

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 28 JANUARY 2005

**04/0642/FL: PROPOSED ERECTION OF 6 NO. DWELLINGHOUSES
AT 46 - 48 MAIN STREET, PATNA**

APPLICATION BY TAY LIMITED

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full permission is sought to develop the site for the erection of six dwellinghouses. The houses, of which there are three types, would all front directly onto the Main Street. The layout as amended fronts onto the public road and each of the dwellings would have a reasonable amount of private garden space with communal landscaping areas to the front.

1.2 The dwellings, which would all be two storey hipped roof units, comprise of three bedroom and four bedroom houses, four of which have an integral garage. External walls would be finished in white render with a facing brick, and concrete interlocking tiles are proposed for the roof finish.

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 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matter detailed in Paragraph 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 do not merit refusal of the application.

3.2 The site has been identified as being suitable for four houses however this number is considered to be a notional capacity. The proposal to develop the site for six detached residential properties is therefore considered acceptable in principle, as all other policy aspects in terms of design and layout are met.

3.3 The amended proposed design scheme is considered to be in accordance with the Council's Design Guidance relevant to new residential developments. The individual house designs, finishing materials, private garden space and overall layout are acceptable in terms of visual and residential amenity.

3.4 Albeit Scottish Water has objected to the proposed development it is deemed to be acceptable in terms of services and infrastructure. The representations received have either been addressed or are not of sufficient weight to merit refusal of the application. The developer has also agreed to make a contribution to the Sports, Leisure and Recreation Fund. The proposed development is considered to be acceptable in all respects 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 on the grounds of the principle of residential development on the site, 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 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 as the proposal is subject to objections. Members will recall considering this application at the meeting on 03 December 2004 at which time the application was continued in order to seek amendments to the layout of the site. An amended layout has now been submitted for further consideration by the Local Planning Committee.

2. APPLICATION DETAILS

2.1 **Site Description:** The site encompasses an area of maintained public open space on the north side of the Main Street in the settlement of Patna. The site has a gentle north facing slope which graduates to a steeper slope closer to the River Doon.

2.2 An elongated area of scrubland lies to the north of and below the site and this constitutes the floodplain pertaining to the River Doon. Two storey local authority dwellinghouses lie to the east of the site and a single storey timber building, which appears to be disused, lies to the west where the site is bounded by a graduated rubble stone wall. Vacant commercial properties and a public house are on the opposite side of the Main Street from the site.

2.3 **Proposed Development:** Full permission is sought to develop the site for the erection of six dwellinghouses. The houses, of which there are three types, would all front directly onto the Main Street. The layout as amended fronts onto the public road and each of the dwellings would have a reasonable amount of private garden space with communal landscaping areas to the front.

2.4 The dwellings, which would all be two storey hipped roof units, comprise of three bedroom and four bedroom houses, four of which have an integral

garage. External walls would be finished in white render with a facing brick, and concrete interlocking tiles are proposed for the roof finish.

3. CONSULTATIONS AND ISSUES RAISED

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

- (i) three number off road parking spaces will require to be provided for each four bedroom dwelling with two number spaces provided for each three bedroom dwelling;
- (ii) 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;
- (iii) any gates will require to open inwards away from the public road;
- (iv) access to each driveway will require to be via a dropped kerb footway crossing to East Ayrshire Council standards;
- (v) no surface water must be allowed to discharge onto the public road;
- (vi) any garage must be set back a minimum distance of 6m from the rear of the footway;
- (vii) visibility sightline splay areas of 2.0m by 20m will require to be formed and maintained at each access, with no obstruction greater in height than 1m allowed within these areas;
- (viii) the proposed driveway should be not less than 6m in length by 4.8m wide;
- (ix) any relocation of street lighting apparatus required will be at the applicant's expense.

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

3.2 Scottish Water has objected to the proposed development. This is due to the cost of providing infrastructure to serve the development being outwith Scottish Water's "reasonable cost" obligation. They would remove their objection if the developer bears the cost or promotes a scheme which does not compromise the quality and quantity of discharge from the existing sewerage system.

This is a matter that the developer will be required to resolve prior to any development commencing on site. A note to this effect can be attached to any consent granted.

3.3 The Scottish Environment Protection Agency has no objection in principle to the proposed development provided that the drainage arrangements are to

their satisfaction. In this regard all foul drainage must be connected to the public sewerage system and a surface water treatment system shall be installed.

These requirements can be satisfactorily addressed through the imposition of appropriate conditions should the Committee be minded to approve the application.

