

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 28 OCTOBER 2005

**04/1018/OL: PROPOSED ERECTION OF SEVEN DWELLINGHOUSES
AT THE OLD STATION YARD, DUNLOP ROAD, LUGTON
BY MAPLE REAL ESTATES LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 This outline planning application aims to gain planning permission for residential use of the site. The applicant did initially present an indicative site layout showing seven houses however this was not required for an outline planning application and this has now been withdrawn from the planning application.

2. RECOMMENDATION

2.1 It is recommended that the application for outline planning permission be approved subject to the conditions detailed on the attached sheet but that the issue of the decision be withheld until the Solicitor to the Council has satisfactorily concluded a formal Legal Agreement with the applicants in respect of the matters detailed in paragraph 7.1 of the report.

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 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 it will not require to be referred to the Development Services Committee, as there would be no 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.

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 28 OCTOBER 2005

04/1018/OL: PROPOSED RESIDENTIAL DEVELOPMENT AT THE OLD STATION YARD, DUNLOP ROAD, LUGTON BY MAPLE REAL ESTATES 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 an application which is to be considered by the Local Planning Committee under the scheme of delegation because it has been the subject of objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises the former railway station yard and is located in the southern edge of the settlement boundary of Lugton. The western end of the application site sits elevated approximately 4 metres above the junction of Dunlop Road and the adjacent unclassified road. The site currently contains a house, two large storage sheds and ancillary buildings. The application site is bounded to the north by a residential property, to the south and east by agricultural land and to the west across Dunlop road by two houses. The application site is relatively level while the adjacent unclassified road slopes significantly from east to west. A small partially culverted burn is located on the eastern boundary of the site.

2.2 **Proposed Development:** This outline planning application aims to gain planning permission for residential use of the site. The applicant did initially present an indicative site layout showing seven houses however this was not required for an outline planning application and this has now been withdrawn from the planning application

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have confirmed that they have no objection to the proposal subject to the imposition of conditions on any grant of planning permission relating to site access, sightlines, parking provision, SUD System and treatment of the culverted watercourse within the site.

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

3.2 East Ayrshire Council's Roads Division Flooding Section have confirmed that they have no objection to the proposal subject to the imposition of conditions on any grant of planning permission relating to the proposed alterations to the watercourse which passes through the site.

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

3.3 East Ayrshire Council's Environmental Health and Waste Management Section have indicated that they have no objection to the proposal however as the site was a former station yard and railway siding and is made up of predominately infilled ground, conditions should be attached to any grant of planning consent requiring that a comprehensive land investigation be carried out of the site.

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

3.4 Scottish Environment Protection Agency have indicated that they have no objection in principle to the proposal however indicate that conditions require to be attached to any grant of planning consent relating to the drainage of the site, also in relation the impact on the adjacent water course of the proposed development.

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

3.5 Scottish Water have indicated that they have no objection to this proposal

Noted.

3.6 Health and Safety Executive have indicated that they have no objection to the proposal.

Noted.

3.7 Dunlop and Lugton Community Council have objected to the proposal on the following grounds: -

- The proposed development would have a detrimental effect on the adjacent property by reason of overlooking.

It is considered that conditions can be attached to the outline planning permission ensuring that the proposed housing would not have a significant detrimental impact on the adjacent residential properties.

- The new entrance is situated near a blind corner.

It is considered that conditions can be attached to any outline planning permission ensuring that the proposed residential development would have safe means of access and egress in accordance with the Roads Guidelines.

- While a few houses would be an improvement on the existing site, seven houses are excessive and would have a detrimental effect on the surrounding area.

The applicant did initially present an indicative site layout showing seven houses however this was not required for an outline planning application and this has now been withdrawn from the planning application. The proposed development would require to adhere to the Council's Design Standards as set out in the local plan. Therefore it may be possible that the application site is capable of accommodating seven appropriately sized units depending on their size, style and position. The submitted indicative scheme for seven houses was considered to be overdevelopment.

- Increase in traffic at a dangerous junction

The Roads and Transportation Division have indicated that subject to appropriate conditions the proposal can be adequately accommodated within roads network.

