

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 22 APRIL 2005

**04/1090/FL: PROPOSED ERECTION OF 17 DETACHED DWELLINGHOUSES
WITH ALL ASSOCIATED GARAGES, ROADS AND FOOTPATHS
AT CARNSHALLOCH AVE/KILMEIN AVE, PATNA**

APPLICATION BY TAY LTD

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for a residential development of seventeen detached units. Six house types are proposed and the mix would comprise eleven bungalows and six, two-storey units. All have a reasonably sized curtilage and finishing materials would primarily be white render with facing brick and interlocking concrete roof tiles, the colour of which is to be agreed.

1.2 It is proposed to access the site from the position of the layby on Carnshalloch Avenue although two units would take a separate access from Kilmein Avenue so there is no through route within the development. A connection to the public sewer is proposed for drainage.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet, but that the issue of the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 69 of the Local Government (Scotland) Act 1973 with the applicants in respect of the matter detailed in Paragraph 7.1 of this report and payment in that regard has been received.

3. SUMMARY OF ANALYSIS

3.1 As indicated in section 5 of the report, the application 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. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these

have been thoroughly addressed and are not of sufficient weight to indicate that the application should be refused.

3.2 Full planning permission is being sought to develop the site for the erection of seventeen detached units within the settlement of Patna. Part of the site is an area that has been allocated in the local plan for residential development and the remainder of the site is white land within the settlement envelope. The principle of the proposed development is therefore acceptable.

3.3 The proposed design scheme and external finishing materials are considered to be in keeping with the surrounding environment and the overall site layout is acceptable in terms of its visual impact, especially in relation to the backdrop of the countryside beyond on the west side to the rear of the site.

3.4 Albeit the application is subject to objection with regard to services and infrastructure it is considered that the proposed development is acceptable in this regard. The Roads and Transportation Division has recommended road safety measures which will require to be implemented and the developer has confirmed that these can adequately be met on land within his control.

3.5 It is not considered that the proposed development will have any adverse impact on residential or visual amenity and the recommendation is therefore one of approval.

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 should that decision be solely based on the principle of the use of the site for residential purposes, then the application will require to be referred to the Development Services Committee because it would represent a significant departure from the development plan.

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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APPLICATION BY TAY 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 a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as the proposal is of local area significance and is subject to letters of objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located on the west side of the settlement of Patna and presently comprises an area of public open space. Extending to approximately 0.6 hectares the site is elongated and wraps around the rear of houses fronting onto Carnshalloch Avenue and also Kilmein Avenue. The site is slightly undulating in nature but there are no other significant features contained within it.

2.2 To the front and east of the site lies two-storey local authority housing. An area of maintained public open space lies to the north east of the site where there is a layby for buses to use. Two storey local authority houses also lie to the north and south of the site and land pertaining to the former Carskeoch Caravan Park lies immediately to the west within the Rural Diversification Area.

2.3 **Proposed Development:** Full planning permission is sought for a residential development of seventeen detached units. Six house types are proposed and the mix would comprise eleven bungalows and six, two-storey units. All have a reasonably sized curtilage and finishing materials would primarily be white render with facing brick and interlocking concrete roof tiles, the colour of which is to be agreed.

2.4 It is proposed to access the site from the position of the layby on Carnshalloch Avenue although two units would take a separate access from

Kilmein Avenue so there is no through route within the development. A connection to the public sewer is proposed for drainage.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objection to the proposed development subject to the following conditions:

- (i) prior to the occupation of any of the dwellinghouses within the Carnshalloch Avenue development, the roads and footways to and across the frontage of the property must be completed to underside of wearing course level and street lighting must be operational;
- (ii) access to the Kilmein Avenue site must be taken via a standard twinned driveway access crossing to East Ayrshire Roads Department standards. The applicant must contact the Roads Department for further details/specification and a Road Opening Permit will be required;
- (iii) access to the Carnshalloch Avenue site will require to be taken via internal roads which comply with the Roads Development Guide 1996 and will require Road Construction Consent from East Ayrshire Roads Department. This consent would cover details such as road widths, road construction, footways, turning areas, traffic calming, street lighting, drainage etc;
- (iv) junction visibilities of 2.5m by 90m are required at the junction of Carnshalloch Avenue and no fencing buildings etc over 1m in height will be allowed within these areas;
- (v) any relocation/protection or removal of existing public utility or street lighting apparatus required to enable the development to proceed will be at the applicant's expense;
- (vi) 2 number off road car parking spaces will require to be provided for each dwelling;
- (vii) visitor parking must be provided in line with the Roads Development Guide 1996. The six spaces as shown on the plan would be acceptable;
- (viii) any garages must be set back a minimum of 6m from the rear of the footway;
- (ix) the private driveways will require to be paved for a minimum distance of 2m from the rear of the footway/edge of the public road carriageway to avoid overcarry of loose material;
- (x) the proposed driveways should be not less than 6m in length by 4.8m wide for each 3 bedroom house.

