

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 12 AUGUST 2005**

**05/0332/FL: PROPOSED ERECTION OF 15 DWELLINGHOUSES  
AT BOGEND BURN, NEWTON STREET, CATRINE**

**APPLICATION BY ORCHARD HOMES SCOTLAND LIMITED**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the erection of 15 dwellinghouses on the site. The proposed dwellings comprise 5, two storey, 4 bedroom, detached units and 10, two storey 3 bedroom, semi-detached units.

1.2 The proposed layout of the site will result in a total of eight dwellings constructed along the Newton Street frontage of the development and 7 dwellings along the Gordon Street frontage. The development will provide for a new 2 metres wide footpath along the Newton Street frontage that will link to the existing footpath further along Newton Street. The design of the proposed dwellings incorporates a high level of finishing with the use of traditional style fenestration with vertical proportions.

**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 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 are generally supportive of the development.

3.2 The proposed development in terms of its layout, scale, design and use of finishing materials is considered to be acceptable for this location subject to the imposition of appropriate conditions. The development of this site will also greatly improve the visual and general amenity of this area given the present vacant scrubland condition of the application site.

3.3 Although Scottish Water has objected to the proposed development, it is considered that the cost criteria on which the objection is based is a matter for the developer to resolve with Scottish Water and SEPA.

#### **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 because it would not 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.**

## EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 12 AUGUST 2005

05/0332/FL: PROPOSED ERECTION OF 15 DWELLINGHOUSES  
AT BOGEND BURN, NEWTON STREET, CATRINE

APPLICATION BY ORCHARD HOMES SCOTLAND LIMITED

Report by the Head of Planning, Development and Building Standards

### 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 is for 15 dwellings and is the subject of objection.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located on the southeast side of Newton Street in Catrine and lies immediately opposite the access road to Catrine Cemetery. The site is bounded to the northeast by Newton Street, to the south and southeast by the access road (Gordon Street) leading to the Shawwood Estate in Catrine, and to the north by the exiting residential property at Shilea.

2.2 The application site extends to approximately 0.7 hectare and presently comprises non-maintained vacant land. The Bogend Burn runs from south-west to north-east through the centre of the site. The topography of the site is such that the area of land adjacent to Newton Street is relatively level before falling towards the Bogend Burn. The area of the site adjacent to Gordon Street rises upwards from the Bogend Burn and upwards along Gordon Street as it climbs towards the Shawwood Estate.

2.3 **Proposed Development:** Full planning permission is sought for the erection of 15 dwellinghouses on the site. The proposed dwellings comprise 5, two storey, 4 bedroom, detached units and 10, two storey 3 bedroom, semi-detached units.

2.4 The proposed layout of the site will result in a total of eight dwellings constructed along the Newton Street frontage of the development and 7 dwellings along the Gordon Street frontage. The development will provide for a new 2 metres wide footpath along the Newton Street frontage that will link to the existing footpath further along Newton Street. The design of the proposed dwellings incorporates a high level of finishing with the use of traditional style fenestration with vertical proportions.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has indicated that there is no objection in principle to the proposed development subject to appropriate conditions as follows:

1. The developer is required to provide a footway and street lighting from the development to link with the existing footway on Newton Street which will require Construction Consent from East Ayrshire Roads Division. A road bond must be submitted by the developer prior to commencing building work on site
2. The house on plot 8 must be located outwith the junction visibility splay areas of 2.5 metres by 90 metres for the junction of Newton Street and Gordon Street, with no object greater than 1 metre in height within this area.
3. No surface water must be allowed to discharge from driveways onto existing or proposed public roads.
4. Parking requirement must be to Roads Development Guide 1996, including visitor parking.
5. Any garages must be set back a minimum distance of 6 m from the rear of the footway / service strip.
6. The private driveways will require to be paved for a minimum distance of 2 metres from the rear of the footway or service strip to avoid overcarry of loose material onto the public road.
7. Driveway manoeuvrability should be provided for off-road parking.
8. The proposed driveways should be not less than 6 metres in length by 4.8 metres wide for a 2/3 bedroom house
9. Any gates will require to open inwards, away from the public road.
10. Drainage details and in particular the use of SUDS will require the approval of East Ayrshire Council Roads and Transportation Division, Scottish Water and SEPA as part of the Construction Consent.