4. REPRESENTATIONS

4.1 Seven objectors (including the Community Council detailed above) have raised concerns in relation to this proposal. They raise the following issues:

4.2 We (William Tracey Ltd.) operate a waste treatment and Chemical warehousing facility to the east of the application site. We are concerned that a residential development will limit our proposed future expansion opportunities for the Dunniflats Depot.

4.3 We also have concern, that history has proven, that a waste facility may have been operating very successfully without any difficulties. An area alongside the

existing operation is developed for housing, once the properties become occupied objections to the original waste operation begin and eventually in some cases the facilities are forced to close losing a number of valuable local jobs.

It is considered that the provision of housing within the settlement boundary of Lugton would not have a detrimental impact on the expansion or continued operation of the waste facility.

4.4 The development is detrimental to the surrounding area. Lugton is a rural area with mostly single plot houses. The seven-house cul-de-sac setting will be totally out of place.

The site that this outline application relates to is located within the settlement boundary of Lugton. The settlement of Lugton does contain a variety of house types including semi detached and terraced housing as well as individual houses.

4.5 Invasion of privacy. Five of the seven proposed houses backing onto and overlooking our house and garden.

The applicant did initially present an indicative site layout showing seven houses however this was not required for an outline planning application and has now been withdrawn from the planning application. As indicated above, the application site is located within the settlement boundary of Lugton therefore the development of the site for housing purposes would be in accordance with the East Ayrshire Local Plan. If the proposal was granted outline planning permission any subsequent reserved matters application would require to adhere to the Council's Design Standards as set out in the local plan. At this time the proposed housing would have to be designed and located to an acceptable standard.

4.6 The location of a 1.5 metre swale along our boundary is unacceptable.

A condition can be attached to any grant of planning permission relating to the sustainable urban drainage system. Said systems are designed not to have a detrimental impact on adjacent property. The indicative site layout has now been withdrawn.

4.7 Where will the outfall from the drainage system go?

A condition can be attached to any grant of planning permission relating to the discharge from the drainage system which would require

to be in accordance with Scottish Water, SEPA and Roads Division's requirements.

4.8 Parking would be of a concern as most householders have two or more cars.

Parking provision would have to be the standard required by the Council's Roads division and details of this would be submitted further to any Outline Consent granted.

4.9 East Ayrshire Local Plan states that no expansion of the village is anticipated in 2004/2005. The population of 78 will greatly increased by seven family homes.

The application site is located within the settlement boundary of Lugton and therefore is not an expansion of Lugton's boundary. This proposal aims to redevelop a brownfield site within the settlement.

4.10 Dunlop Primary is the Local School and is currently full with a maximum of 120 children. New families moving to the development would find it difficult if not impossible to attend the local school.

East Ayrshire Council's Department of Education and Social Services has an obligation to provide schooling facilities however cannot guarantee that such provision will necessarily be at local schools.

4.11 The noise and environmental pollution of the new houses would be detrimental to the surrounding area.

It is considered that the proposed development within the settlement boundary would not have a significant detrimental impact on the environment or residential amenity of the area.

4.12 The extra traffic would make this junction unsafe

The Roads and Transportation Division have no objection to the proposal subject to the attachment of appropriate conditions to any grant of planning permission.

4.13 Water supply to the area is inadequate.

Scottish Water have no objection to the proposal.

4.14 Due to the height of the station yard above the adjacent ground level only single storey houses should be allowed.

It is considered that, due to the elevated nature of the western end of the site, the development should be restricted to single storey at that location. If planning permission was granted for the proposal a condition could be attached 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).

Approved Joint Ayrshire Structure Plan

5.2 Policy ADS3 of the Approved Joint Ayrshire Structure Plan indicates that all new residential development shall be directed to and located within settlements as defined by Local Plans.

The proposed development is located within the settlement boundary of Lugton and therefore accords with this policy.

East Ayrshire Local Plan (EALP)

5.3 Policy RES 4 of the East Ayrshire Local Plan indicates that within settlement boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites. Such developments will be assessed against the following criteria:

- (i) Impact on the surrounding natural and built environment and adjacent uses:

It is considered that subject to the imposition of appropriate planning conditions to any grant of planning permission and adherence to the Council's Design Guidance, the development can be incorporated appropriately into the settlement without having a detrimental impact on the surrounding natural, built environment or adjacent uses.

