

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 03 DECEMBER 2004

**04/0654/FL: PROPOSED ERECTION OF 49 DETACHED DWELLINGHOUSES
WITH ASSOCIATED ROADS AND SERVICES
AT HAMILTON AVENUE, MAUCHLINE**

APPLICATION BY JOHN LYNCH BUILDERS LIMITED.

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought to develop the site for the erection of 49 detached dwellinghouses along with associated roads and services. The site would be accessed off the existing public road at Fernlea Avenue. Three separate areas of public open space are proposed and it is proposed to form a connection to the public sewer for foul drainage and install a method of Sustainable Urban Drainage systems for on site disposal of surface waters.

1.2 The proposed development would comprise of nine house types as follows :

Carron:	three bedroom two storey unit with integral garage (eight units)
Dove:	four bedroom two storey unit with attached double garage (two units)
Glenmuir:	four bedroom two storey unit with integral garage (twelve units)
Humber:	four bedroom two storey unit with double integral garage (six units)
Linton:	three bedroom single storey unit (three units)
Lismore:	three bedroom single storey unit (five units)
Tamar:	three bedroom two storey unit with integral garage (six units)
Tees:	four bedroom two storey unit with integral garage (four units)
Thames:	four bedroom two storey unit (two units)
	= 48 units

The house type for Plot 25 is presently in abeyance. Render and facing brick are proposed for the external wall finish with a concrete tile proposed for the roof.

2 RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet and that the decision notice not be issued until the Solicitor to the Council has concluded a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 dealing with the matters itemised in section 7.1 of this report.

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 would not indicate the application should be refused.

3.2 Full planning permission is sought for a residential development comprising 49 dwellinghouses on a site that has been identified for housing in the Local Plan. The proposed development is therefore acceptable in principle and the remaining issues to be considered are based on the design scheme and the development's impact on infrastructure and services.

3.3 The proposed development comprises a mix of detached dwellinghouses, many of which are large two storey units and all set within reasonably sized plots to provide sizeable garden space. The site layout includes areas designated for public open space which will enhance the amenity of the proposed development. The design of the individual house types is considered to be in keeping with the surrounding built environment and the layout has also been found to be acceptable in terms of public and private open space provision.

3.4 With regard to foul drainage for the site the developer will require to resolve this before any development should commence on site and given that Scottish Water has only objected on the basis of the cost it is not considered that this would be a reason to refuse or delay determination of the application. Surface water disposal is to be addressed by installation of a suitable method of Sustainable Urban Drainage systems and this also is found to be acceptable. The Roads and Transportation Division has no objection to the proposed development therefore it is considered to be acceptable in road safety terms.

3.5 The objections which have been raised in response to the proposed development are material considerations and thus must be addressed in the determination of the application. These matters have been considered and can be addressed by the imposition of appropriate conditions on the consent should

the Committee be minded to approve the application and would not indicate the application should be refused. On this basis 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 in terms of the principle of the proposed development, 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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04/0654/FL: PROPOSED ERECTION OF 49 DETACHED DWELLINGHOUSES WITH ASSOCIATED ROADS AND SERVICES AT HAMILTON AVENUE, MAUCHLINE

APPLICATION BY JOHN LYNCH BUILDERS LIMITED.

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, due to it being a proposal for more than ten dwellinghouses and the proposal has attracted letters of objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The site encompasses an area of meadowland extending to 2.02 hectares on the east side of the settlement of Mauchline. Rectangular in shape it is a level area with no significant features on the site and is bounded by a hedgerow.

2.2 The site is bounded to the south and west by existing residential developments at Fernlea Avenue and Hamilton Avenue. Welton Road runs along the northern boundary of the site and serves residential properties as well as continuing along to the east to serve a property known as West Welton Farm. Beyond this access road to the north is an area of public open space as shown on the site plan. Agricultural land pertaining to Kingencleugh House lies east of the site.

