

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 25 JUNE 2004

04/0324/FL: PROPOSED RESIDENTIAL DEVELOPMENT OF 21 DWELLINGHOUSES ON LAND ADJACENT TO FORMER HORN FACTORY, A713 AYR ROAD, DALMELLINGTON

APPLICATION BY ROBERT JOHNSTONE & SONS LIMITED

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of 21 dwellings within the application site comprising 10 semi-detached units (two storey, four apartment Type A houses), 4 detached units (one and a half storey, five apartment Type B houses) and a terrace of three Type E units (one and a half storey, four apartment houses). It is also proposed to construct a further two semi-detached block consisting of a Type B/ Type C combination (Type C – two storey, four apartment unit) and a Type C/ Type D combination (Type D – one and a half storey, four apartment).

1.2 All dwellings will be finished externally in an off white dry dash render with smooth cement render on door and window surrounds. The Type B dwellings will be finished in a combination of cream harling and cream smooth cement render, also with a red sandstone basecourse and window surrounds. All dwellings will have a grey concrete tile roof finish.

1.3 Provision has been made within the proposed layout for an area of open space located centrally within the site. Access to the site is to be taken from Ayr Road and there is to be soft landscaping on the northwest side of the entrance to the site. The layout is essentially circular in nature with all dwellings facing inwards to the development site. This will result in dwellings on plots 1 to 7 having rear elevations and curtilages facing Ayr Road. In order to mitigate the visual impact of this, it is proposed to construct a feature wall along the Ayr Road boundary comprising a rendered wall with timber infill panels.

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 should 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. CONCLUSIONS

3.1 As is indicated in Section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Sections 25 and 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 which are also generally supportive of the proposed 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. The development of this site will also greatly improve the visual and general amenity of this area given the present vacant condition of the application site.

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

3.4 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 to refuse the application contrary to the recommendation of the Head of Planning, Development and Building Standards on the basis of the principle of the development, the application would require to be referred to the Development Services Committee as such a decision 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 ROBERT JOHNSTONE & SONS 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 the scale of the proposed development and it being subject to a letter of objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The site lies on the south-west side of Ayr Road (A713) and lies approximately 40 metres south-east of the junction of Ayr Road with the entrance to Craigen Gillan Estate and immediately opposite the access to Dalmellington Community Centre. The site is bounded to the north-east by Ayr Road and Dalmellington Community Centre, to the south-east by the former horn factory and vacant land, to the south-west by the Muck Water and to the south-east by the lands of Craigen Gillan Estate

2.2 The application site extends to approximately 0.8 hectare and is presently vacant open space. The site is relatively level in nature although it falls gently towards the Muck Water.

2.3 **Proposed Development:** Full planning permission is sought for the erection of 21 dwellings within the application site comprising 10 semi-detached units (two storey, four apartment Type A houses), 4 detached units (one and a half storey, five apartment Type B houses) and a terrace of three Type E units (one and a half storey, four apartment houses). It is also proposed to construct a further two semi-detached block consisting of a Type B/ Type C combination (Type C – two storey, four apartment unit) and a Type C/ Type D combination (Type D – one and a half storey, four apartment).

2.4 All dwellings will be finished externally in an off white dry dash render with smooth cement render on door and window surrounds. The Type B dwellings will be finished in a combination of cream harling and cream smooth cement render, also with a red sandstone basecourse and window surrounds. All dwellings will have a grey concrete tile roof finish.

2.5 Provision has been made within the proposed layout for an area of open space located centrally within the site. Access to the site is to be taken from Ayr Road and there is to be soft landscaping to the northwest side of the the entrance to the site. The layout is essentially circular in nature with all dwellings facing inwards to the development site. This will result in dwellings on plots 1 to 7 having rear elevations and curtilages facing Ayr Road. In order to mitigate the visual impact of this, it is proposed to construct a feature wall along the Ayr Road boundary comprising a rendered wall with timber infill panels.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Dalmellington Community Council has not responded to the consultation letter at the time of writing.

