

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 21 MAY 2004**

**03/1110/FL: ERECTION OF 12 TWO STOREY DETACHED HOUSES WITH  
ACCESS ROAD AND ACCOMMODATED PARKING  
AT 22 MAIN ROAD, WATERSIDE  
BY CASTLE DEVELOPMENTS LTD**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 It is proposed to erect 12 detached villas in the form of a cul-de-sac arrangement accessed from the main road and through the land which accommodates the Mill building. Two house types are detailed confirming a design which attempts to reflect the traditional character of the locality whilst providing modern standards of accommodation.

1.2 It should be noted that this site already enjoys the benefit of a full planning consent for a total of 14 houses as part of EAC Ref: 99/0829/FL. That application involved the conversion of the Mill building and the erection of a total of 17 new houses in a variety of designs. Site clearance and early preparation work has commenced. The developer is now seeking to amend the earlier scheme in a number of respects including this proposal which involves the area of the former, larger site furthest away from the listed building, and the re-location of a roundel turning area from the western extremity of the site to a more central location. The proposals for the Mill building and houses immediately across from it are being assessed in separate listed building and planning applications and should be determined under delegated powers.

1.3 It is intended to retain two of the formerly approved house types in Plots 14 and 15 but substitute the remaining twelve as described above. The new house types are in general not larger, in terms of footprint, than the originals but have more extensive upper floor accommodation.

1.4 Adequate off street parking is detailed and the means of treating foul drainage from the site is located at the extreme west side of the site where it can discharge into the Craufurdland Water.

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## **2. RECOMMENDATION**

**2.1 It is recommended that the application for full planning permission be approved subject to the conditions listed on the attached sheet but that permission not be issued until the Solicitor to the Council has concluded a formal Section 75 Agreement with the applicant in respect of the matter addressed in Sections 3 and 7 of the report.**

## **3. CONCLUSIONS**

3.1 As is indicated in paragraph 5 of the report the planning application is in part in accordance with the Development Plan. The development plan in terms of Sections 25 and 37(2) gives partial support to the development of this site, however, as indicated in Section 6 of the report there are material considerations relevant to these applications. These considerations are considered to be generally supportive of the application. The submitted letters of objection are noted but are not in themselves of sufficient weight to justify an unfavourable recommendation.

### **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.

**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 a full application for planning permission which is required to be considered by the Local Area Planning Committee due to the number of houses involved and because it is subject to objections.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located within Waterside village and is centred on the site of a former industrial building (now demolished), and land and buildings associated with the former use. The application site is lower than the main road and is accessed through land adjacent to part of a Category 'B' listed mill on the north/east side of the site.

The site follows the south side of Craufurdland Water for 130 metres and is approximately 90 metres wide at its widest point. The site is generally level but does slope rapidly upwards along its southern boundary.

2.2 **Proposed Development:** It is proposed to erect 12 detached villas in the form of a cul-de-sac arrangement accessed from the main road and through the land which accommodates the Mill building. Two house types are detailed confirming a design which attempts to reflect the traditional character of the locality whilst providing modern standards of accommodation.

2.3 It should be noted that this site already enjoys the benefit of a full planning consent for a total of 14 houses as part of EAC Ref: 99/0829/FL. That application involved the conversion of the Mill building and the erection of a total of 17 new houses in a variety of designs. Site clearance and early preparation work has commenced. The developer is now seeking to amend the earlier scheme in a number of respects including this proposal which involves the area

of the former, larger site furthest away from the listed building, and the re-location of a roundel turning area from the western extremity of the site to a more central location. The proposals for the Mill building and houses immediately across from it are being assessed in separate listed building and planning applications and should be determined under delegated powers.

2.4 It is intended to retain two of the formerly approved house types in Plots 14 and 15 but substitute the remaining twelve as described above. The new house types are in general not larger, in terms of footprint, than the originals but have more extensive upper floor accommodation.

2.5 Adequate off street parking is detailed and the means of treating foul drainage from the site is located at the extreme west side of the site where it can discharge into the Craufurdland Water.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have confirmed that they have no objections to the proposal as submitted. They have been in contact with the applicants in respect of the construction consent details. They do confirm that the sightline requirements formerly sought will still be required for this application.

***Noted. The sightlines detailed of 2.5 metres by 90 metres involve land outwith the applicant's ownership. It is appropriate to secure their provision by means of a condition. Their future maintenance will require the conclusion of an appropriate agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997.***

***In addition the Roads Division have offered comment on Flood Risk Assessment information which was submitted in support of the earlier applications and confirm that they are satisfied with the information as put forward. They have advised that an existing culvert that ran through the site has been replaced and that matters of the treatment and means of maintenance of the southern boundary of the Craufurdland Water will require to be confirmed.***

***This aspect can be addressed by means of a condition if the Committee agree to approve the application.***

3.2 Scottish Environment Protection Agency has confirmed that it has no objection to the proposal in principle. The foul drainage will receive full biological treatment and be further polished with a reed bed such that the final effluent consistently complies with a quality which satisfies the Agency's requirements.

