

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 30 APRIL 2004

**04/0135/OL: PROPOSED OUTLINE APPLICATION FOR RESIDENTIAL
DEVELOPMENT ON LAND AT WELLWOOD STREET, MUIRKIRK**

APPLICATION BY OMNIVALE LIMITED

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for residential development of the site. No specific details have been provided at this stage regarding layout or the number and types of dwellings proposed, although some indicative layouts have been the subject of discussion with the applicant.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions on the attached sheet.

3. SUMMARY OF ANALYSIS

3.1 As indicated in section 5 of the report, the proposed development is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. There are material considerations in this case but these are not considered to be of sufficient weight as to merit refusal of the application.

3.2 Outline planning permission for a residential development is being sought for a site that in the main has been allocated in the local plan for this purpose. The principal of the development is therefore acceptable and at this stage there are no material planning considerations which would render the proposal unacceptable. Although the notional capacity of the allocated site is given as 7 units, the applicant has demonstrated in an indicative layout that 14 semi-detached units could be comfortably accommodated within the application site while still meeting other policy requirements of the local plan.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, and on the basis of the principle of residential development, the application will require to be referred to the Development Services Committee because the proposal would represent a significant departure from the development plan.

Alan Neish
Head of Planning and Building Control

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

SOUTHERN LOCAL PLANNING COMMITTEE: 30 APRIL 2004

04/0135/OL: PROPOSED OUTLINE APPLICATION FOR RESIDENTIAL
DEVELOPMENT ON LAND AT WELLWOOD STREET, MUIRKIRK

APPLICATION BY OMNIVALE LIMITED

Report by the Head of Planning and Building Control

1. PURPOSE OF REPORT AND BACKGROUND

1.1 The purpose of this report is to present for consideration a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as the application relates to a potential development of up to 14 dwellings.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located on the north-west side of Wellwood Street in Muirkirk and lies some 70 metres south-west of the junction of Wellwood Street with Kirk Green. The application site comprises two parcels of land with the greater parcel lying between existing flatted properties at 37/39 Wellwood Street and the semi-detached residential property at 73 Wellwood Street. This part of the application site extends to approximately 1 hectare.

2.2 The smaller parcel of land lies between the existing semi detached property at No. 75 Wellwood Street and St. Thomas' Church and this extends to approximately 0.15 hectare. The application site fronts onto Wellwood Street and is presently an area of open space. The site rises from Wellwood Street from south to north.

2.3 **Proposed Development:** Outline planning permission is sought for residential development of the site. No specific details have been provided at this stage regarding layout or the number and types of dwellings proposed, although some indicative layouts have been the subject of discussion with the applicant.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objections to the proposed development subject to conditions:

- (i) The roads, footways and lighting across the frontage of the development site must be completed to a standard suitable for

- adoption by the Roads Authority prior to any work being undertaken on site;
- (ii) Wellwood Street shall require to be widened to a minimum of 6 metres across the frontage of the site;
 - (iii) The developer is required to provide a 2 metres wide footway across the frontage of the site which will require construction consent;
 - (iv) Any access to the site will require to be taken via internal roads that comply with the Roads Development Guide 1996 and will require Construction Consent from East Ayrshire Council Roads Division. This consent would cover such details as road widths, footways, road construction, street lighting, drainage, parking, traffic calming etc;
 - (v) Any existing public utility apparatus located within the verge will require to be protected beneath the proposed access;
 - (vi) No surface water must be allowed to discharge onto the public road
 - (vii) Any garages must be set back a minimum distance of 6 metres from the rear of the footway;
 - (viii) The private driveways will require to be block paved or bituminously paved for a minimum distance of two metres from the rear of the footway to avoid overcarry of loose material onto the public road;
 - (ix) The proposed driveways should be not less than 4.8 metres in length by 2.5 metres wide;
 - (x) Any gates will require to open inwards away from the public road;
 - (xi) Access to and egress from the site will require to be taken in forward gear;
 - (xii) Any roadside ditch must be piped and protected; and
 - (xiii) Junction visibilities of 2.5 metres by 90 metres are required at any junction to be formed to Wellwood Street and no fencing, buildings etc over 1 metre in height will be allowed within these areas.