Noted.

3.2 Transco has no adverse comments to make on the proposed development.

Noted.

3.3 East Ayrshire Council's Roads and Transportation Division states that it has no objections in principle to the proposed development subject to the following conditions:

1. Access to the site will require to be taken via 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.
2. Visibility spays of 4.5m by 90m will be required to be formed and maintained at the junction of the new site access with the A713 public road with no object greater than 1m in height allowed within these splay areas.
3. Junction visibility splay areas of 2.5 m by 35 m will be required at all internal road junctions with no object greater than 1m in height allowed within these areas.
4. 3 number off-road parking spaces will require to be provided internally for each 4 bedroom dwelling with 2 number off road parking spaces for each 3 bedroom dwelling.
5. 4 number on-road visitor parking spaces will require to be provided within the development.
6. Any garages must be set back a minimum distance of 6 m from the rear of the footway.
7. The private driveway 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.

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

Conditions can be attached to any planning consent granted for the proposed development to meet the requirements of the Roads and Transportation Division. The applicant's agent has however confirmed that the visibility splay area is not within the total control of the applicant and this will therefore require to be secured by means of a Section 75 Agreement.

3.4 Scottish Water objects to the proposed development whereby it drains to the public sewerage system. This is due to the cost of providing infrastructure to serve the proposed development being outwith Scottish Water's 'reasonable cost' obligations in terms of the Sewerage (Scotland) Act 1968. Scottish Water would remove its objections if the applicant:

- (a) bears the cost of the increase in capacity of existing infrastructure and/or:
- (b) 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.

A note can be attached to any consent granted for the development to advise early contact with Scottish Water regarding service provision and drainage of the site.

3.5 The Scottish Environment Protection Agency has no objections to the proposed development provided that the drainage details are to its satisfaction. SEPA asks that planning permission be withheld until drainage plans are provided and agreed by SEPA. In principle the developer will require to connect all foul drainage to the existing public sewer to the satisfaction of Scottish Water. The developer will also require to install suitable SUDS to treat and attenuate the surface water leaving the site.

A note can be attached to any consent granted for the proposed development advising the applicant to make early contact with SEPA regarding drainage of the site.

3.6 East Ayrshire Department of Neighbourhood Services (Parks Section) has no objections to the proposed development.

Noted.

3.7 West of Scotland Archaeology Service has no objections to make on the proposed development.

Noted.

3.8 Power Systems has no objections in principle to the proposed development but advises that it has apparatus within/adjacent to the

development site which may require alteration or protection. The cost of such work will be fully rechargeable.

A note can be attached to any consent granted for the proposed development advising the applicant to make early contact with Power Systems regarding this matter.

4. REPRESENTATIONS

4.1 Apart from the objection received from Scottish Water, one letter of representation has been received regarding the proposed development. This letter does not formally object to the proposed development but raises points as follows:

4.2 The site is an important one for Dalmellington situated at the very beginning of the village on the A713 from Ayr. Development therefore sets the tone for the village as a whole. It should be of as high an architectural quality as possible. The density seems high.

It is considered that the proposed development in terms of its layout, scale, design and use of finishing materials is acceptable and accords with policy and design guidance.

4.3 The site is adjacent to the Muck Water, the most important salmon spawning area of the River Doon system. The greatest care must be taken to avoid pollution or damage to the river.

A condition can be attached to any consent granted for the proposed development to ensure that the developer undertakes appropriate measure to prevent pollution of the Muck Water.

4.4 The site is adjacent to the former bing of the Bogton Mine. As a result of individual effort and funding, the bing was landscaped and restored and planted with trees. The purpose of this work was to improve the environment and setting of the village. The design and scale of the development should respect these works and the future beauty of the slopes.