***Conditions can be attached to any consent granted for the proposed development to meet the requirements of the Roads and Transportation Division. The proposed footpath link will not require to be the subject of a Section 75 Agreement as it can be provided within the limits of the existing public road.***

3.2 Catrine Community Council has not responded to the consultation.

***Noted.***

3.3 Power Systems and Transco have no adverse comments to make on the proposed developments.

***Noted.***

3.4 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. They would remove their 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 this and a note can be attached to any consent granted for the proposed development advising the developer to make early contact with Scottish Water regarding the provision of water services.***

3.5 The Scottish Environment Protection Agency has no objections in principle to the proposals provided that the drainage arrangements are to its satisfaction. All foul drainage from the development must be connected to the public sewerage system in accordance with Scottish Water requirements. The development must not entail the use of dual manholes for connections to the existing sewerage system, either in the public sewers or within the curtilage of the development. SEPA would seek a condition requiring the applicant to obtain assurance from Scottish Water that the additional foul drainage arising from this development will not cause or contribute to premature operation of downstream consented storm sewer overflows. SEPA requests a condition requiring the applicant to install a surface water treatment system designed and constructed in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland. Soils in this area may not be suitable for infiltration systems and therefore surface treatment structures may be more appropriate. SEPA would object to any plans to culvert or alter the Bogend Burn. All waste materials generated by this development that require to be removed such as construction, demolition materials 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 from licensing.

***Conditions and appropriate notes can be attached to any consent granted to meet the requirements of SEPA.***

3.6 East Ayrshire Roads and Transportation Division (Flooding Section) indicates that the issues relating to potential flooding of the site have been addressed but the following conditions will require to be met:

- (i) A flood flow path should be provided to direct flood waters from any potential blockage of the upstream bridge through the land at plot 8. This should be clearly indicated on a plan.
- (ii) Access along the entire length of Bogend Burn through the development site will be required for inspection and maintenance purposes.

The boundary fencing adjacent to the watercourse will require to be set back from the burn a minimum of 2 metres.

(iii) Any proposed build up of garden grounds must be outwith the potential floodplain of the burn,

(iv) Comments by SEPA must be submitted to the Roads Division for information.

***Conditions and appropriate notes can be attached to any consent granted to meet the requirements of the Flooding Section.***

#### **4. REPRESENTATIONS**

4.1 Apart from the objection from Scottish Water, no other representations have been received with regard to 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 particular policies within the structure plan that are relevant to the proposed development.

***Noted.***

##### East Ayrshire Local Plan

5.3 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;

***The proposed housing development is located on a site divided by Bogend Burn. An engineering solution to retain the burn is proposed therefore housing development is unlikely to impact detrimentally on the surrounding natural and built environment and adjacent uses.***

- (ii) transportation and infrastructure implications;

***Apart from the objection received from Scottish Water, which is based on cost criteria implications, there are no other significant infrastructure implications arising from the proposed development that cannot be addressed through the imposition of appropriate conditions in any consent granted for the proposed development.***

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

***The site is relatively isolated from existing housing areas. It is considered that the densities and house types are acceptable.***

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

***The design is considered to be generally acceptable.***

5.4 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 Local Plan. The policy states also that the precise type, size, location and design of the open space required is dependent on the extent of existing open space provision in the vicinity and the recreational and amenity needs of the wider area.

***The proposed layout provides for an appropriate level of amenity open space.***

5.5 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.

***The amended plans submitted for the proposed development provides for private open space provision in accordance with Policy RES22.***

5.6 Policy TLR5 of the Local Plan requests that all potential developers of residential sites comprising four or more houses enter into a legal 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 to the Sports, Leisure and Recreation Fund and hence complies with this policy. In this regard the developer wishes to ensure that the contribution is used for the benefit of Catrine.***

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

6.1 The principal material considerations relevant to the determination of the applications are the consultation responses.

### Consultation Responses

6.2 The consultation responses, in terms of site infrastructure do not indicate that planning permission should be withheld. The applicant will require to resolve the issue of site drainage directly with Scottish Water.

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

7.1 If the Committee is minded to approve the application this will require to be the subject of an agreement under Section 69 Local Government (Scotland) Act 1973 in respect of securing the developer contribution to the Council's Sports, Leisure and Recreation Fund.

***Noted.***

## **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 are generally supportive of the development.

8.2 The proposed development in terms of its layout, scale, design and use of finishing materials is considered to be acceptable for this location subject to the imposition of appropriate conditions. The development of this site will also greatly improve the visual and general amenity of this area given the present vacant scrubland condition of the application site.

8.3 Although Scottish Water has objected to the proposed development, it is considered that the cost criteria on which the objection is based is a matter for the developer to resolve with Scottish Water and SEPA.

## **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, the application will not require to be referred to the Development Services Committee because it would not represent a significant departure from the development plan.

**Alan Neish**

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

02 August 2005

HM/HM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory notices and certificates.
3. Consultation responses.
4. Letters of representation.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).