In addition, surface water from the site should be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland published by CIRIA in March 2000.

SEPA hold no record of flooding or flood risk at this location. The site is located adjacent to the Craufurdland Water and therefore may be at some risk of flooding. Whilst the plans indicate that the development would appear to be some 5 metres above river bed level, the northern section of the development would appear to be lower and may be at some flood risk.

***Noted. Conditions can be attached to any grant of planning permission regarding SUDS and further flood risk assessment matters.***

3.3 The Coal Authority have confirmed that their records indicate that there is one mine entry in the area. Accordingly they have advised that it would be prudent for the developer to seek appropriate technical advice prior to commencing work on site.

***Noted. This particular aspect can be addressed by means of a note if the Committee is of a mind to approve the application.***

3.4 Moscow and Waterside Community Council have not responded at the time of writing the report.

***Noted.***

#### **4. REPRESENTATIONS**

Letters of objection have been submitted from five individuals who reside locally.

4.1 The grounds of objection raise matters relating to the ground levels of the site, perceived ground work issues on the western edge of the site, and the appropriateness of the location of the treatment facility for the foul drainage from the site.

***The latter aspects have been assessed through the previous that they require separate purification through conditions and these will be secured if the Committee are of a mind to approve the application.***

***A local issue of soil/overburden being pushed into the objector's land to the west of the site has been investigated by the Council's Enforcement Service and not found to be of such significance as to warrant separate action. The matter was brought to the applicant's***

***attention as an aspect that required action on site in terms of “good site housekeeping”.***

***The treatment facility contribution of biological treatment plant and reed bed polishing has been assessed by SEPA and now the Council's Building Control Section and is deemed acceptable.***

***As stated above the final positioning and means of accommodating these elements in the site will require securing by means of condition.***

## **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that the 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 Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (2003).

Given the nature of the application it is considered appropriate to assess it primarily against the terms of the Local Plan.

5.2 The relevant policies in the EALP against which the proposal requires to be assessed are RES 4 and ENV7.

- Policy RES 4 refers to proposals for the infill, or redevelopment of sites within settlements.

This policy was formulated to bring vacant/derelict areas into active use and to consolidate the built environment.

***The application has been assessed and found to be acceptable against the relevant criteria within Policy RES 4.***

- ENV 7 specifically refers to the Council's design guidance and was prepared to ensure a high standard for new developments.

***The proposals have been assessed against the guideline and has been found to be acceptable.***

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of the application are the consultations, representations, the impact of the proposal on the amenity of the area and immediate neighbours and Scottish Planning Policy 7, "Planning and Flooding".

### Consultations

6.2 The consultation responses received are supportive of the applications although certain matters will require addressing by condition.

### Representations

6.3 The issues raised by the objectors have been assessed and are considered to be of insufficient weight to justify the refusal of the application in this case.

### 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 as detailed with no detriment to the area.

### Scottish Planning Policy 7 "Planning and Flooding"

6.5 SPP7 indicates that flood risk is a material planning consideration. The Council's Roads Division have taken account of its provisions when dealing with their response to consultation. The development is consistent with SPP7.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial implications for the Council in determining this application.

7.2 There are legal implications for the Council. As detailed above an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 will be required to appropriately secure the long term provision and maintenance of the sightlines as required by the Council's Roads and Transportation Division.

## **8. CONCLUSIONS**

8.1 As is indicated in paragraph 5 of the report the planning application is in part in accordance with the Development Plan. The development plan in terms of Sections 25 and 37(2) gives partial support to the development of this site,

however, as indicated in Section 6 of the report there are material considerations relevant to these applications. These considerations are considered to be generally supportive of the application. The submitted letters of objection are noted but are not in themselves of sufficient weight to justify an unfavourable recommendation.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application for full planning permission be approved subject to the conditions listed on the attached sheet but that permission not be issued until the Solicitor to the Council has concluded a formal Section 75 Agreement with the applicant in respect of the matter addressed in Sections 3 and 7 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 the application will not require to be referred to the Development Services Committee.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

12 May 2004  
(IW/SA)  
FV-DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Letter of Objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. Application No: 99/0829/FL.

Anyone wishing to inspect the above papers please contact Ian Walker on 01563 576769.

***Implementation Officer: Dave Morris***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/1110/FL

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Site of Proposal:	22 Main Road WATERSIDE
Nature of Proposal:	Proposed Erection of 12 Two Storey Detached Houses with Access Road and Accommodated Parking
Name & Address of Applicant:	Castle Developments Ltd 119 Cambuslang Road Cambuslang GLASGOW            G72 7TS
Name & Address of Agent:	Thomson Dawes Architects 21 Portland Road KILMARNOCK    KA1 2BT

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DPOs Reference: IW/SA

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

1. Notwithstanding the plans hereby approved details/samples of all external finishing and surfacing materials to be used shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON    In the interests of visual amenity.