It is considered that the proposed development in terms of its layout, scale, design and use of finishing materials is acceptable and accords with policy and design guidance. It is not considered that the development will have any detrimental impact on these works previously carried out.

4.5 The site is adjacent to Craigengillan Gatehouse, a listed building and faces the house attached to the former primary school which is also listed. The scale and design should respect the settings of these properties.

It is considered that the proposed development does not impact on the setting of the stated listed properties.

4.6 The plans show houses nearer to the A713 with their backs to the road and public view. This is visually unattractive and would lead to unsightly sheds etc. being placed between these houses and the road. These houses should face the road and have open gardens. If not, then elevations facing the A713 should be designed at least to look like front elevations.

The applicant has submitted an amended plan incorporating a feature wall with timber panel infill along the Ayr Road boundary of the development site. A gateway entrance feature is also proposed. These measures will provide appropriate screening of the development in the interests of minimising visual impact. The rear elevations of Plots 1 to 7 are of an acceptable standard in visual terms.

4.7 The house drawings have a somewhat cheap and '70's appearance. The market for good housing in Dalmellington is strong and would certainly support a development of higher quality and lesser density. The current proposals seem rather a wasted opportunity.

The comments of the author are noted.

4.8 Natural slate roofs, harled exteriors rather than dry cast, astragalled windows and greater variety would give the development a more attractive and traditional appearance. This would not only result in better prices but would enhance the village rather than detract from it.

It is considered that the proposed development in terms of its use of finishing materials is acceptable and accords with policy and design guidance for the locality in which it is situated.

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 structure plan policies directly relevant to this application.

Noted.

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.

The application site forms part of residential development opportunity site 076H as identified in the East Ayrshire Local Plan. Residential development is therefore acceptable in principle at this location.

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.

It is considered that the area of public open space allocated within the development site is of a sufficient size to serve the proposed housing area. It is also well located in a central position overlooked by all dwellings within the development.

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 development meets the minimum private open space standards.

5.6 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 of the development is considered to be generally acceptable. There are rear garden grounds facing onto Ayr Road, and it is accepted that this orientation of plots is required to ensure that the development is attractive internally. In order to mitigate the visual impact of this, it is proposed to construct a feature wall along the Ayr Road boundary comprising a rendered wall with timber infill panels.

It is considered that the proposed development accords with the policy provisions of the East Ayrshire Local Plan

5.7 Policy TLR5 requests that all developers of residential sites comprising four or more houses enter into a Section 75 Agreement with the Planning Authority for contributions towards the provision of appropriate leisure and recreational facilities within the area to which the development relates.

The developer has indicated that he is prepared to contribute at the appropriate rate to the SLR Fund, however he would wish any monies to be utilised on projects in the Dalmellington area. Currently the Local Plan encourages contribution to projects located within a Local Planning Committee area in a wider sense than that suggested by the applicant. However, in recognition of the attainment of the main SLPC 'deficiency' identified in the Local Plan having been remedied (Cumnock Indoor Pool), officers have been in discussion with colleagues from Neighbourhood Services and Legal Services regarding the future operation of the Fund. It is anticipated that the operation of the TLR5 policy will be reviewed by the Development and Property Services Committee.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation replies, representation received and the planning history of the site.

Consultation Replies

6.2 The consultation replies would generally indicate that approval of the application would be appropriate. The issue of drainage is a matter for the developer to resolve with Scottish Water and SEPA.

Representations

6.3 The representation received does raise points of material consideration in the determination of this report. It is considered that the points raised can be satisfactorily addressed by the imposition of appropriate conditions and therefore would not indicate that the application should be refused.

Planning History

6.4 A full planning permission for the erection of 13 dwellings on a larger site incorporating the current application site was approved on 28 January 1998 (Ref. No: 97/0778/FL). This consent was never implemented and has since expired.