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: 05/0332/FL

---

Location	Bogend Burn Newton Street CATRINE
Nature of Proposal:	Proposed erection of 15 dwellinghouses
Name and Address of Applicant:	Orchard Homes (Scotland) Limited Glenshamrock Farm AUCHINLECK
Name and Address of Agent	N/A

---

DPO's Ref: [                    ]  
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 plans received by the Planning Authority on 17 March 2005 as amended by the amended site layout plan (Drawing No: 15004/03–Revision E), the revised elevation and floor plans (Drawing Nos: 15004/04-Revision A, 15004/06 – Revision A, 15004/07 – Revision A, 15004/08 – Revision A and 15004/09 – Revision A) and the revised site section plans (Drawing No: 15004/05 – Revision A) received by the Planning Authority on 27 July 2005 and the revised site section plans (Drawing No: 15004/05 – Revision A) received by the Planning Authority on 31 March 2005.

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

2. A minimum of two off-road parking spaces shall be provided internally within the plot for each three bedroom dwelling and three spaces for each for four bedroom dwelling.

REASON – In the interests of public road safety.

3. 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. The proposed driveways shall be not less than 6 m in length by 4.8 m wide for 2/3 bedroom houses.

REASON – To avoid overcarry of loose material onto the public highway in the interests of maintaining a secure road surface.

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

REASON – To prevent obstruction of the public highway in the interests of pedestrian and road safety.

5. No surface water shall be allowed to egress onto the public highway.

REASON – In the interests of maintaining a secure road surface.

6. Any future garages shall be set back a minimum of 6 metres from the rear of the footway / service strip.

REASON – To prevent obstruction on the public highway in the interests of pedestrian and road safety.

7. The house on plot 8 shall be located outwith the junction visibility splay areas of 2.5 metres by 90 metres for the junction of Newton Street and Gordon Street, with no object greater than 1 metre in height within this area.

REASON – In the interests of road safety.

8. A 2 metres wide footway shall be provided along the Newton Street frontage of the development site and extended to ensure that it links into the existing footpath network on Newton Street. This footpath shall be provided prior to the occupation of any of the proposed dwellinghouses to be constructed on the Newton Street frontage of the development site.

REASON – In the interests of pedestrian and public road safety.

9. Notwithstanding the plans hereby approved and the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, any future domestic garages associated with the development shall be of a permanent construction and finished in the same materials as the dwellinghouse to which it relates.

REASON – To ensure that any future domestic garages within the site are an appropriate match with the approved dwellinghouses in the interests of visual amenity.

10. Construction works on site shall not be carried out prior to 0800 hours and after 1700 hours on Mondays to Fridays, between 0800 and 1300 hours on Saturdays, and not at any time on Sundays.

REASON – To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity.

11. Prior to the commencement of development on site, the developer shall submit to, and have approved by the Planning Authority details of boundary fencing or walls to be constructed within the development.

REASON – In the interests of residential and visual amenity.

12. Visitor parking spaces shall be provided within the development site in accordance with the Roads Development Guide 1996.

REASON – In the interests of public road safety and residential amenity.

13. Prior to the commencement of development, the developer shall submit to and have had approved by the Planning Authority, details of the proposed roof tiles to be used in the roof finish of the proposed dwellinghouse.

REASON – In the interests of visual amenity.

14. Prior to the commencement of development, the developer shall submit to and have had approved by the Planning Authority, details of the proposed render to be used in the external wall finish of the proposed dwellinghouses.

REASON – In the interests of visual amenity.

15. Notwithstanding the plans hereby approved, and the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no front boundary walls shall be constructed along the frontage of each plot without the prior written approval of the Planning Authority.

REASON – In the interests of visual amenity and to ensure continuity and uniformity of boundary treatment.

16. Prior to the commencement of development the developer shall submit the details of the Sustainable Urban Drainage system (SUDs) to be installed and shall specify a programme for the future management and maintenance of the scheme. The details shall also include measures to address surface water run-off from the proposed development site to prevent discharging onto adjacent residential properties.

REASON – To ensure an appropriate means of surface water runoff in the interests of public health and safety.

17. A flood flow path shall be provided to direct flood waters from any potential blockage of the upstream bridge through the land at plot 8.

REASON – In the interests of flood mitigation.

18. Access along the entire length of Bogend Burn through the development site shall be ensured for inspection and maintenance purposes. The boundary fencing adjacent to the watercourse shall be set back from the burn by a minimum distance of 2 metres.

REASON – In the interests of flood mitigation.

19. Any proposed build up of garden grounds shall be outwith the potential floodplain of the burn.

REASON – In the interests of flood mitigation.

#### **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 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 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.
4. The applicant should make early contact with Power Systems and Transco with regard to the protection or diversion of apparatus that may be affected by the proposed development.
5. All waste to be removed from the site (construction waste etc.) shall be removed by a licensed waste carrier to an appropriately licensed or exempted site.

**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.**