2.3 **Proposed Development:** Full planning permission is sought to develop the site for the erection of 49 detached dwellinghouses along with associated roads and services. The site would be accessed off the existing public road at Fernlea Avenue. Three separate areas of public open space are proposed and it is proposed to form a connection to the public sewer for foul drainage and install a method of Sustainable Urban Drainage systems for on site disposal of surface waters.

2.4 The proposed development would comprise of nine house types as follows :

Carron:	three bedroom two storey unit with integral garage (eight units)
Dove:	four bedroom two storey unit with attached double garage (two units)
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Thames:	four bedroom two storey unit (two units)
	= 48 units

The house type for Plot 25 is presently in abeyance. Render and facing brick are proposed for the external wall finish with a concrete tile proposed for the roof.

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) junction visibility splay areas of 2.5m by 35m will be required at all internal road junctions;
- (ii) access to the site will require to be taken via internal roads which comply with the Roads Development Guide 1996 and will require Roads Construction Consent;
- (iii) no surface water must be allowed onto the public roads;
- (iv) off road parking spaces in accordance with the Roads Development Guide 1996;
- (v) any garages must be set back a minimum distance of 6m from the rear of the footway;
- (vi) private driveways will require to be paved for a minimum distance of 2m from the rear of the footway to avoid overcarry of loose material onto the public road;
- (vii) any gates will require to open inwards away from the public road;
- (viii) the proposed driveways should be not less than 4.8m in length by 2.5m wide.

The developer has demonstrated that these requirements can be met to the satisfaction of the Roads and Transportation Division and therefore can be imposed as conditions on the planning consent should the Committee be minded to approve the application.

3.2 East Ayrshire Council Access Officer has been consulted but no response had been received at the time of writing this report.

Noted.

3.3 Scottish Water has objected to the proposed development whereby it proposes to connect to the public sewerage system. This is due to the cost of providing the infrastructure to serve the development being outwith Scottish Water's "reasonable cost" obligation. They would remove their objection if the applicant:

- (i) bears the cost of the increase in capacity of Scottish Water's existing infrastructure to accommodate their development;
- (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 shall require to resolve this matter prior to the commencement of any development should the Committee be minded to approve the application.

3.4 Scottish Environment Protection Agency has no objections in principle to the proposals provided 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. SEPA has sought a condition requiring the applicant to obtain assurance from Scottish Water that additional foul drainage arising from the development will not cause or contribute to premature operation of downstream consented storm sewer overflows. SEPA has also requested a condition requiring the applicant to install a surface water treatment system.

These matters can be addressed by a note on the consent should the Committee be minded to approve the application.

3.5 Scottish Power has no objection to the proposed development.

Noted.

3.6 Transco has no objection to the proposed development.

Noted.

3.7 Mauchline 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 letter of objection from Scottish Water this planning application has attracted three letters of objection from four third party signatories. The grounds of objection are summarised as follows:

4.2 Two parties have not objected to the development per se but have requested that the hawthorn hedge between Fernlea Avenue and the proposed site is retained as the hedge is home to many little birds and gives the gardens along the back of the houses a little protection.

It is considered reasonable to impose a condition on the planning consent to retain the hawthorn hedge along this boundary should the Committee be minded to approve the application.

4.3 Concern is raised on the increased volume of traffic which will pass through Fernlea Avenue as the plan shows only one point for "Access or Exit" which means that this estate (Cornriggs) will become a through road for the new "Hawthorne Estate" as it is not possible to find another point for traffic off the Welton Road, this would ease the problem. The plans show only one access road in and out of the development which is going to increase the traffic considerably as it will be the only route available to approximately 33 homes. Not only that, but the development is only accessible through Gregory Street and Fernlea Avenue. There appears to be no direct access from Hamilton Avenue and Welton Avenue which is extraordinary, as these roads appear to be the most logical area for access whereby the roads are relatively straight and flat with good visibility. Also any impact on traffic consumption is directly absorbed by the new homeowners.

The application has been the subject of consultation with the Roads and Transportation Division and, subject to meeting road safety requirements, it is considered that the development is acceptable in road safety terms. The volume of traffic likely to be generated from the development is not considered to be to an unacceptable level and therefore whilst this is a material consideration it is not considered to be one which would indicate that the application should be refused.