2. Details submitted in pursuance of Condition No. 1 above shall provide for all external walls to be wet-dash harled and painted in a colour to be agreed with the exception of the banding around windows, which shall be painted in a contrasting colour to be agreed in writing by the Planning Authority prior to the commencement of development.

REASON To ensure that the development is compatible with the character and appearance of the nearby properties.

3. Notwithstanding the submitted details, the dwellinghouses shall be roofed in natural slate unless otherwise agreed in writing by the Planning Authority prior to the commencement of works on site.

REASON To ensure the development is compatible with the character and appearance of the nearby properties.

4. Unless otherwise agreed in writing by the Planning Authority all windows shall be of white painted timber sash and case construction and details of their design and means of opening shall be submitted at a scale of 1:50 for the approval of the Planning Authority.

REASON To ensure the development is compatible with the character and appearance of the nearby properties.

5. Details to be submitted in pursuance of Condition No. 5 above shall provide for an alternative window arrangement and alignment for those windows indicated in blue on approved drawing no. 85002/10r8, 85502/04r9.

REASON In the interests of visual amenity.

6. Notwithstanding the details hereby approved, and unless otherwise agreed by the Planning Authority, the front doors of the proposed houses and flats shall be finished in painted timber, details of same to be submitted to and approved by the Planning authority prior to the commencement of works on site.

REASON In the interests of visual amenity.

7. Construction details of the eaves of the proposed houses shall be submitted to and approved by the Planning Authority prior to the commencement of works on site.

REASON In the interests of visual amenity.

8. Full details of the design and construction of all fences, walls and railings to be erected on the site shall be submitted to and approved 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 amenity.

9. No development shall be carried out until a programme plan, showing the phases by which the site will be developed, has been submitted to and approved by the Planning Authority.

REASON In order to ensure a property programmed development, taking account of the adjacent listed building.

10. A landscaping scheme including the treatment and means of maintenance areas for public open space shall be submitted to and approved by the Planning Authority prior to commencement of any development, and shall be implemented not later than the next appropriate planting season after the development has been carried out.

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

11. Details to be submitted in pursuance of Condition 8 above shall provide for the erection of walls along the eastern boundaries of plots 4 and 17 on the approved plan, drawing no. 85502/02r13.

REASON In the interests of visual amenity.

12. A scheme showing in detail the provision to be made for the disposal of refuse shall be submitted to and approved by the Planning Authority before any development commences on the site. Said scheme shall have regard to the Council's 3 bin recycling scheme.

REASON In the interests of visual amenity and public health.

13. Details of the existing/proposed ground levels for the site and banking retention works along the north western boundary of the site and adjacent to the Craufurdland Water shall be submitted to and approved by the Planning Authority prior to commencement of any development on site. The submitted details shall include measures for surface drainage management and retention work to the rear of Plots 4 – 11 and be implemented on site once approved prior to the occupation of any of the dwellings hereby consented. The details shall also be accompanied by a flood risk assessment or similar professional confirmation in writing that the development will not be liable to flooding during a one in two hundred year flood event.

REASON In the interests of residential and visual amenity.

14. Prior to the commencement of development on site the applicant shall have submitted to and have approved by the Planning Authority, details

confirming the suitability of the site for construction purposes and for the accommodation of residential properties.

REASON To ensure that due regard is taken of the previous use of the land.

15. External construction works shall not be undertaken on site outwith the hours of 08:00 hours to 18:00 hours Monday to Friday, and 09:00 hours to 16:00 hours on Saturday and not at any time on Sunday.

REASON In order to protect the amenity of neighbouring properties.

16. Public roads adjacent to the site shall be kept clear of mud or other deposited materials at all times by means of mechanical brushing as appropriate.

REASON In the interests of road safety.

17. Notwithstanding the submitted plans, visibility splay areas of 2.5 metres by 90 metres shall, prior to the commencement of development on site, be provided at the junction of the access to the development with the public road with no obstruction to visibility greater than 1 metre in height being allowed within these areas. The sightlines shall be maintained free from such obstruction at all times thereafter.

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

18. The foul drainage from the development will require full biological treatment and further treatment via a reed bed prior to discharge to the receiving watercourse and final details of same shall be submitted to and approved by the Planning Authority prior to the commencement of any works on site. Drainage shall thereafter be implemented in accordance with the details as agreed.

REASON In the interests of public health/residential amenity.

19. 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 any of the dwellings. Facility of said scheme treating road surface water shall require to be accessible for maintenance purposes details of same to be provided for approval of Planning Authority prior to the occupation of the dwellinghouses.

REASON To ensure that adequate drainage is provided.

20. The location of plant, equipment, containers and site compound buildings during the construction phase of the development hereby approved shall be agreed with the Planning Authority prior to the commencement of development.

REASON To protect the amenity of adjacent residential properties and in the interests of public safety.

Notes to Applicant:

1. The developer shall make early contact with the Scottish Environment Protection Agency and Scottish Water to confirm their request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities requires this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.
2. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements 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.
3. The applicant shall satisfy himself that the stability of the site is suitable for the use proposed.

**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.**