

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 23 MARCH 2007

**06/0944/FL: HOUSING DEVELOPMENT PHASE 3 AT LITTLEMILL ROAD,
DRONGAN**

APPLICATION BY REGENT BUILDERS

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the residential development of the site to accommodate 26 two storey dwellings. The proposal comprises of ten semi-detached, three bedroom dwellings, two detached, three bedroom dwellings, ten terraced, three bedroom dwellings and one block of four flats all consisting of a single bedroom. Plot numbers 3 & 4 located on Littlemill Road propose a single detached garage adjacent to the dwellinghouse incorporating a pitched roof design. The proposed finishing materials consist of rustic red facing brick with white render for the upper external walls and dark brown concrete interlocking roof tiles. The proposed layout takes access from Littlemill Road sweeping towards the east of the site leading to a large hammerhead with dwellings positioned on both sides of this access road. The application is proposing a formal frontage onto Littlemill Road with a mix of a two semi detached units and two detached dwellings all taking direct access from Littlemill Road.

2. RECOMMENDATION

It is recommended that the application be approved subject to the conditions indicated on the attached sheet and that the decision notice not be issued until the Solicitor to the Council has concluded a Section 69 Agreement under the Local Government (Scotland) Act 1973 dealing with the matter indicated in section 7.1 of this report, and that payment has been made in that regard.

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 but it is considered that they are not of sufficient weight to justify a departure from policy in this case.

3.2 The application site is located within the settlement boundary of Drongan. Outline planning consent has recently been established for the residential development of this brownfield site which previously used to accommodate a garage/workshop. The proposal is seeking the development of 26 two storey residential units comprising of 10 semi detached units, 10 terraced, 4 single bedroom flats and 2 detached units with two associated detached garages. As noted in section 5 of the report the proposal shows compliance with the policies contained within the Adopted East Ayrshire Local Plan 2003.

3.3 The design of the residential units is of a size and scale compatible with their surroundings and the units have a good external appearance. The proposal has taken into consideration the development of the adjacent area of ground (also in applicant's control) and the design and use of materials will be of a suitable match. The overall layout of the site meets with the policy requirements for minimum public and private open space and therefore there are no overbearing reasons why this application should not be approved.

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, and that decision is based on the principle of residential development, the application will require to be referred to the Development Services Committee because it would be 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 REGENT BUILDERS

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.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies within the settlement of Drongan on land to the east of the B730 public road, known as Littlemill Road. To the rear the site backs onto a railway line. The front section of the application site bounds with Littlemill Road and has formally been utilised as a garage/workshop area with two main structures still present. The ground to the north of the site is in the process of construction to form a courtyard development of 12 terraced units. The land to the south of the application site is largely residential.

2.2 Currently the land largely is level derelict ground extending to an approximate area of 2.02 acres. A large shed structure is still present on site with a smaller unit positioned closer to the public road.

2.3 **Proposed Development:** Full planning permission is sought for the residential development of the site to accommodate 26 two storey dwellings. The proposal comprises of ten semi-detached, three bedroom dwellings, two detached, three bedroom dwellings, ten terraced, three bedroom dwellings and one block of four flats all consisting of a single bedroom. Plot numbers 3 & 4 located on Littlemill Road propose a single detached garage adjacent to the dwellinghouse incorporating a pitched roof design. The proposed finishing materials consist of rustic red facing brick with white render for the upper external walls and dark brown concrete interlocking roof tiles. The proposed layout takes access from Littlemill Road sweeping towards the east of the site leading to a large hammerhead with dwellings positioned on both sides of this access road. The application is proposing a formal frontage onto Littlemill Road with a mix of a

two semi detached units and two detached dwellings all taking direct access from Littlemill Road.

3. CONSULTATIONS AND ISSUES RAISED

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

- (i) Access to the site shall require to be taken via internal roads which comply with the Roads Development Guide 1996 and require Construction Consent from East Ayrshire Council Roads and Transportation Division. This consent would cover details such as road widths, footways, road construction, street lighting, drainage etc.
- (ii) Junction visibility splay areas of 2.5m by 160m shall be required at the access point with the B730 with no object greater than 1m in height allowed within these areas.
- (iii) The private driveways/parking areas shall not be less than 6m in length by 4.8m wide for each 2/3 bedroom house.
- (iv) Any gates shall open inwards away from the public road.
- (v) A 2m wide footway to East Ayrshire Roads specification shall require to be constructed along the B730 frontage of the site.
- (vi) The proposed driveways shall not be less than 4.8m in length by 2.5m wide.
- (vii) Plots 1 – 4 fronting the B730 shall incorporate an internal turning area and 2 off road parking spaces. Parking for the flats (4 spaces) shall be contained within plot 17 with visitor parking adjacent.
- (viii) Any existing public utility apparatus located in the verge shall require to be protected beneath the proposed access.
- (ix) No surface water shall be allowed to discharge onto the public road
- (x) Junction stagger from Watson Terrace shall be provided.