3.4 Power Systems has no objection to the proposed development.

Noted.

3.5 Transco has no objection to the proposed development.

Noted.

4. REPRESENTATIONS

4.1 In addition to the objection made by Scottish Water the application has attracted two letters of objection from third parties. The points of objection can be summarised as follows:

4.2 Neighbour notification was never carried out by the agent. By looking at the notifiable neighbour list you will see we (the writer) being the above (Glendevon Homes) are not on it. We are the adjoining landowners to the rear of the applicant's site and definitely the most important party as the development will affect us mainly.

The writer was notified as owner of the vacant shop unit adjacent and subsequent to receiving this letter they have now also been notified as Glendevon Homes, as the owner of the land to the rear of the site. This matter has now been addressed and is of no material weight in the consideration of the application.

4.3 Drainage: no details available for us to see where the rainwater, surface water and sewerage etc are going. As the site is on a slope it would be impossible for the water to run uphill; it is going to obviously run to our site which in turn will have a detrimental affect on it.

Scottish Water has objected to the proposed development but only on the basis that the cost of providing the infrastructure is beyond its reasonable cost obligation and thus the developer will be required to resolve this prior to any works commencing should consent be granted. With regard to surface water runoff, the applicant has confirmed that it is intended to install a proprietary system for surface water collection from roofs and hard landscaped areas

(driveways). This will retain water deposited on these areas for re-use within the property for activities such as toilet flushing, washing machines and garden use. The consulting engineers have advised that by trapping and re-using surface water from the development in this fashion, the natural runoff from the development into adjacent land, by normal gravitational means, should effectively be reduced from the situation that presently exists. It is considered that the matter of drainage can be satisfactorily addressed and would therefore not indicate the application should be refused.

4.4 Parking: amount of parking spaces provided per house. Where are visitors to park? Where is turning circle?

The applicant has submitted a site layout plan to demonstrate that there is sufficient off road parking provided within the site and the Roads and Transportation Division is satisfied with this. Therefore this objection, which is a material consideration, has been satisfactorily addressed and would not indicate the application should be refused.

4.5 Why were the developers allowed to build outwith the current building line? There is clear overdevelopment of site here. If you look at the houses in the surrounding area you will see that they are spaced out clearer and in a line. This will have an adverse effect on our house positions to the rear.

The amended layout of the site indicates that the proposed dwellings are laid out in a linear fashion that more reflects the existing building line of Main Street and neighbouring properties. The proposed site layout does meet the design standards as set out in Design Guidance 2: New Residential Developments. The objector has applied for outline planning permission (Ref: 03/0508/OL) to develop the land to the rear of the site for residential purposes. Albeit the objector has submitted an indicative site layout plan it is not considered that this application, which has not yet been determined, should carry significant weight in the determination of the current application. The new layout does in fact result in the proposed dwellings being site further away from the objector's site.

4.6 The crescent shaped form of development with an irregular building line as submitted by Tay is inappropriate and alien to this part of Patna. Main Street is typified by frontage development of various architectural styles and the form of development proposed is incongruous and out of place in the village. Frontage development with a consistent building line would be more appropriate.

The layout of the site has been amended so that it does now follow the existing building line on Main Street.

4.7 Development of the form lodged would prejudice my client's application in relation to distance between buildings. My client's proposal was lodged before the Tay application which, if acceptable on policy grounds should be amended to permit the form of development lodged by my client. In this way the development potential for the site as a whole would be maximised.

The current planning application must be considered on its individual merits. The application which the objector refers to has been made in outline only and whilst it is recognised that, based upon their indicative site layout, there could be a potential problem in achieving window to window distances it is not considered that this should be given weight as a material consideration which would indicate the current application should be refused.

4.8 Extent of ground: applicant does not own full site area outlined in red.

The applicant has confirmed that the current application site is under the ownership of the Council. There is a discrepancy regarding the actual boundary however this has been discussed with the Council's Property Section and it confirmed that the land is wholly owned by the Council.

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 in the structure plan which are especially relevant to the proposed development.

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.

This site is identified as residential development opportunity site 088H. Albeit the site is indicated as being suitable for a development of four units this is a notional capacity only and the proposed development is therefore considered to be acceptable in principle.

5.4 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 proposal meets the minimum private open space standards.

5.5 Policy ENV7 states that all developers will be expected to comply fully with the Council's existing and emerging Design Guidance and Policy documents relating to and advising on the particular type of development proposed. The policy also states that developments which do not meet the required design standards detailed in these documents will require to be fully justified and may not be supported by the Council.