The developer has submitted a revised site layout plan which demonstrates that the above road safety requirements can be met on land within the developer's control. Conditions can be attached to any consent granted for the proposed development to meet the requirements of the Roads and Transportation Division.

3.2 Scottish Water has objected to the proposed development for the reason that the cost of providing infrastructure to the development would be beyond their reasonable cost obligation. SW would remove its objection if the developer:

- (i) bears the cost of the increase in capacity of Scottish Water's existing infrastructure to accommodate their development; and/or
- (ii) 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 developer has been advised of the comments of Scottish Water and shall require to resolve the issues raised prior to any works commencing on the site should the Committee be minded to approve the application.

3.3 The Scottish Environment Protection Agency has no objections in principle subject to the drainage arrangements being to their satisfaction and in this regard all foul drainage from the development must be connected to the public sewer. SEPA has also requested a condition requiring the developer to install a surface water treatment system.

A condition can be imposed on the consent to address this should the Committee be minded to approve the application.

3.4 Power Systems has no objection to the proposed development although there may be underground cables within the area of the proposals that may require protection/diversion at the developer's expense.

A location plan identifying the position of any such equipment has been forwarded to the developer.

3.5 Transco has no objection to the proposed development.

Noted.

3.6 Patna Community Council has been consulted but no response had been received at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 In addition to the objection from Scottish Water, the application has attracted one letter of objection from two third parties. The objections raised can be summarised as follows:

4.2 We would feel very concerned about the entry into properties right opposite our double gate and driveway. Due to medical reasons we need to be able to exit our drive at all times.

The access point onto Kilmein Avenue, to which the objectors refer, is that for two dwellings only. The access will in fact be slightly staggered in relation to the writer's driveway entrance. If there are cars parked outside the writer's house which do create an obstruction then this is a matter that would require to be dealt with by the police. The Roads and Transportation Division has found the proposed access to be acceptable in road safety terms and therefore this objection, whilst material, is not considered to be of sufficient weight to indicate the application should be refused.

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 policies contained within the Structure Plan which are especially relevant to the proposed development.

Noted.

East Ayrshire Local Plan

5.3 Policy RES4 relates to the southern portion of the site and 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. Development will be assessed against a set of four stated criteria, as follows:

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

It is not considered that the proposed development will impact adversely on the surrounding natural and built environment and adjacent uses.

- (ii) transportation and infrastructure implications;

The proposed development has been found to be acceptable in this regard although the developer will have to discuss drainage with Scottish Water prior to any works commencing on site;

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

It is considered that the development is compatible with surrounding densities and housing types;

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

The proposed development is considered to comply with the relevant policy.

5.4 Policy RES1 relates to the portion of the site comprising site 091H in the Local Plan map for Patna. 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.

The portion of the site relating to 091H does comply with Policy RES1.

5.5 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 plan.

The development as proposed does not contain any formal areas of public open space. However, each plot is of a reasonable size and, the development is located at the edge of the settlement by countryside. The developer has however agreed to a significant contribution to the Council's Sports, Leisure and Recreation Fund.

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.

All of the proposed units do achieve the private open space standards hence complying with Policy RES22.

5.7 Policy TLR5 of the Local Plan requests that all potential developers of residential sites comprising four or more houses, 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 their development relates.

The developer has confirmed agreement to make a contribution of £16,162 (based on 2% of the cost of construction of each unit) to the Sports, Leisure and Recreation Fund and hence the proposal is consistent with this policy.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and third party representations.

Consultations Responses

6.2 Scottish Water has objected to the proposed development but this matter will require to be resolved between Scottish Water and the developer. No other significant issues have been raised through the consultation process.

Representations

6.3 The only other objection received relates to the impact of the proposed access onto Kilmiein Avenue. This objection is not considered to be of sufficient weight to indicate the application should be refused.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 If the Committee is minded to approve the application this will require to be the subject of a Section 69 Local Government (Scotland) Act 1973 in respect of the following matters:

- (i) to secure the developer contribution of £16,162 to the Council's Sports, Leisure and Recreation Fund.

8. CONCLUSIONS

8.1 As indicated in section 5 of the report, the application 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. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these have been thoroughly addressed and are not of sufficient weight to indicate that the application should be refused.

8.2 Full planning permission is being sought to develop the site for the erection of seventeen detached units within the settlement of Patna. Part of the site is an area that has been allocated in the local plan for residential development and the remainder of the site is white land within the settlement envelope. The principle of the proposed development is therefore acceptable.

8.3 The proposed design scheme and external finishing materials are considered to be in keeping with the surrounding environment and the overall site layout is acceptable in terms of its visual impact, especially in relation to the backdrop of the countryside beyond on the west side to the rear of the site.

8.4 Albeit the application is subject to objection with regard to services and infrastructure it is considered that the proposed development is acceptable in this regard. The Roads and Transportation Division has recommended road safety measures which will require to be implemented and the developer has confirmed that these can adequately be met on land within his control.