6.5 A subsequent full application for the erection of 11 dwellings on the current application site was approved on 05 March 1999 (Ref. No: 99/0023/FL). This consent expired on 05 March 2004.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. Legal implications would arise in the concluding of a

Section 75 Agreement regarding visibility sightline splay areas for access to the site and the contribution to the Sports, Leisure and Recreation Fund.

8. CONCLUSIONS

8.1 As is indicated in Section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Sections 25 and 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 which are also generally supportive of the proposed 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. The development of this site will also greatly improve the visual and general amenity of this area given the present vacant condition of the application site.

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

8.4 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 indicated on the attached sheet, but that the issue of the decision notice should 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 to refuse the application contrary to the recommendation of the Head of Planning, Development and Building Standards on the basis of the principle of the development, the application would require to be referred to the Development Services Committee as such a decision would represent a significant departure from the development plan.

Alan Neish

Head of Planning Development and Building Standards

10 June 2004
HM/HM/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses.
4. Letter of representation.
5. Adopted East Ayrshire Local Plan (1993).
6. Approved Ayrshire Joint Structure Plan (1999).
7. Previous applications 99/0023/FL and 97/0778/FL

Any person wishing to inspect the background papers listed above, should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

Site of Proposal:	Land adjacent to former horn factory A713 Ayr Road, DALMELLINGTON
Nature of Proposal:	Proposed Residential Development of 21 Dwellinghouses
Name & Address of Applicant:	Robert Johnstone & Son Limited 10 Gateside Road DALMELLINGTON
Name & Address of Agent:	Ross Woods Architects 8 Park Quadrant GLASGOW G3 6BS

PPOs Reference: 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 forms and plans received by the Planning Authority on 10 March 2004 as amended by the site layout plan (Drawing. No. MDC/03/15 – 1Revision B) received by the Planning Authority on 07 June 2004.

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

2. Three off-road parking spaces shall be provided internally for each 4 bedroom dwelling with two off road parking spaces provided for each 3 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.

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 garages shall be set back a minimum of 6 metres from the rear of the footway.

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

7. Prior to the commencement of development the developer shall form visibility splays of 4.5m by 90m at the junction of the new site access with the A713 public road with no object greater than one metre height allowed within these areas.

REASON – In the interests of road safety.

8. Prior to the occupation of any of the dwellinghouses hereby approved the developer shall form junction visibility splay areas of 2.5 m by 35m at all internal road junctions with no object greater than 1m in height allowed within these areas.

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 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 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. In this regard, the developer shall provide appropriate boundary screening / fencing along the rear boundaries of the proposed plots.

REASON – In the interests of residential and visual amenity.

12. Prior to the commencement of development, the developer shall submit to and have approved by the Planning Authority, details of the proposed areas of open space, including details of the proposed future maintenance of these areas.

REASON – In the interests of residential amenity and to ensure future maintenance of open space areas.

13. Prior to the commencement of development, the developer shall submit to and have approved by the Planning Authority, details of the proposed roof tile to be used in the roof finish of the proposed dwellinghouse. The tile to be used shall be a good quality slate substitute.

REASON – In the interests of visual amenity.

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

REASON – In the interests of visual amenity.

15. Notwithstanding the plans hereby approved, smooth cement bands shall be introduced around door and window openings of all dwellinghouses within the development site.

REASON – In the interests of visual amenity.

16. 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.

17. The applicant shall undertake appropriate measures during construction works to ensure that there is no contamination or pollution of the Muck Water and that any surface water entering the Muck Water from a Sustainable Urban Drainage System shall be appropriately treated to ensure that there is no adverse environmental impact on the watercourse.

REASON – To prevent pollution of the watercourse.

18. 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.

REASON – To ensure an appropriate means of surface water runoff in the interests of public health and 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. Visibility splays of 4.5m x 90m are required to be formed and maintained at the access onto Ayr Road with no object greater than 1m allowed within the splay areas formed. This will require a Section 75 agreement with the adjoining owners.
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.

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