The design scheme of the proposed development is considered to be acceptable and the proposal accords with the guidance as set out in Design Guidance 2: New Residential Development.

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

The developer has confirmed agreement to make a contribution to the Fund based on 1% of the construction cost of each of the dwellinghouses.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultations Responses

6.2 Scottish Water has objected to the proposed development however this is an objection which falls to be resolved by the developer with Scottish Water prior to the commencement of development and would therefore not indicate that the application should be refused. None of the other consultation responses have objected to the proposal.

Representations

6.3 The points of objection have either been addressed or are not of sufficient weight to merit refusal of the application.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 Financial and legal implications will arise through the sale of the land to the applicant as the site is in the ownership of the Council. Should the Committee be minded to approve the application this will also require the completion of a Section 75 legal agreement to secure the developer contribution towards the Sports, Leisure and Recreation Fund.

7.2 Although the site is in the ownership of the Council and therefore has a financial interest in the application, the proposal is not contrary to the development plan and has not attracted a significant body of objections. The application will therefore not require to be notified to the Scottish Ministers.

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 do not merit refusal of the application.

8.2 The site has been identified as being suitable for four houses however this number is considered to be a notional capacity. The proposal to develop the site for six detached residential properties is therefore considered acceptable in principle, as all other policy aspects in terms of design and layout are met.

8.3 The amended proposed design scheme is considered to be in accordance with the Council's Design Guidance relevant to new residential developments. The individual house designs, finishing materials, private garden space and overall layout are acceptable in terms of visual and residential amenity.

8.4 Albeit Scottish Water has objected to the proposed development it is deemed to be acceptable in terms of services and infrastructure. The representations received have either been addressed or are not of sufficient weight to merit refusal of the application. The developer has also agreed to make a contribution to the Sports, Leisure and Recreation Fund. The proposed

development is considered to be acceptable in all respects 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 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matter detailed in Paragraph 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 on the grounds of the principle of residential development on the site, 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

NM/HM/NM
FV/DVM
16 January 2005

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: 04/0642/FL

Location	46-48 Main Street PATNA KA6 7LN
Nature of Proposal:	Proposed erection of 6 no. detached houses
Name and Address of Applicant:	Tay Ltd. Tay House 3 Cathcart Street AYR KA7 1BJ
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 received on 24 June 2004 and the amended location plan (Drawing No. 02/2004(BW)001 RevA) received on 01 December 2004; amended site layout plan (Drawing No.02/2004(BW)002 RevC) received on 16 December 2004 and detailed design plans (Drawing No 02/2004(PL)11; 02/20044(PL)12 and 02/2004(PL)13) received on 24 June 2004.

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

2. Notwithstanding the details on the plans hereby approved the first floor window as outlined in red shall be fitted with a fixed obscure pane of glass in the dwellinghouses on Plots 2, 3, 4 and 5, which shall be retained in perpetuity to the satisfaction of the Planning Authority.

REASON – In the interests of safeguarding residential amenity.

3. Prior to their occupation three number off road parking spaces will require to be provided for each four bedroom dwelling with two number spaces provided for each three bedroom dwelling to the satisfaction of the Planning Authority in consultation with the Roads and Transportation Division.

REASON – In the interests of road safety.

4. Prior to the occupation of each dwellinghouse 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.

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

5. Any gates will require to open inwards away from the public road.

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

6. Access to each driveway will require to be via a dropped kerb footway crossing to East Ayrshire Council standards.

REASON – In the interests of road safety.

7. No surface water must be allowed to discharge onto the public road.

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

8. Any future garages must 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 road safety.

9. Prior to the occupation of any of the dwellinghouses visibility sightline splay areas of 2.0m by 20m will require to be formed and maintained at each access, with no obstruction greater in height than 1m allowed within these areas to the satisfaction of the Planning Authority in consultation with the Roads and Transportation Division.

REASON – In the interests of road safety.

10. The proposed driveways should be not less than 6m in length by 4.8m wide.

REASON – In the interests of road safety.

11. Any relocation of street lighting apparatus required to enable the development to take place will be at the applicant's expense as agreed with the Council's Roads and Transportation Division.

REASON – To ensure any costs incurred to enable the development are compensated for by the developer.

12. Surface water run off shall be disposed of on site via an appropriate method of Sustainable Urban Drainage systems which shall be installed and maintained in perpetuity to the satisfaction of the Planning Authority in consultation with the Scottish Environment Protection Agency.

REASON – In the interests of public health and safety.

Notes to Applicant

1. 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.
2. 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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