8.5 It is not considered that the proposed development will have any adverse impact on residential or visual amenity and the recommendation is therefore one of approval.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet, but that the issue of the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 69 of the Local Government (Scotland) Act 1973 with the applicants in respect of the matter detailed in Paragraph 7.1 of this report and payment in that regard has been received.

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 should that decision be solely based on the principle of the use of the site for residential purposes, then the application will require to be referred to the Development Services Committee because it would represent a significant departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

10 April 2005
NM/HM/NM/SMB
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 background papers should contact Nicola Monroe on 01563 555485.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 04/1090/FL

Location	Carnshalloch Ave/Kilmein Ave PATNA KA6 7NS
Nature of Proposal:	Proposed erection of 17 no detached dwellinghouses with all associated garages roads and footpaths
Name and Address of Applicant:	Tay Ltd Tay House 3 Cathcart House AYR KA7 1PJ
Name and Address of Agent	Drew Deans Design 11 Dryburgh Walk Moodiesburn GLASGOW G69 0HH

DPO's Ref: Nicola Monroe
PPO's Ref: Hugh Melvin

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 and house type elevation plans (Drawing Nos: 13/2004(PL)11; 13/2004(PL)12; 13/2004(PL)13; 13/2004(PL)14; 13/2004(PL)15 and 13/2004(PL)16) received on 29 October 2004 and the amended site layout plan (Drawing No: 13/2004(PL)002) received on 21 February 2005 and amended location plan and block plans (Drawing Nos: 13/2004(PL)001 and 13/2004(PL)003) received by the Planning Authority on 01 March 2005.

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

2. Prior to the commencement of development the developer shall submit to, and have approved by the Planning Authority, samples of the roof finishing material and facing brick to be used in the external finishes of the proposed dwellinghouses.

REASON – In the interests of visual amenity.

3. Prior to the commencement of development the developer shall submit to and have approved by the Planning Authority written details of a programme for the future management and maintenance of the areas of public open space.

REASON – To ensure the areas of public open space are maintained in perpetuity.

4. The vertically boarded timber screen fences to be erected shall be painted or stained in a suitable dark timber preservative within one month of the last dwellinghouse being occupied and shall be maintained in a neat and tidy condition at all times to the satisfaction of the Planning Authority.

REASON – In the interests of residential and visual amenity.

5. Prior to the occupation of any of the dwellinghouses within the Carnshalloch Avenue development the developer shall ensure the roads and footways to and across the frontage of the property have been completed to the underside of wearing course level and street lighting must be operational to the satisfaction of the Planning Authority in consultation with the Roads and Transportation Division.

REASON – In the interests of pedestrian and road safety.

6. Access to the Kilmein Avenue site shall be taken via a standard twinned driveway access crossing to East Ayrshire Roads Department standards.

REASON – In the interests of road safety.

7. Access to the Carnshalloch Avenue site shall be taken via internal roads which comply with the Roads Development Guide 1996.

REASON – In the interests of road safety.

8. Prior to the occupation of any of the dwellinghouses the developer shall form junction visibilities of 2.5m by 90m at the junction of Carnshalloch Avenue and no object greater than 1m in height will be allowed within these areas which shall be maintained with such sightlines in perpetuity.

REASON – In the interests of road safety.

9. Any relocation/protection or removal of existing public utility or street lighting apparatus required to enable the development to proceed will be at the applicant's expense.

REASON – In the interests of road safety.

10. The developer shall ensure the provision of 2 number off road car parking spaces for each dwelling.

REASON – To ensure sufficient off road parking in the interests of road safety.

11. Visitor parking shall be provided in line with the Roads Development Guide 1996.

REASON – To ensure sufficient parking in the interests of road safety.

12. Any future garages shall be set back a minimum of 6m from the rear of the footway.

REASON – To avoid obstruction on the public highway in the interests of road safety.

13. The private driveways shall be paved for a minimum distance of 2 metres from the rear of the footway/edge of the public road carriageway to avoid overcarry of loose material.

REASON – To ensure a secure road surface in the interests of road safety.

14. The proposed driveways shall be not less than 6 metres in length by 4.8 metres wide for each 3-bedroom house.

REASON – In the interests of road safety.

15. Prior to the commencement of development the developer shall submit a scheme for the on site disposal of surface waters which shall be in accordance with Sustainable Urban Drainage systems and shall receive the written approval of the Planning Authority in consultation with Scottish Environment Protection Agency.

REASON - In the interests of public health and safety.

16. No external construction work, site clearance or preparation work shall take place before 0800 or after 1800 hours Monday to Friday, before 0900 or after 1300 hours on Saturday and not at any time on Sundays.

REASON – In the interests of residential amenity.

➤ **NOTES TO APPLICANT**

1. East Ayrshire Council Roads and Transportation Division has advised that Construction Consent will be required for the construction of the residential roads and footpaths, street lighting etc. The Division can be contacted on Tel 01563 555330. The internal roads must comply with the Roads Development Guide 1996. This consent would cover details such as road widths, footways, road construction, street lighting, drainage, traffic calming, internal junction visibilities etc.
2. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency regarding drainage of the site, (including capacity issues), 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.
3. 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
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