

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 20 JANUARY 2006

**05/0967/RM: PROPOSED RESIDENTIAL DEVELOPMENT
AT JAMIESON ROAD, DARVEL
BY DRUMBOW HOMES LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposal aims to gain reserved matters planning permission for residential development on the site with associated traffic calming on Jamieson Road. The proposal is for 40 dwellinghouses in total, six of which are detached dwelling units fronting onto Jamieson Road while the remaining houses are located in three and four house terraces located around a loop road. The loop road incorporates traffic calming, visitor parking and a landscaped communal garden area. The proposal involves the relocation of the existing speed hump on Jamieson Road to align with the entrance to the proposed development.

1.2 The proposal requires a reduction in the ground levels of the site by up to 5 metres at some points, with the excess soils being removed from 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 Council has received from the applicants the sum of £65,000 (Sixty five thousand pounds) comprising of the financial contribution to the TLR5 fund, and the financial contribution towards the provision of play equipment within the public open space adjacent to Hutchinson Drive, Darvel as referred to in paragraphs 5.5 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. 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 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, and assuming such refusal was not on the basis of the principle of the development, the application will not require to be referred to the Development Services Committee because such a decision would not represent a substantial 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 reserved matters planning application which is to be considered by the Local Planning Committee under the scheme of delegation, as it is subject to objections

2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises an area of degraded and over grown land to the west side of Jamieson Road Darvel, between Campbell Street and the north side of West Donnington Street. The site extends to a total of 1.41 hectares and is part of a larger area of a former railway goods yard. The site also has a marked difference in levels from the (higher) north side (where the railway ran) relative to the south. The site is bounded to the south by residential and to the north by industrial and residential units.

2.2 **Proposed Development:** The proposal aims to gain reserved matters planning permission for residential development on the site with associated traffic calming on Jamieson Road. The proposal is for 40 dwellinghouses in total, six of which are detached dwelling units fronting onto Jamieson Road while the remaining houses are located in three and four house terraces located around a loop road. The loop road incorporates traffic calming, visitor parking and a landscaped communal garden area. The proposal involves the relocation of the existing speed hump on Jamieson Road to align with the entrance to the proposed development.

2.3 The proposal requires a reduction in the ground levels of the site by up to 5 metres at some points, with the excess soils being removed from the site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no

objection to the proposal subject to the attachment of appropriate conditions relating to traffic calming and the Sustainable Urban Drainage Systems.

Appropriate planning conditions can be attached to the grant of any planning permission for this development addressing these matters.

3.2 Scottish Water indicated that they object to the proposal however will remove their objection if the developer can demonstrate that the development will not have a detrimental impact on their assets or that suitable infrastructure can be put in place to support the development. The proposal should utilise a Sustainable Urban Drainage System

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.

3.3 East Ayrshire Council's Environmental Health and Waste Management Section have indicated that they have no objection to the proposal provided appropriate conditions addressing the potential contamination issues of developing a former railway station and goods yard site are attached to any grant of planning permission.

Appropriate planning conditions can be attached to the grant of any planning permission for this development addressing contamination issues.

3.4 East Ayrshire Council's Outdoor Services have no objection to the proposal subject to a suitable contribution to the provision of play equipment within the adjacent area of public open space and the provision of landscaping details.

The applicant has indicated that they are willing to make a contribution for the provision of play equipment within the adjacent area of open space to the sum of £50,000 in lieu of play equipment and associated open space within the development. A condition can be attached to any grant of planning permission relating to the remaining landscaping of the development.

3.5 Scottish Environment Protection Agency have no objection to the proposal however would offer the following comments. All foul drainage from the site should be connected to the public sewer and written confirmation from Scottish Water should be provided confirming that the additional flow from the development will not result, cause or contribute to the premature operation of consented storm overflows and that sufficient capacity exists at the receiving waste water treatment works to adequately treat any increase in foul drainage.

A note can be attached to any grant of planning permission bringing this matter to the attention of the developer.

3.6 Surface water from the proposed development shall be treated in accordance with the Ciria Guide for Sustainable Urban Drainage Systems.

Conditions can be attached to any grant of planning consent relating to these matters.

3.7 West of Scotland Archaeology Service have no objection to the proposal.

Noted.

3.8 Darvel Community Council have not responded in relation to the proposal.

Noted.

4. REPRESENTATIONS

4.1 Six individuals and Scottish Water have objected to the proposal. Scottish Water's comments have been detailed in Section 3 above. The individuals object on the following grounds:

4.2 The drainage planned will be inadequate to prevent flooding on our property.

The current topography of the site results in the majority of the surface water from the site discharging towards West Donnington Street. The proposed increase in built form and hardstanding areas within the site results in a significant reduction in the rainwater which would discharge onto the ground and potentially flood adjacent properties. Therefore it is considered that the proposal will greatly reduce the amount of surface water which discharges onto the properties at West Donnington Street from the application site.