4.4 Concern is noted for the trees that run along the bottom of my back garden. So long as these trees remain, they will retain some privacy for both the new villas and myself. At the moment there are many trees outlining the rear gardens in Fernlea Avenue which border the field in which the new development is proposed. These trees are about 25 feet tall in places and afford us a great deal of privacy. The plans appear to show some form of trees there but it is unclear if these are the ones already there or new plantation or indeed if they are the existing trees cut and trimmed to a specific size.

Any trees which are located in the objector's garden, and therefore not within the development site, would not legally be affected by the proposed development. The trees are not protected under any Tree Preservation Order. However, it is considered reasonable to impose a condition on the planning consent to have those trees within the application site retained should the Committee be minded to approve the application.

4.5 The plans show 49 in number bungalows and villas. On various locations the upstairs rear view from some of these large new villas are into the rear garden of already built bungalows, rather than bungalow rear gardens facing bungalow rear gardens and villa rear gardens facing villa rear gardens. I believe it would suit all parties if they could be afforded the same privacy as their new neighbours.

The matter of overlooking and residential amenity is a material planning consideration and this has been taken into account in considering the site layout plan. All of the units in the proposed development do meet the required window to window distances and it is not considered that there is an unacceptable level of overlooking which would 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 this application.

East Ayrshire Local Plan

5.3 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 identified housing development opportunity site is acceptable in principle.

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.

Approximately 1200-1500m² of public open space requires to be incorporated into this development of 49 dwellings. The total area of public open space as shown amounts to 1524m² and is therefore sufficient and complies with Policy RES19.

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 proposed development generally meets with the Council's minimum private open space standards.

5.6 Policy TLR5 requests that all potential developers of residential sites comprising four or more houses enter into a Section 75 Agreement with the Council for contributions towards the Council's Sports, Leisure and Recreation Fund.

The developer has agreed to make a contribution to the Sports, Leisure and Recreation Fund based on 1% of the cost of construction of each dwelling, thereby complying 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 is the only consultee to have objected to the proposed development and this is on the basis that the cost of providing infrastructure is beyond their reasonable cost obligation. The developer shall require to resolve this prior to any development commencing and hence this objection does not indicate the application should be refused.

Representations

6.3 Objections to the proposed development are based on the volume of traffic and access into the development, the impact on privacy of the houses at Fernlea Avenue and the impact on the hedge and trees which are located along the south boundary of the site. It is not considered given the layout of the development and the application of appropriate conditions, that any of these matters would be of sufficient weight to indicate the application should be refused.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 Should the Committee be minded to approve the application this will be subject to completion of a Section 75 Agreement to secure the developer's contribution 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 would not indicate the application should be refused.

8.2 Full planning permission is sought for a residential development comprising 49 dwellinghouses on a site that has been identified for housing in the Local Plan. The proposed development is therefore acceptable in principle and the remaining issues to be considered are based on the design scheme and the development's impact on infrastructure and services.

8.3 The proposed development comprises a mix of detached dwellinghouses, many of which are large two storey units and all set within reasonably sized plots to provide sizeable garden space. The site layout includes areas designated for

public open space which will enhance the amenity of the proposed development. The design of the individual house types is considered to be in keeping with the surrounding built environment and the layout has also been found to be acceptable in terms of public and private open space provision.

8.4 With regard to foul drainage for the site the developer will require to resolve this before any development should commence on site and given that Scottish Water has only objected on the basis of the cost it is not considered that this would be a reason to refuse or delay determination of the application. Surface water disposal is to be addressed by installation of a suitable method of Sustainable Urban Drainage systems and this also is found to be acceptable. The Roads and Transportation Division has no objection to the proposed development therefore it is considered to be acceptable in road safety terms.