Conditions and notes can be attached to any consent granted for the proposed development to meet the requirements of the Roads and Transportation Division.

3.2 Muirkirk Community Council has not responded to the consultation letter at the time of writing this report.

Noted.

3.3 Scottish Water objects to the proposed development whereby the development drains to the public sewerage system. This is due to the cost of providing infrastructure to serve the development being outwith Scottish Water's 'reasonable cost' obligations in terms of the Sewerage (Scotland) Act 1968. Scottish Water would remove its objection if the applicant:

- (a) bears the cost of the increase in capacity of Scottish Water's existing infrastructure to accommodate the development; or
- (b) promotes a scheme that does not compromise the quality and quantity of discharge from the existing sewerage system and which is in terms satisfactory to Scottish Water.

The applicant has been advised of this objection. These comments can be addressed by means of a suspensive condition.

3.4 Transco and Power Systems have no adverse comments to make on the proposed development.

Noted.

3.5 The Scottish Environment Protection Agency has no objections in principle to the proposed development provided that the drainage arrangements are to its complete satisfaction. SEPA requests that as a condition of planning, the applicant be required to install a surface water treatment system designed and constructed in accordance with the principles detailed in the SUDS Design Manual for Scotland published by CIRIA in March 2000. As soils in this area may not be suitable for infiltration systems, surface water treatment structures may be more appropriate. All waste materials generated by this development that require to be removed such as construction, demolition wastes and surplus excavated material must be removed from the site by licensed waste carriers. Waste must be removed to a site that has either an appropriate waste management licence or is registered with SEPA as exempt for licensing.

A condition can be attached to any consent granted for the proposed development to meet the requirements of SEPA.

4. REPRESENTATIONS

4.1 Apart from the objection raised by Scottish Water as indicated in Section 3.3 above, no other objections have been received regarding the proposed development.

Noted.

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 (1999) and the Adopted East Ayrshire Local Plan (2003)

Ayrshire Joint Structure Plan

5.2 There are no structure plan policies particularly relevant to the proposed development.

Noted.

East Ayrshire Local Plan

5.3 The larger of the two sites forms residential development opportunity site 044H. Although within the settlement boundary, the smaller site is not identified for any particular development purposes in the local plan. Policy RES1 encourages and supports the residential development of those Development Opportunity Sites identified for housing purposes on the individual Local Plan maps and reserves them for residential and associated recreational and amenity open space development.

Residential development at this location is acceptable in principle. Although the notional capacity of the allocated site is given as 7 units, the applicant has demonstrated on an indicative layout that 14 semi-detached units could be comfortably accommodated within the application site while still meeting other policy requirements of the local plan. Upon submission of a Reserved Matters or detailed application, it will be possible to address the appropriate number of dwellings. It is however considered that the final figure would be unlikely to exceed 14 units.

5.4 Policy RES4 states that, within Settlement Boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites, including those sites created through the large scale demolition of existing housing, not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed against a set of four stated criteria, as follows:

- (i) impact on the surrounding natural and built environment and adjacent uses;

Residential development at this location is unlikely to impact detrimentally on the surrounding natural and built environment and adjacent uses.

- (ii) transportation and infrastructure implications;

There are no significant adverse responses from consultees regarding transportation implications. Scottish Water has objected to the proposed development but it is considered that the issues raised, whilst planning considerations, are primarily a matter for resolution between the applicant and Scottish Water.

- (iii) compatibility with surrounding densities and housing types; and

The application is in outline only.

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

The application is in outline only.

It is considered that the proposed development is consistent with the provisions of the adopted local plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and the planning history of the site.

Consultation Responses

6.2 There are no significant adverse responses from consultees. Scottish Water has objected to the proposed development but is it considered that the issues raised are primarily a matter for resolution between the applicant and Scottish Water and are not of sufficient weight as to merit refusal of the application.

Planning History

6.3 A previous application for outline planning permission (Ref. No. 96/0531/OL) for this combined site was approved on 13 December 1996. The consent expired on 13 December 1999.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council associated with the determination of this application

Noted.

8. CONCLUSIONS

8.1 As indicated in section 5 of the report, the proposed development is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. There are material considerations in this case but these are not considered to be of sufficient weight as to merit refusal of the application.