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

3.2 Scottish Water has no objections to the proposed development.

Noted.

3.3 Drongan Community Council has not provided comments at the time of writing this report.

3.4 Transco has no objection in principle to the proposed development.

Noted.

3.5 The Scottish Environment Protection Agency states that it has no objections in principle to the proposals provided the drainage arrangements are to its satisfaction. All foul drainage from the development site must be connected to the public sewerage system in accordance with Scottish Water requirements. The development must not entail the use of dual manholes for connections to the existing sewage system, either in the public sewers or within the curtilage of the development. The applicant should obtain written assurance from Scottish Water that the additional foul drainage arising from this development will not cause or contribute to premature operation of downstream consented storm sewer overflows.

SEPA has requested that additional information be submitted prior to the determination of this application pending its approval for the collection, treatment and disposal of surface water from this development as a whole primarily due to the scale of the development. This request has been passed to the applicant's agent who has developed a scheme for the disposal of surface water to the satisfaction of SEPA. Confirmation has been received from SEPA clarifying that the proposals are compliant with SEPA's requirements.

4. REPRESENTATIONS

4.1 No third party representations have been received with respect to the proposed development.

Noted.

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 and the Adopted East Ayrshire Local Plan (EALP).

Ayrshire Joint Structure Plan

5.2 There are no policies in the Structure Plan especially relevant to the proposed development.

Noted.

East Ayrshire Local Plan

5.3 Policy RES4 states that, within Settlement Boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or

other redevelopment sites, including those sites created through the large scale demolition of existing housing, not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed against a set of four stated criteria, as follows:

(i) impact on the surrounding natural and built environment and adjacent uses;

Residential use is unlikely to impact detrimentally on the surrounding environment which is, or will be, residential in nature.

(ii) transportation and infrastructure implications;

The requirements of the Roads Division can be met by the use of conditions and there are no objections from other infrastructure providers.

(iii) compatibility with surrounding densities and housing types; and

The house types are generally acceptable for this location and the Council's minimum levels of open space provision has been met.

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

It is considered that the proposed design meets with the Council's Design Guidance.

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 application shows compliance with the Council's minimum public open space standards.

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 layout has been revised to achieve the minimum private open space standards.

5.6 Policy TLR 5 encourages applicants to make a contribution to the Sports, Leisure and recreation fund.

Noted, the applicant has agreed to a contributions of £17,000

5.7 The principle of the development at this location is considered to be acceptable in terms of the Development Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultation Responses

6.2 None of the consultation responses have raised any issues which would indicate that the application should be refused although certain issues would require to be resolved: either through conditions or appropriate notes attached to any consent granted for the proposed development

Planning History

6.3 The application site has been the subject of three planning applications, the details of which are noted below:

- A full planning application (Planning Ref: 06/0606/FL) for the erection of 22 new dwellings, phase 3 was formally withdrawn on 17 October 2006.
- A full planning application (Planning Ref: 06/0698/FL) for the erection of 6 new dwellings, phase 4 was formally withdrawn on 17 October 2006.
- An outline planning application (Planning Ref: 05/1006/OL) for a proposed residential development was approved under delegated powers on 5 May 2006.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. Legal implications will arise through the requirement for the developer to enter into a Section 69 Agreement under The Local Government (Scotland) Act 1973 to secure the developer contribution to the Council's Sports, Leisure and Recreation fund. The developer has agreed to make a fixed financial contribution to the above fund of £17,000.

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 but it is considered that they are not of sufficient weight to justify a departure from policy in this case.

8.2 The application site is located within the settlement boundary of Drongan. Outline planning consent has recently been established for the residential development of this brownfield site which previously used to accommodate a garage/workshop. The proposal is seeking the development of 26 two storey residential units comprising of 10 semi detached units, 10 terraced, 4 single bedroom flats and 2 detached units with two associated detached garages. As noted in section 5 of the report the proposal shows compliance with the policies contained within the Adopted East Ayrshire Local Plan 2003.

8.3 The design of the residential units is of a size and scale compatible with their surroundings and the units have a good external appearance. The proposal has taken into consideration the development of the adjacent area of ground (also in applicant's control) and the design and use of materials will be of a suitable match. The overall layout of the site meets with the policy requirements for minimum public and private open space and therefore there are no overbearing reasons why this application should not be approved.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet and that the decision notice not be issued until the Solicitor to the Council has concluded a Section 69 Agreement under the Local Government (Scotland) Act 1973 dealing with the matter indicated in section 7.1 of this report, and that payment has been made in that regard.