8.5 The objections which have been raised in response to the proposed development are material considerations and thus must be addressed in the determination of the application. These matters have been considered and can be addressed by the imposition of appropriate conditions on the consent should the Committee be minded to approve the application and would not indicate the application should be refused. On this basis the recommendation is therefore one of approval.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet and that the decision notice not be issued until the Solicitor to the Council has concluded a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 dealing with the matters itemised in section 7.1 of this report.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards in terms of the principle of the proposed development, 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

22 November 2004
NM/NM/SMB

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters 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: 04/0654/FL

Location	Hamilton Avenue MAUCHLINE KA5 6LH
Nature of Proposal:	Proposed erection of 49 no. detached dwellinghouses with associated roads and services
Name and Address of Applicant:	John Lynch Builders Ltd East Brockloch Farm MAYBOLE KA19 8DG
Name and Address of Agent	

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 received on 08 July 2004 and the amended site layout plan (Drawing No: MAU/LAY/001) received by the Planning Authority on 03 November 2004.

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 a plan to show the details of the proposed hard and soft landscaping of the areas of public open space and these areas shall be maintained in accordance with the Maintenance programme submitted to the Planning Authority on 09 November 2004. The landscaping proposals shall confirm the retention of the hedge bounding properties on Fernlea Avenue; other than where to be removed to form vehicular access. The landscaping shall be implemented no later than the first planting season following occupation of the last dwellinghouse to be completed on site.

REASON – In the interests of the amenity of the development.

3. Prior to the commencement of development the developer shall submit details of the wall to be erected within the site for the further written approval of the Planning Authority.

REASON – To enable the Planning Authority to consider the proposed wall to be erected.

4. Prior to the occupation of the dwellinghouses on Plot 1; Plots 8-11 (inclusive); Plot 13 and Plots 45-50 (inclusive) the developer shall erect a 1.8m high vertically boarded screen fence along the boundaries as marked in green on the plans hereby approved.

REASON – In the interests of residential amenity.

5. Notwithstanding the details on the plans hereby approved all fencing to be erected shall be vertically boarded and shall be creosoted or stained in a suitable dark coloured preservative and the developer shall ensure that it is maintained in a neat and tidy condition in perpetuity to the satisfaction of the Planning Authority.

REASON – In the interests of visual amenity.

6. Notwithstanding the details on the plans hereby approved none of the trees (including the hawthorn hedge) along the boundary as marked in green on the Drawing No: MAU/LAY/001 shall be removed unless the developer receives the prior written agreement of the Planning Authority (and any necessary legal authority from the residents of the properties on Fernlea Avenue to which the trees pertain).

REASON – In the interests of residential amenity.

7. Prior to the commencement of development the developer shall submit a written specification of the external finishing materials to be used for the further written approval of the Planning Authority.

REASON – To ensure the materials are appropriate to the area.

8. Notwithstanding the details on the plans hereby approved the landing window to the side elevation of the Carron house type on Plot 15 shall be installed with a fixed obscure pane of glass and shall be maintained in perpetuity to the satisfaction of the Planning Authority.

REASON – In the interests of residential amenity.

9. The roads shall be constructed in accordance with the plans (Drawing Nos: 1135-10; 1135-11; 1135-13 and 1135-30) as submitted to the Planning Authority on 06 September 2004 to the satisfaction of the Planning Authority in consultation with the Roads and Transportation Division.

REASON – To ensure the development is carried out in accordance with the approved details in the interests of road safety.

10. Junction visibility splay areas of 2.5m by 35m shall be formed at all internal road junctions.

REASON – In the interests of road safety.

11. Access to the site will require to be taken via internal roads which comply with the Roads Development Guide 1996 and will require Roads Construction Consent.

REASON – In the interests of road safety.

12. No surface water shall be allowed onto the public roads.

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

13. Off road parking spaces in accordance with the Roads Development Guide 1996 shall be provided.

REASON – In the interests of road safety.

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

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

15. Prior to the occupation of the dwellinghouse for each plot, the private driveway shall be paved for a minimum distance of 2m from the rear of the footway to avoid overcarry of loose material onto the public road.

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

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

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

17. The proposed driveways should be not less than 4.8m in length by 2.5m wide.

REASON – In the interests of road safety.

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.

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