4.3 We are unclear about the proposed boundary fencing.

A condition can be attached to any grant of planning permission to clarify the proposed boundary treatment of the site.

4.4 Two storey dwellinghouses will overlook our property.

Given the reduction in ground level of the site it is considered that the proposal will not significantly overlook or have a detrimental impact on the properties at West Donnington Street.

4.5 Terraced houses are of a design inappropriate to this area

Terraced properties are a common feature within Darvel and are an appropriate design for this development site.

4.6 Further information is required on the Sustainable Urban Drainage System.

A condition can be attached to any grant of planning permission addressing this matter.

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.

East Ayrshire Local Plan

5.3 In respect of the EALP the site is identified as part of a larger Miscellaneous Development Opportunities Site, Reference 103M. The Local Plan confirms that both industrial or residential use for this site will be encouraged.

The proposal consequently accords with the provisions of the East Ayrshire Local Plan.

5.4 Policy RES19 requires all housing developers to provide areas of recreational and amenity open space in their developments to the indicative basic standards set out in Schedule 3 of the Local Plan. The policy states also that the precise type, size, location and design of the open space required is dependent on the extent of existing open space provision in the vicinity and the recreational and amenity needs of the wider area.

The proposal does not provide the 1200 sq m of open space within the site required by Schedule 3 of the Local Plan. However the proposal does provide 520 sq m of public open space and the developers have indicated that they are willing to make a contribution of £50,000 to upgrade the play equipment in the adjacent area of open space on Hutchinson Drive. It is considered given the brownfield nature of the site, suitability of the site layout

and the close proximity of the adjacent public open space the reduction in open space is acceptable.

5.5 Policy RES20 states that, in formulating their development proposals, developers should ensure that the provision of open space meets seven stated criteria, as follows:-

- (i) that areas of open space are of a size and configuration that is easily maintainable. The policy advocates that larger areas of well located, consolidated open space should be provided in preference to a series of smaller, individual areas scattered throughout the proposed development site;

It is considered that the location of the open space provided within the development is appropriately located and designed.

- (ii) that proposed areas of open space link, wherever possible, with other areas of adjacent existing open space;

There are no existing areas of open space at the boundaries of the site with which to link.

- (iii) That the proposed areas of open space are safe and secure, overlooked if possible by adjacent properties;

The proposed open space is overlooked by several properties and is of a safe and secure design.

- (iv) that play areas, kick about areas and games pitches are provided as required by the Council's Head of Leisure Services;

The Council's Outdoor Service have no objection to the level of play equipment proposed.

- (v) that play equipment and facilities for the disabled and those with special needs are provided as considered appropriate;

The Council's Outdoor Services will determine the type of equipment to be provided within the Hutchinson Road open space.

- (vi) that areas of open space are attractively planted and, where appropriate, use plant species to encourage wildlife; and

It is proposed to attach a condition to any grant of planning permission addressing the landscaping requirement within the development site.

- (vii) that all-open spaces are provided, as appropriate, with footpaths for both access and leisure walking, linking with adjacent open spaces wherever possible.

Not applicable.

5.6 Policy RES22 requires all developers to observe the minimum standards for the provision of private open space detailed in Schedule 4 of the Local Plan. The policy also allows those standards quoted to be relaxed in respect of the conversion of existing properties to flats where this can be fully justified by the developer and where considered appropriate by the Planning Authority.

The proposed development adheres to the Council's minimum standard of private garden ground for each of the proposed dwellings.

5.7 Policy ENV3 of the East Ayrshire Local Plan indicates that the Council will encourage the retention and preservation of archaeological and industrial resources and ensure that in cases where the primary aim of preserving archaeological sites cannot be achieved, developers carry out appropriate investigations and recording of remains within a proposed development site, prior to the development being commenced.

The West of Scotland Archaeology Service response indicates that there are no archaeology issues within the site.

5.8 Policy ENV7 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 proposed development accords with the requirements of the Council's Design Guidance.

5.9 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 been asked to make a contribution on the basis of the TLR 5 mechanisms but has indicated that they will make a financial contribution of £15,000 to the TLR5. They do not wish to enter into a Section 75 agreement to do so. Provisions exist for such a contribution to be made prior to the issue of planning consent.

5.10 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 representations received 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 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 circumstances of the site are such that it is considered that the proposal can be accommodated, subject to the attachment of appropriate planning conditions to any grant of planning consent, with no detriment to the area.

Planning History

6.5 Outline planning permission 03/0264/OL was granted on 05 September 2003 for the change of use of former station goods yard to residential use.