8.2 Outline planning permission for a residential development is being sought for a site that in the main has been allocated in the local plan for this purpose. The principal of the development is therefore acceptable and at this stage there are no material planning considerations which would render the proposal unacceptable. Although the notional capacity of the allocated site is given as 7 units, the applicant has demonstrated in an indicative layout that 14 semi-detached units could be comfortably accommodated within the application site while still meeting other policy requirements of the local plan.

9. RECOMMENDATIONS

9.1 It is recommended that the application be approved subject to the conditions 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 and Building Control, and on the basis of the principle of residential development, the application will require to be referred to the Development Services Committee because the proposal would represent a significant departure from the development plan.

Alan Neish
Head of Planning and Building Control

08 April 2004
HM/HM
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices and certificates.
3. Consultation responses.

4. Adopted East Ayrshire Local Plan (2003).
5. Approved Ayrshire Joint Structure Plan (1999)
6. Previous application 96/0531/OL

Any person wishing to inspect the background papers listed above should contact Mr Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 04/0135/OL

Location	Land at Wellwood Street, Muirkirk
Nature of Proposal:	Proposed Outline application for residential development
Name and Address of Applicant:	Omnivale Limited, Rowland Hall, Newsholme, Howdan, DN14 7JU
Name and Address of Agent	GVA Grimley, Sutherland House 149 St. Vincent Street, Glasgow ,G2 5NW

DPO's Ref: []
PPO's Ref; [Hugh Melvin]

The above **OUTLINE** application should be approved 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 undermentioned matters hereby reserved.
 - (a) The layout of the site which shall provide for no more than 14 dwellings within the application 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) Existing and finished site levels/floor levels including cross sections where appropriate;
 - (i) The provision of a sustainable urban drainage system to deal with surface water drainage

REASON – The approval is in outline only.

2. Junction visibility splay areas of 2.5 metres by 90 metres shall be provided at the junction of the access to the development with Wellwood Street with no obstruction to visibility greater than 1 metre in height being allowed within these areas.

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

3. Any garages associated with the proposed dwellinghouses shall be set back a minimum distance of 6 metres from the edge of the public road and footpath

REASON – In the interests of road and public safety.

4. Any access gates shall require to open inwards away from the public road.

REASON – In the interests of road and public safety.

5. Prior to the occupation of each dwelling the access driveway shall be surfaced in a bituminous material for the first 2 metres from the rear of the public road and the proposed driveways shall be not less than 4.8 metres in length by 2.5 metres wide

REASON – To avoid the overcarry of loose material onto the public road to ensure a safe road surface.

6. No surface water shall be allowed to egress onto the public road.

REASON – To ensure a safe road surface.

7. No development shall commence on site until the applicant has presented the Planning Authority with written confirmation from Scottish Water that it has agreed a foul and surface water drainage scheme for the site. The development thereafter shall be implemented in accordance with the agreed scheme.

REASON – In the interests of ensuring an adequate drainage scheme to protect public and environmental health.

8. Wellwood Street shall be widened to a minimum of 6 metres across the frontage of the site;

REASON – In the interests of road and public safety

9. A 2 metres wide footway shall be provided across the frontage of the site.

REASON – In the interests of road and public safety.

10. Any roadside ditch shall be piped and protected as should any affected existing public utilities.

REASON – In the interests of public safety.

11. 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 use of the residential properties.

REASON – To ensure that adequate drainage is provided.

➤ **NOTES TO APPLICANT**

1. The applicant should make early contact with East Ayrshire Council's Roads and Transportation Division, Council Offices, Lugar, Cumnock to discuss details of the proposed roads layout for the development site and requirements for Construction Consent and a roads bond. Any access to the site will require to be taken via internal roads that comply with the Roads Development Guide 1996 and will require Construction Consent from East Ayrshire Council Roads Department. This consent would cover such details as road widths, footways, road construction, street lighting, drainage, parking, traffic calming etc; The roads, footways and lighting across the frontage of the development site must be completed to a standard suitable for adoption by the Roads Authority prior to any work being undertaken on site

2. The applicant should make early contact with The Coal Authority, 200 Lichfield Lane, Berry Hill, Mansfield, NG18 4RG regarding the mineral stability of the development site.

3. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency regarding drainage of the site and to confirm the request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.

4. 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.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**