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, and that decision is based on the principle of residential development, the application will require to be referred to the Development Services Committee because it would be a significant departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

RG
FV/DVM
28 February 2007

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Adopted East Ayrshire Local Plan (2003).
5. Approved Ayrshire Joint Structure Plan (1999).
6. Previous applications 06/0606/FL, 06/0698/FL & 05/1006/OL

Anyone wishing to inspect the above background papers should contact Mr. Robin Ghosh on 01563 555481.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 06/0944/FL

Location	LITTLEMILL ROAD, DRONGAN
Nature of Proposal:	HOUSING DEVELOPMENT PHASE 3
Name and Address of Applicant:	REGENT BUILDER LTD 1 DRUMDOW ROAD TURNBERRY
Name and Address of Agent	ARCHITECTURE DESIGN AND DEVELOPMENT SOLUTIONS 14A BERESFORD TERRACE AYR

DPO's Ref: Robin Ghosh
PPO's Ref: Hugh Melvin

The above FULL application should be approved subject to the following conditions:-

1. The proposed development shall be carried out in accordance with the application form and plans received by the Planning Authority on 17 October 2006, the amended site plan (ref: PO6.74.02A) received by the Planning Authority on 20 December 2006 and the amended detached house type plans (ref: PO6.74.10B) received by the Planning Authority on 01 February 2007.

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

2. Notwithstanding the submitted plans, the external wall covering is not hereby approved. Details/samples of the external wall finish shall be submitted to and approved by the Planning Authority before any development commences on site and thereafter implemented as approved.

REASON: In the interests of visual amenity.

3. Notwithstanding the submitted plans the window units are not hereby approved. Further details on the specific window design shall be submitted to and approved by the Planning Authority before any development commences on site and thereafter implemented as approved.

REASON: In the interests of visual amenity.

4. Access to the site shall require to be taken via an internal road which complies with the Roads Development Guide 1996.

REASON: In the interests of public road safety.

5. Junction visibility splay areas of 2.5 metres by 160 metres shall be formed and maintained at the access point from the B730 into the site, with no object greater than 1m in height allowed within these areas.

REASON: In the interests of public road safety.

6. Junction stagger from Watson Terrace shall be provided as indicated on the submitted plans.

REASON: In the interests of public road safety.

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

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

8. Any garages shall be set back a minimum distance of 6m from the rear of the public footpath.

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

9. Notwithstanding the submitted plans any gates shall require to open inward away from the public road.

REASON: In the interests of public road safety.

10. The private driveways shall be paved or bituminously surfaced over the full width for a minimum distance of 2m from the rear of the footway to avoid the overcarry of loose material onto the public road.

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

11. The proposed driveways shall not be less than 6m in length by 4.8m wide.

REASON: In the interests of public road safety.

12. The parking requirement shall comply with the Roads Development Guide 1996 including visitor parking. Parking for the flats (four spaces) shall be contained within plot 17 with visitor parking adjacent.

REASON: In the interests of public road safety.

13. All waste to be removed from the site (demolition, construction waste etc.) shall be removed by a licensed waste carrier to an appropriately licensed or exempted site.

REASON: In the interests of public health and safety.

14. Construction works on site shall not be carried out prior to 0800 hours and after 1700 hours on Monday to Saturdays, and not at any time on Sundays.

REASON: To prevent noise disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity.

15. Prior to the commencement of development on site, the applicant shall submit to and have approved by the Planning Authority, details of screen fencing to be erected on site. This fencing shall thereafter be provided onsite prior to the occupation of any of the houses.

REASON – In the interests of visual and residential amenity

16. Prior to the commencement of the development, the applicant shall submit to, and have approved by the Planning Authority, details of the proposed landscaping scheme for the proposed areas of open space. The proposed landscaping scheme shall provide details of the timing of implementation and future maintenance of the approved scheme.

REASON - To ensure that the provision of public open space is to an adequate standard and subsequently maintained in the interest of residential and visual amenity.

NOTES

1. East Ayrshire Council Roads and Transportation Division has advised that Construction Consent will be required for the construction of the residential roads and footpaths, street lighting etc. The Division can be contacted on Tel 01563 555330. The internal roads must comply with the Roads Development Guide 1996. This consent would cover details such as road widths, footways, road construction, street lighting, drainage, traffic calming, internal junction visibilities etc.
2. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency regarding drainage of the site and to confirm the request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.
3. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.

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