

EAST AYRSHIRE COUNCIL

**SPECIAL NORTHERN AREA LOCAL PLANNING COMMITTEE: 01 JULY
2005**

**05/0033/OL: PROPOSED ERECTION OF EIGHT DWELLINGHOUSES
AT A PLOT OF LAND AT LEVEN DRIVE, HURLFORD
BY MR D. MURDOCH**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the erection of eight dwellinghouses at Leven Drive, Hurlford. The proposal aims to take vehicular access at the north west corner of the application site onto Leven Drive. The proposal also aims to widen Leven Drive over the frontage of the development to provide off-street parking at this location. The footpath running north to south at this location will be incorporated into the proposed frontage.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the report the application is considered to be in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 of the report there are material considerations relevant to this application however none are of significant enough weight as would 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 on the basis of the principle of residential use it will require to be referred to the Development Services Committee, as there would be a significant breach of 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 an outline planning application which is to be considered by the Local Planning Committee under the scheme of delegation following agreement by the Head of Planning, Development and Building Standards in consultation with the Chair, to a request from an Elected Member.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a plot of land to the east of Leven Drive in Hurlford. The site has an incline from north to south and measures approximately 0.34 hectares in area. The site is bounded to the north by the residential units of Galston Road, to east by the light industrial units located behind Galston Road and to the south by an area of waste land. An electrical substation is located adjacent to the north west corner of the development site.

2.2 **Proposed Development:** Outline planning permission is sought for the erection of eight dwellinghouses at Leven Drive, Hurlford. The proposal aims to take vehicular access at the north west corner of the application site onto Leven Drive. The proposal also aims to widen Leven Drive over the frontage of the development to provide off-street parking at this location. The footpath running north to south at this location will be incorporated into the proposed frontage.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no objections to the proposal subject to the attachment of conditions to any grant of planning permission relating to the provision of appropriate sightlines widening of Leven Drive, the vehicular access point to the application site and the access of construction traffic to the site, (the use of the rear access being appropriate).

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

3.2 Scottish Environment Protection Agency have no objection to the proposal provided foul drainage is connected to the public sewer and subject to the attachment of planning conditions addressing the potential land contamination and the provision of an appropriate SUDS systems.

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

3.3 Scottish Water have indicated that they object to the proposal as the provision of infrastructure to serve this development is likely to be beyond reasonable cost. However they will remove their objection if the developer can demonstrate that the development will not have an impact on their assets or that suitable infrastructure can be put in place to support the development

Noted. The developer will require to achieve means of foul and surface water drainage to the satisfaction of Scottish Water.

3.4 Environmental Health, Licensing and Community Safety have indicated no objection to the proposal subject to the attachment of appropriate planning conditions to any grant of planning permission addressing the potential site contamination and the hours of working of the construction process

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

3.5 Hurlford & Crookedholm Community Council have not replied to their consultation at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 There are no third party letters of objection to the proposal. The comments of Scottish Water are noted in 3.3 above.

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 (EALP).

Ayrshire Joint Structure Plan Policy

5.2 As the application site is part of an identified housing site within the East Ayrshire Local Plan the proposal accords with the requirements of the Ayrshire Joint Structure Plan Policy.

Adopted East Ayrshire Local Plan (EALP)

5.3 The application site forms part of the residential housing site RES 114H as identified in the East Ayrshire Local Plan.

5.4 Policy RES 1 of the EALP encourages and supports the residential development of those Development Opportunity Sites identified for Housing purposes on the individual Local Plans Maps.

As an identified site within the Local Plan the principle of residential development at this location is acceptable.

5.5 RES 22 requires that all developments observe the minimum standards for the provision of private open space detailed in Schedule 4 of the Local Plan.

Conditions can be attached to the grant of any planning permission regarding the layout and design of the proposed development.

5.6 Policy TLR 5 of the Adopted East Ayrshire Local Plan indicates that developers will be requested to enter into a Section 75 Agreement for contributions towards the provision of appropriate leisure and recreation facilities within the area to which the development relates.

The developer has declined to make a contribution to the fund on this occasion.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses received which are addressed in Section 3 of this report, the letters of objection addressed in Section 4 of this report, the planning history and the impact on the amenity of the area.

Consultation Responses

6.2 The consultation responses are detailed in the report and are generally considered to be supportive of the application. The comments from Scottish Water are in standard form relating to infrastructure provision and reasonable cost. It is for the developer to secure agreement from Scottish Water to appropriate drainage arrangements.

Amenity of the Area

6.3 The aspect of the amenity of the area has been assessed and it is considered that it will be possible to secure, through the subsequent submission of appropriate details, a development that can be accommodated without any detrimental impact on the area.

Planning History

6.4 Planning Application 04/0320/OL was withdrawn on 06 October 2004 for the erection of 11 houses at this location.

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 is indicated in Section 5 of the report the application is considered to be in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6 of the report there are material considerations relevant to this application however none are of significant enough weight as would merit the refusal of the application.

9. RECOMMENDATION

9.1 It is recommended that the outline application for planning permission 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 on the basis of the principle of residential use it will require to be referred to the Development Services Committee, as there would be a significant breach of Council Policy.

Alan Neish
Head of Planning, Development and Building Standards

21 June 2005
(CSI/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Adopted East Ayrshire Local Plan
5. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Craig Iles on 01563 576772.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0033/OL

Site of Proposal: Plot of Land
At Leven Drive
Hurlford

Nature of Proposal: Proposed Erection of Eight Dwellinghouses

Name & Address of Applicant: Mr D Murdoch
20 Maxwood Road
GALSTON
Ayrshire
KA4 8JN

Name & Address of Agent:

DPOs Reference: CSI/MMM

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

1. Before any development commences on 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) Finished and existing site levels/floor levels.

REASON The approval is in outline only.

2. Notwithstanding the approved plans the site access from Leven Drive shall have visibility splay areas of 2.5 metres by 70 metres with no obstruction to visibility greater than 1 metre in height being allowed within these areas.

To enable this, said access point shall be located at the north most point of the site on Leven Drive, adjacent to the existing sub station.

REASON To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.

3. Notwithstanding the approved plans Leven Drive shall be widened over the frontage of the site to provide on street parking in the locality.

REASON In the interests of road safety and residential amenity.

4. 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 dwellinghouse.

REASON To ensure adequate drainage of the site.

5. During the construction of the development no building or other operations shall take place on the site outwith the hours of 08:00 to 18:00 Monday to Friday, 09:00 to 13:00 on Saturday and not at any time on a Sunday.

REASON In the interests of residential amenity.

6. No materials shall be burned on site at any time during the construction period.

REASON In the interests of residential amenity.

7. The details to be submitted further to Condition 1 above shall confirm the means by which the proposed houses are to be provided with refuse storage facilities consistent with the Council's 3 bin recycling policy.

REASON In the interests of visual and residential amenity.

8. 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.

9. Under the terms of Condition 8 above and prior to any further site development, the developer shall submit a report confirming that the remedial work has been carried out in accordance with the remediation plan.

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

10. Prior to the commencement of development on site, full details, including any consequent works, of the means of securing a safe means of access to the site for construction vehicles shall be submitted to and approved by the Planning Authority and thereafter implemented as agreed before construction commences.

REASON In the interests of road safety and residential amenity.

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PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**