

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 12 AUGUST 2005

**05/0413/OL: PROPOSED OUTLINE CONSENT FOR 7 DWELLINGHOUSES
AT FORMER COAL YARD, HANNAHSTON AVENUE, DRONGAN**

APPLICATION BY WINGOOD PROPERTIES LIMITED

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the erection of 7 two storey dwellinghouses on the site. As the application is in outline only, no details have been provided regarding the design or layout of dwellings on the site. Access to the site is currently afforded via Hannahston Avenue.

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

3.2 The site is an existing industrial area that is not safeguarded in the local plan. The local plan supports the development of gap, in-fill or other development sites within settlement boundaries. Given the proximity of this industrial site to existing sensitive uses i.e. residential properties it is considered that the redevelopment of the site for residential purposes is appropriate and should be encouraged.

3.3 It is further considered that the representations received are either not of sufficient weight to justify refusal of the application or are not valid in respect of the proposed development. It is considered that some of the points raised can be addressed through the imposition of appropriate conditions in any consent granted for the proposed development.

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.

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05/0413/OL: PROPOSED OUTLINE CONSENT FOR 7 DWELLINGHOUSES
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APPLICATION BY WINGOOD PROPERTIES LIMITED

Report by the Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for consideration an outline planning application which is to be considered by the Local Planning Committee under the scheme of delegation as the application is the subject of objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located at the eastern end of Hannahston Avenue in Drongan and lies to the rear of existing residential properties on Littlemill Road and to the east of residential properties at Whitegables Court. The site comprises the former coal merchants yard and premise at this location.

2.2 The application site is bounded to the south by open space in the ownership of both the applicant and the Council, to the west and east by residential properties and to the north by Drongan Industrial Estate. The site extends to approximately 0.32 hectare and presents as a vacant, non-maintained site.

2.3 **Proposed Development:** Outline planning permission is sought for the erection of 7 two storey dwellinghouses on the site. As the application is in outline only, no details have been provided regarding the design or layout of dwellings on the site. Access to the site is currently afforded via Hannahston Avenue.

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 site will require to be served by internal roads which comply with the Roads Development Guide 1996 and will require Construction Consent from East Ayrshire Roads Division. This consent would cover

details such as road widths, footways, road construction, street lighting, drainage, traffic calming etc. and must be in place prior to commencing roadworks on site. A road bond must be submitted by the developer prior to commencing building work on site.

2. The roads, footways and lighting leading to the development site must be completed to a standard suitable for adoption by the Roads Authority prior to any work being undertaken within the site in order to ensure that the development is served by a road to adoptable standards.
3. No surface water must be allowed to discharge from driveways onto existing or proposed public roads.
4. Residents and visitor parking requirements must be to Roads Development Guide 1996.
5. Any garages must be set back a minimum distance of 6 m from the rear of the footway.
6. The private driveways will require to be paved for a minimum distance of 2 metres from the rear of the footway to avoid overcarry of loose material onto the public road.
7. Prior to the occupation of any dwellinghouse within the development, the roads and footways to and across the frontage of the property must be completed to underside wearing course level and street lighting must be operational.

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

3.2 Drongan Community Council has not responded to the consultation letter.

Noted.

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

Noted.

3.4 Scottish Water has not responded to the consultation letter.

Noted.

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 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. 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 Environmental Health Division has indicated that site preparation / construction activities should be undertaken with due regard to the presence of existing nearby housing and suitable steps taken to avoid nuisance to adjacent residents from dust, smoke or noise. Noisy activities should be restricted to normal dayshift operational times. The Contaminated Land Officer has not identified any significant issues with the site subject to the general proviso that any unsuspected contamination discovered during construction works should be brought to the attention of this department and suitable remediation measures implemented to address the issue. The final layout of the site should be planned to ensure that suitable and adequate provision is made for the numbers of refuse and recycle bins required and accessibility for the refuse collection vehicle for uplift.

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

4. REPRESENTATIONS

4.1 One letter of representation has been received with respect to the proposed development. The main points of objection are summarised as follows:

4.2 Currently I have tall standing trees to the rear of my property but situated in the grounds of the coal yard. Will it be the intention of the developer to remove these trees and hedgerow? If so my main concern is loss of privacy and security, which, if compromised, I would clearly object to.

The applicant has confirmed that it is not the intention to remove any existing trees within the development site.

4.3 What is the size of the proposed properties /garden? Will a single property or number of properties be erected adjacent to the rear of my property? Will my current view be affected? I object as this will affect my property value.

The application is in outline only. The loss of a view or alleged devaluation of property are not valid grounds of objection to the

proposed development and therefore not material to the determination of this application. The objector would have the opportunity of considering further the impact of the proposed development at the Reserved Matters stage should outline consent be granted for the proposed development and will be able to make further representations at that time if appropriate.