- (ii) Transportation and infrastructure implications

It is considered that subject to the attachment of appropriate conditions to any grant of planning permission the proposal can be implemented without any significant transportation or infrastructure implications.

- (iii) Compatibility with surrounding densities and housing types: and

It is considered that subject to the attachment of relevant conditions to any grant of planning permission including one addressing the height of proposed houses, the proposed development will be compatible with the surrounding built environment.

- (iv) Compliance with the Council's Development Promotion and Design Guidance

Any Reserved Matters application for this development would be required to accord with the requirements of the Council's Design guidance.

5.4 Policy RES 22 indicates that all developers will be required to adhere to the minimum private open space standards detailed in schedule 4 of the Local Plan.

Any Reserved Matters application for this proposed development would be required to accord with the requirements of Schedule 4 of the Local Plan.

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 they wish to enter into a Legal Agreement with the Council in relation to The Sports, Leisure and Recreation Fund as referred to in Policy TLR5.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultation Responses

6.2 The consultation responses are detailed in the report and are considered to be supportive of the application with the exception of those of the Community Council.

Letters of Representation

6.3 The letters of representation received are not of such significant weight as would merit the refusal of the application. The principle of development within the settlement boundary is consistent with the local plan and concerns relating to the design, layout and impact of the proposal can fully be addressed at the detailed stage.

Impact on Amenity

6.4 It is considered that the proposed residential development on this brownfield site within the settlement boundary of Lugton is acceptable in principle and will not have a detrimental impact on the local amenity subject to the attachment of appropriate planning conditions to any grant of outline planning consent.

Planning History

6.5 Planning permission 01/0314/FL was granted on 07 August 2001 for the erection of a residential unit and granny flat and change of use of storage yard to classic car store and offices.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are legal implications for the Council in determining this application in as much as the applicants have agreed to enter into a Legal Agreement to secure a contribution further to Policy TLR 5.

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 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 application for outline planning permission be approved subject to the conditions detailed on the attached sheet but that the issue of the decision be withheld until the Solicitor to the Council has satisfactorily concluded a formal Legal Agreement with the applicants in respect of the matters detailed in paragraph 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 it will not require to be referred to the Development Services Committee, as there would be no significant breach of Council Policy.

Alan Neish
Head of Planning, Development and Building Standards

19 October 2005
(CSI/MMM/RH)

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Adopted East Ayrshire Local Plan (2003).
5. Approved Ayrshire Joint Structure Plan (1999).
6. Representations.

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

04/1018/OL

Site of Proposal:	The Old Station Yard Dunlop Road Lugton KILMARNOCK
Nature of Proposal:	Proposed Erection of 7 Dwellinghouses
Name & Address of Applicant:	Maple Real Estate Ltd 4c Robertson Place KILMARNOCK KA1 3HG
Name & Address of Agent:	Mr S McQuiston 50 MacPhail Drive KILMARNOCK KA3 7EX

DPOs Reference: CSI/MMM/RH

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

1. Before any development commences on the 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) Existing and finished site levels/floor levels;
- (j) Works to accommodate the existing watercourse.

REASON The approval is in outline only.

2. 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.

3. External construction works shall take place only between the hours of 8.00am to 6.00pm Monday to Friday and 9.00 am to 1.00 p.m. Saturday and at no time on a Sunday.

REASON In the interests of residential amenity.

4. 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:

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

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

5. If the application is approved, under the terms of Condition 4 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 the site has been carried out in accordance with the remediation plan and to the Authority's satisfaction.

6. Prior to the commencement of the development a flood risk assessment in accordance with SPP7 Planning and Flooding shall be submitted to and approved by the Planning Authority. Said flood risk assessment shall detail the flood risk to the development site and adjacent properties of the existing watercourse and the proposed works to said watercourse. Details of said works to watercourse and the flood risk assessment shall be submitted to and approved by the Planning Authority prior to the commencement of the Development on the site.

REASON To ensure the alterations to the existing watercourse will not have a detrimental effect on the proposed residential development or existing development.

7. Notwithstanding the approved plans all dwellinghouses within the western third of the site shall be single storey in height.

REASON In the interest of visual amenity.

8. Notwithstanding the submitted drawings, permission is not hereby granted in respect of the indicative site layout.

REASON To enable the Planning Authority to retain control over the development.

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