

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 26 MARCH 2004

**03/1105/RM: PROPOSED ERECTION OF 62 RESIDENTIAL DWELLINGS AT
CRAUFURD DRIVE/TRYSTING THORN WYND, DRONGAN**

APPLICATION BY HOPE HOMES SCOTLAND

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The current application is for the approval of Reserved Matters following the granting of outline planning permission. It is for the erection of sixty two units comprising a mix of semi-detached and detached properties, some of which are two storey villas and some are bungalows.

1.2 The houses are to be constructed using a mix of facing brick and dry dash render and with a Grampian black roof tile. All are set within a reasonably sized feu and have an individual driveway with an indicative garage space shown on the plan.

1.3 It is proposed to take access off Watson Terrace and to make a connection to the public sewer for foul drainage. A 1.8metre high screen fence is proposed to form the boundary of the site. A sizeable area of public open space is located in the central area of the site. There is a footpath link through the area which is to be landscaped and it is proposed to position two park benches alongside the footpath.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet and 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 matters 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 satisfactorily addressed and do not merit refusal of the application.

3.2 This application for reserved matters has been submitted following the outline planning permission being granted. The site is one which has been identified for residential development in the local plan. The plan indicates the site being suitable for around 58 units and the proposed development is for 62. However, this is a notional capacity in the Local Plan and hence the slight increase is considered acceptable.

3.3 The proposed development is considered to meet all of the Local Plan requirements in terms of layout and design. The house on Plot 53 does raise an issue of potential overlooking and this can be addressed by a condition requiring the rooflight to be fitted with an obscure fixed pane. The road layout has been deemed acceptable by the Council's Roads Division and the material planning considerations raise no basis for refusal. The recommendation must therefore be one of approval.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control in terms of the principle of the 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 and Building Control

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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Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a reserved matters planning application which is to be considered by the Local Planning Committee under the scheme of delegation, as the development is considered to be of area significance.

2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises an area of unmanaged grassland extending to 3.44 hectares on the north-west side of Drongan. Beyond the site to the west is agricultural land. To the south and east are residential properties which form recently completed developments. A small parcel of land fronting onto Watson Terrace also forms part of the application site.

2.2 The site forms part of the housing land supply as identified in the Local Plan and members may recall approving the application for outline planning permission (Ref : 03/0122/OL) at the meeting on 12 September 2003.

2.3 **Proposed Development:** The current application is for the approval of Reserved Matters following the granting of outline planning permission. It is for the erection of sixty two units comprising a mix of semi-detached and detached properties, some of which are two storey villas and some are bungalows.

2.4 The houses are to be constructed using a mix of facing brick and dry dash render and with a Grampian black roof tile. All are set within a reasonably sized feu and have an individual driveway with an indicative garage space shown on the plan.

2.5 It is proposed to take access off Watson Terrace and to make a connection to the public sewer for foul drainage. A 1.8metre high screen fence is proposed to form the boundary of the site. A sizeable area of public open space

is located in the central area of the site. There is a footpath link through the area which is to be landscaped and it is proposed to position two park benches alongside the footpath.

3. CONSULTATIONS AND ISSUES RAISED

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

- (i) the internal roads must comply with the Roads Development Guide 1996 and will require Construction Consent
- (ii) the visitor parking shown on the submitted drawings would be acceptable with resident parking of 2 spaces per 2-3 bedroom dwellings and 3 spaces per 4 bedroom dwelling
- (iii) any garages must be set back a minimum distance of 6m from the rear of the footway
- (iv) the private driveways will require to be paved for a minimum distance of 2m from the rear of the footway/edge of the public road carriageway
- (v) any gates will require to open inwards away from the public road
- (vi) no surface water must be allowed to discharge onto the proposed public road
- (vii) visibility splays of 2.5m by 90m are required to be formed and maintained at the access onto Watson Terrace with no object greater than 1m allowed within the splay areas formed
- (viii) a 2m kerbed footway to East Ayrshire Council standards will require to be provided across the frontage of the properties fronting onto Watson Terrace to link with the footway at the Toll Bar with an additional road gully provided for drainage

The developer has been advised of the conditions regarding the visibility splays and the footway link and has agreed that these shall be the subject of a Section 75 legal agreement. The remaining requirements can be imposed as conditions on the consent should the Committee agree to approve the application.

3.2 Scottish Water has objected to the proposed development whereby it proposes to drain to the public sewerage system. This is due to the cost of providing infrastructure to serve the development being outwith Scottish Water's reasonable cost obligation.

The developer has been advised of this objection, upheld from the outline consent, and it is the responsibility of the developer to resolve this prior to the commencement of development.

3.3 The Coal Authority has no objection to the proposed development and has no adverse comments to make.

Noted.

3.4 The Scottish Environment Protection Agency has no objection to the proposed development.

Noted.

3.5 Transco has requested that their information pack is passed to the contractor on site.

This information has been copied to the developer.

3.6 Power Systems has no objection to the proposed development.

Noted.

3.7 Drongan, Rankinston and Stair Community Council has been consulted but no response had been received at the time of writing the report.

Noted.

4. REPRESENTATIONS

4.1 This application has attracted one letter of third party representation. This letter objects to the proposed development for the following reason:

4.2 While I am happy to see that the field is now going to be developed, I have some concerns that the area of ground adjoining my property is designated as "Public Open Space". The area seems to be quite large and my real worry is that it becomes an area for local youths to congregate or, worse still, a football pitch!