4.4 I will soon transfer to a job requiring shiftwork and my time off will be affected due to noise generated during construction. My partner is also pregnant. I object if she is unable to rest/ sleep. This constitutes a health and safety issue. Dust is also likely to be generated.

It is accepted that during construction works there may be issues of noise and dust nuisance due to the proximity of existing residential properties. Nonetheless, appropriate conditions can be attached to any grant of planning consent in order to minimise such nuisances, which in any case would be of a temporary nature. It is also considered to be less problematic in the long term than that of the use of the site for its existing authorised use as a coal merchant's yard.

4.5 Existing services may be affected.

It is not considered that the proposed development would have any impact on the existing provision of services.

4.6 There are a number of children in the area and these children's safety may be at risk in using open space in the locality of the site, with heavy plant and machinery using the site.

It is the responsibility of both the operator to ensure that during construction, potential risks to health and safety are appropriately addressed, and for parent to ensure that children are made aware and alerted of such risks and for the provision of appropriate supervision.

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;

It is not considered that the proposed development will have any adverse impact on the surrounding natural and built environment and adjacent uses which are essentially residential or of community use in nature.

(ii) transportation and infrastructure 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 application is in outline only and, without any detailed plans being submitted, it is not possible to assess the compatibility of the development with surrounding densities and house types. The erection of a seven dwellings on the site would, however, appear to be compatible, in principle, with surrounding residential densities..

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

The application is in outline only and, without any detailed plans being submitted, it is not possible to assess the compliance of the development with the Councils approved Design Guidelines at this stage.

5.5 Policy IND8 states that proposals for alternative uses of land or premises currently or formerly used for industrial purposes shall be considered acceptable subject to a set of three criteria being met, as follows:

(i) the proposed use not being detrimental to surrounding established uses;

It is not considered that residential use of the site will impact adversely on surrounding established uses which are essentially residential or of a community facility nature.

(ii) the proposal meeting with the requirement of all other relevant Local Plan policies; and

The proposal is considered to comply with all other relevant local plan policies, in particular policy RES 4 detailed above.

(iii) the existence of alternative industrial or business land or premises with potential for future employment use within the settlement concerned.

There is alternative industrial or business land or premises with potential for future employment use within the settlement of Drongan.

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 not yet responded to the request for a contribution to be made in this case.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultation Responses

6.2 The consultation responses, in terms of site infrastructure do not indicate that planning permission should be withheld.

Representations

6.3 It is considered that the representations received are either not valid, or can be addressed through the imposition of appropriate conditions in any consent granted for the development, or are not of sufficient weight to justify refusal of the application.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. 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 should the developer accede to the request made.

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

8.2 The site is an existing industrial area that is not safeguarded in the local plan. The local plan supports the development of gap, in-fill or other development sites within settlement boundaries. Given the proximity of this industrial site to existing sensitive uses i.e. residential properties it is considered that the redevelopment of the site for residential purposes is appropriate and should be encouraged.

8.3 It is further considered that the representations received are either not of sufficient weight to justify refusal of the application or are not valid in respect of the proposed development. It is considered that some of the points raised can be addressed through the imposition of appropriate conditions in any consent granted for the proposed development.

9. RECOMMENDATION

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, 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. Letter 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: 05/0413/OL

Location	Former Coal Yard Hannahston Avenue DRONGAN
Nature of Proposal:	Proposed erection of 7 Dwellinghouses
Name and Address of Applicant:	Wingood Properties Limited C/o 22 Ewenfield Road AYR
Name and Address of Agent	Munro Architects 23 Portland Road KILMARNOCK KA1 2BT

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

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 car parking;
 - (f) The boundary walls/fences to be erected;
 - (g) The landscaping of the site;
 - (h) Finished floor levels.

REASON – The approval is in outline only.

2. The roads, footways and lighting leading to the development site shall be completed to a standard suitable for adoption by the Roads Authority prior to any work being undertaken within the site in order to ensure that the development is served by a road to adoptable standards.

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.

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. Prior to the occupation of any dwellinghouse within the development, the roads and footways to and across the frontage of the property shall be completed to underside wearing course level and street lighting must be operational.

REASON – In the interests of road safety.

8. Residents and visitor parking requirements shall be to Roads Development Guide 1996.

REASON – In the interests of 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, or 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. Notwithstanding the provisions of Condition 1 (c) above, 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.

13. Prior to works commencing on site, the developer shall submit to, and have approved by the Planning Authority, details of any proposed works to existing trees within the development site including measures to protect trees during the course of construction work on site.

REASON – To ensure that existing trees within the site are safeguarded in the interests of 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 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.
6. The Contaminated Land Officer has not identified any significant issues with the site subject to the general proviso that any unsuspected contamination discovered during construction works should be brought to the attention of the Planning Authority and Environmental Health Authority and suitable remediation measures implemented to address the issue. The final layout of the site should be planned to ensure that suitable and adequate provision is made for the numbers of refuse and recycle bins required and accessibility for the refuse collection vehicle for uplift.

**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.**