6.6 Planning application 05/0079/FL for the erection of 30 houses at the site by J & M Developments was withdrawn on 02 September 2005.

6.7 An Enforcement Notice and Stop Notice were served on the 03 November 2005 in relation to the application site following the applicant commencing engineering works on the site without the benefit of planning permission. The applicant immediately complied with the terms of the enforcement notices.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 The applicant has confirmed his preparedness to submit a fixed sum of £15,000 to the Sports, Leisure and Recreation Fund and a sum of £50,000 as a

compensatory contribution towards the provision of play equipment within the public open space adjacent to Hutchinson Drive Darvel; this in lieu of full compliance with on-site public open space requirements.

8. CONCLUSION

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. 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 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 Council has received from the applicants the sum of £65,000 (Sixty-five thousand pounds) comprising of the financial contribution to the TLR5 fund, and the financial contribution towards the provision of play equipment within the public open space adjacent to Hutchinson Drive, Darvel as referred to in paragraphs 5.5 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, and assuming such refusal was not on the basis of the principle of the development, the application will not require to be referred to the Development Services Committee because such a decision would not represent a substantial departure from Council Policy.

Alan Neish
Head of Planning, Development and Building Standards

12 January 2006
(CSI/MMM)

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 (2003).
6. Approved Ayrshire Joint Structure Plan (1999).

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

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0967/OL

Site of Proposal: Land at Jamieson Road
DARVEL
Ayrshire
KA17 0AP

Nature of Proposal: Proposed Residential Development - Erection
of 38 No. Units

Name & Address of Applicant: Drumbow Homes Ltd
Drumbow Farm
Caldercruix
Lanarkshire
ML6 7RX

Name & Address of Agent:

DPOs Reference: CSI/MMM

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 08 August 2005 and the amended plans received by the Planning Authority on 07 December 2005.

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

2. No development shall begin on site (with the exception of site investigative works), until a comprehensive contaminated land investigation has been submitted to, and approved in writing by, the Planning Authority.

The investigation shall be conducted in line with BS 10175: 2001 Code of Practice for "The investigation of potentially contaminated sites" and will contain details of proposals to deal with contamination (if present) to include:

- (i) The nature, extent and type(s) of contamination on the site;
- (ii) A site specific risk assessment of all relevant pollutant linkages.
- (iii) Remedial measures to treat/remove contamination to ensure the site is fit for the use proposed.
- (iv) Measures to deal with unsuspected contamination discovered during construction works.

REASON To ensure potential risks arising from previous site uses have been fully assessed.

3. Notwithstanding the approved plans details of all fences, walls, including entrance features, pillars and other features proposed in the central open space area, shall be submitted to and approved in writing by the Planning Authority prior to the commencement of the development and implemented thereafter as approved. All rear garden fences shall be 1.8 metre high.

REASON In the interests of residential amenity

4. Under the terms of Condition 2 above, and prior to any further site development, the developer shall submit a report, confirming that the remedial works have been carried out in accordance with the remediation plan.

REASON To provide verification that remediation of has been carried out in accordance with the remediation plan and to the Authority's satisfaction.

5. A landscaping scheme including the treatment of the boundary of the site/areas for public open space/play areas and means of enclosure of these areas, shall be submitted to and approved in writing by the Planning Authority prior to commencement of any development, and shall be implemented not later than the next appropriate planting season after completion of the houses. The scheme shall include details of the provision to be made for the maintenance of soft and hard landscaped areas, and shall be maintained thereafter in accordance with these details.

REASON To ensure that adequate provision of public open space is provided, to an adequate standard, and that it is subsequently maintained, in the interest of residential and visual amenity.

6. Notwithstanding the plans hereby approved written details and samples of all external materials to be used on the houses shall be submitted to and approved in writing by the Planning Authority prior to the commencement of the development. Thereafter only the approved materials shall be utilised within the development.

REASON In the interests of visual amenity

7. 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 dwellinghouse 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

8. 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 residential amenity.

9. Prior to the commencement of the development details of the type and position of security fences shall be submitted to and approved in writing by the Planning Authority.

REASON In the interests of residential amenity.

10. Prior to the commencement of the development details of the type and position of security and site lighting shall be submitted to, and approved in writing by, the Planning Authority.

REASON In the interests of residential amenity.

11. Prior to the occupation of the first dwellinghouse the speed table on Jamieson Road shall be relocated to the entrance of the site.

REASON In the interest of road safety.

NOTE:-

The applicant should make early contact with Scottish Water (35 Glenburn Road, Prestwick, KA9 2NS, Tel 0845 601 8855) to discuss the issue of the connection to the public sewerage system which they have indicated is outwith their "reasonable cost" legislations.

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