The proposed development is for sixty two units and a development of this scale does require an area of public open space as required by Policy RES19 of the local plan. The area of Public Open Space meets this requirement and the developer shall be required to ensure the area is maintained. It is considered appropriate to impose a condition on the consent to minimise the potential for the area becoming subject to vandalism.

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 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 location is acceptable in principle as both parts of the site are identified in the East Ayrshire Local Plan as residential development opportunities.

5.4 Policy RES19 requires all housing developers to provide areas of recreational and amenity open space in their developments to the indicative basic standards set out in Schedule 3 of the Local Plan. The policy states also that the precise type, size, location and design of the open space required is dependent on the extent of existing open space provision in the vicinity and the recreational and amenity needs of the wider area.

The amount of public open space proposed within the development is considered to be sufficient to meet policy requirements.

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 developer has demonstrated that the requirement for private open space within each plot has been met in accordance with the above mentioned policy.

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 design of these houses is in accordance with Design Guidance 2: New Residential Development and therefore complies with the abovementioned policy.

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

The developer has confirmed a willingness to enter into a Section 75 legal agreement regarding contributions thus complying with Policy TLR5.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, third party letters of representation and the planning history of the site.

Consultation Responses

6.2 None of the consultation responses received indicate that the application should be refused.

Representations

6.3 The objection raised is material as it raises concern about the amenity of the area however it is considered that this can be sufficiently addressed so as not to merit refusal of the application.

Planning History

6.4 A previous application for outline planning permission (Ref: 03/0122/OL) for residential development of this site was approved on 12 September 2003.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. The application is being recommended for approval subject to the completion of a Section 75 legal agreement which the developer would enter into with the Council. This agreement shall address the developer contributions; visibility splay areas and the formation of the footway along Watson Terrace.

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 satisfactorily addressed and do not merit refusal of the application.

8.2 This application for reserved matters has been submitted following the outline planning permission being granted. The site is one which has been identified for residential development in the local plan. The plan indicates the site being suitable for around 58 units and the proposed development is for 62. However, this is a notional capacity in the Local Plan and hence the slight increase is considered acceptable.

8.3 The proposed development is considered to meet all of the Local Plan requirements in terms of layout and design. The house on Plot 53 does raise an issue of potential overlooking and this can be addressed by a condition requiring the rooflight to be fitted with an obscure fixed pane. The road layout has been deemed acceptable by the Council's Roads Division and the material planning considerations raise no basis for refusal. The recommendation must therefore be 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 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 matters 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 and Building Control in terms of the principle of the 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 and Building Control

15 March 2004
NM/NM
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: 03/1105/RM

Location	Craufurd Drive/Trysting Thorn Wynd DRONGAN KA6 6NG
Nature of Proposal:	Proposed erection of 62 residential dwellings
Name and Address of Applicant:	Hope Homes Scotland Watson Terrace DRONGAN KA6 7AB
Name and Address of Agent	As Above

DPO's Ref: Nicola Monroe
PPO's Ref: Hugh Melvin

The above Reserved Matters application should be granted subject to the following conditions:-

1. Notwithstanding the submitted plans the visibility splay areas of 2.5 metres by 90 metres shall be provided at the junction of the access to the development with Watson Terrace with no obstruction to visibility greater than 1metre in height being allowed within these areas.

REASON – To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow for safe exit.

2. Any garages associated with the proposed dwellinghouses shall be set back a minimum distance of 6 metres from the edge of the public road and footpath.

REASON – In the interests of road and public safety.

3. Any access gates shall require to open inwards away from the public road.

REASON – In the interests of road and public safety.

4. Prior to the occupation of each dwelling the access driveway shall be surfaced in a bituminous material for the first 2 metres from the rear of the public road.

REASON – To avoid the overcarry of loose material onto the public road to ensure a safe road surface.

5. No surface water shall be allowed to discharge onto the public road.

REASON – To ensure a safe road surface.

6. Prior to the occupation of any of the houses to be completed on the site the developer shall form a 2 metre kerbed footway to East Ayrshire Council standards across the frontage of the properties fronting Watson Terrace to link with the footway at the Toll Bar with an additional road gully provided for drainage to the satisfaction of the Head of Planning and Building Control.

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

7. No development shall commence on site until a drainage scheme, to include surface water disposal, has been agreed in writing by the Planning Authority in consultation with Scottish Water. The development thereafter shall be implemented in accordance with the agreed scheme.

REASON – In the interests of ensuring an adequate drainage scheme to protect public and environmental health.

8. Notwithstanding the details on the plans hereby approved the area of public open space shall be planted with shrubbery only with no specimens greater than one metre in height to the satisfaction of the Head of Planning and Building Control.

REASON – In the interests of crime prevention to safeguard the residential amenity of the area.

9. Prior to the commencement of development the developer shall submit details of a programme for the future management and maintenance of the areas designated for public open space, including the Sustainable Urban Drainage system and this shall be implemented accordingly.

REASON – To ensure that the future maintenance and management of the area is secured.

10. Notwithstanding the details on the plans hereby approved the rooflight on the first floor rear elevation of the house on Plot 53 shall be fitted with a fixed obscure pane of glass, a sample of which shall be agreed by the Planning Authority before installation, and which shall be retained in perpetuity.

REASON – In the safeguarding the privacy of the existing residential properties on Watson Terrace.

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 555 330. 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.

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VIEWING PLEASE CONTACT (01563) 555320.**