circumstance of the site are such that it is considered that the proposal can be accommodated as detailed with no detriment to the area.

Planning History

6.5 Planning permission 03/0017/FL was granted on 30/4/04 for the erection of two dwellinghouses and reserved matters issues relating to 00/0711/OL.

Planning permission 00/0711/OL was granted on 7/12/01 for the formation of 22 serviced residential plots including the partial removal of the former railway embankment, to allow vehicular access, and the provision of roads and services.

Planning Application 96/0333/OL for the formation of a serviced residential site including the removal of the former railway embankment and provision of roads and services was refused on 14/4/00. It was considered at that time that the proposed development would be detrimental to the visual amenity of the area.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in determining this application. However, given that the enforcement notice and stop notice were served to regulate unauthorised development, it would be appropriate to withdraw both notices in the event that this application is approved.

8. CONCLUSION

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 indicated in section 6 of the report there are material considerations relevant to the application however it is not considered that these are of significant weight to merit the refusal of the application. It is clear from the submission that the plot sizes proposed will facilitate high amenity housing units. The eventual quality of their design and finish can be secured by conditions.

9 RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated 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, on the basis of the principle of residential development, 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

11 February 2005

CSI/IMB

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letter of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2004).
6. Approved Ayrshire Joint Structure Plan (1999).
7. Planning decision 00/0711/OL, 03/0017/FL, 96/0333/OL

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No. 04/0693/FL

Site of Proposal:	Low Greenbank East Main Street DARVEL
Nature of Proposal:	Proposed formation of 11 No. housing plots and associated traffic and drainage arrangements
Name & Address of Applicant:	Mr Alex Paterson East Heads Steading NEWMILNS KA16 9LG
Name & Address of Agent:	Nicoll Design 184 Main Street PRESTWICK KA9 1PG

DPOs Reference: CSI/IMB

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

1) The proposed development shall be carried out in accordance with the application form received on 17 June 2004 and the amended plans received by the Planning Authority on 3 February 2005, in as much as these relate to Plots 23-33 inclusive and to the traffic and drainage associated therewith.

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

2) The further approval of the Planning Authority shall be obtained in respect of the under-mentioned matters hereby reserved. The development of each individual plot shall not commence until all these reserved matters have been approved, with the exception of those matters entirely within the other plots on the site.

(a) The overall site layout/the internal layout of the house plots;

- (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 car parking;
- (f) The boundary walls;/fences to be erected;
- (g) The landscaping of the site and associated maintenance arrangements;
- (h) Finished site levels/floor levels.
- (i) Existing site levels/floor levels.
- (j) Details of the means by which there will be maintained access to the riverbank for inspection and maintenance purposes.

REASON The approval is in outline only.

3) 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. The sustainable urban drainage system shall thereafter be installed on site, prior to the erection of any of the dwellinghouses in the development site.

REASON To ensure that adequate drainage is provided.

4) Prior to the commencement of the development, details shall be provided to and approved by the Planning Authority showing the temporary route for the right of way during the construction phase of the development. Said route shall then be implemented to the satisfaction of the Planning Authority as approved.

REASON To ensure the maintenance of the right of way during the construction phase.

5) Prior to the commencement of the development, details shall be submitted to and approved by the Planning Authority of the surfacing, means of construction and exact route of the right of way through the development site. Said approved route shall be implemented and maintained thereafter to the satisfaction of the Planning Authority.

REASON To ensure the maintenance of the right of way.

6) No dwelling shall be occupied until the works required under the flood risk assessment document submitted in support of planning permission 00/0711/OL have been implemented in full to the satisfaction of the Planning Authority.

REASON To ensure the potential flooding problems are adequately addressed and mitigated.

7) Notwithstanding the approved plans all dwellinghouse plots shall be provided with 5m wide driveways to the satisfaction of the Planning Authority.

REASON In the interests of road safety.

8) Levels of parking throughout the site shall be in accordance with East Ayrshire Roads and Transportation Division's guidelines.

REASON In the interests of road safety.

9) The details to be submitted further to Condition 2 above shall ensure that no greater than 30% of each housing plot is occupied by any dwelling and that each plot shall be provided with at least 100 square metres of secluded, private garden ground.

REASON In the interests of securing a high amenity development.

10) Prior to the commencement of development on any of the 11 plots hereby approved, the applicant shall submit to, and have received written approval from, the Planning Authority for a schedule of finishing materials to be used on the 11 approved plots. The schedule shall detail two brick types, two render types and one type of roofing material to be used over these 11 units and to be confirmed relative to each plot when reserved matters are submitted. The details within this schedule shall be consistent with the finishing details provided in relation to the development of the site immediately to the north.

REASON In the interests of securing a high amenity development.

11) No external house wall, including any attached garage, shall be located within 7.5 metres of the boundary of any adjacent house plot.

REASON In the interests of securing a high amenity development.

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