

## **EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 20 MAY 2005**

**04/0910/FL: PROPOSED HOUSING DEVELOPMENT FOR 12 HOUSES  
AT OLD TOLL YARD, LITTLEMILL ROAD, DRONGAN**

**APPLICATION BY BUCHANAN HOMES LIMITED**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought to develop the site for residential purposes. The development consists of three terraces, comprising a five, a four and three unit block of two storey houses. The units are shown as three bed-roomed houses with vertically proportioned fenestration and a canopy over the front door. Roughcast is proposed for the external wall finish with a Marley Monarch tile for the roofs of the proposed dwellings.

1.2 It is proposed to close off the existing access into the site and to form a new one further to the north which would culminate in a turning area and accommodate resident and visitor parking in the north east of the site. It is proposed to erect a 1.8m high close boarded timber fence as a boundary for the development and a 300mm high fence would form a boundary between the rear gardens of the properties. It is proposed to connect to the public sewer for foul drainage.

#### **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 69 of the Local Government (Scotland) Act 1973 with the applicants in respect of the matter detailed in Paragraph 7.1 of this report and payment in that regard has been received.**

#### **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 and there are no issues which would indicate the application should be refused.

3.2 The site is allocated in the local plan for residential development and is acceptable in principle. The development comprises three terraces of two storey units and the proposed houses are considered to be aesthetically pleasing. As stated under Para 5.4 the proposed house plots do fall short of the requirement for private open space. However this is marginal and given that the development is on a brownfield site it is considered an acceptable minor technical breach of the policy. The proposed dwellings do not raise any other issues of residential or visual amenity.

3.3 The proposed development has been found to be acceptable in terms of services and facilities and the developer has demonstrated that the road safety requirements can be met on land within his control.

#### **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 basis of the principle of the proposed development, then 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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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 development being 12 dwellings.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises a brownfield site that lies on the east side of the B730 Littlemill Road in Drongan. It is triangular in shape and was formerly used for a variety of commercial operations including a former concrete works. To the north and east of the site is a wooded area of self-seeded scrubland trees. An existing garage and access into the industrial units lies to the south and a new residential development at Robert Burns Avenue is currently underway on the opposite side of Littlemill Road.

2.2 There is an existing entrance into the site which is bounded by a 3.5m high chain link security fence and with a container lying in the south-west corner of the site beside the entrance. There are other containers sited in the northeast portion of the site and also some scrap machinery/equipment within the site boundary.

2.3 **Proposed Development:** Full planning permission is sought to develop the site for residential purposes. The development consists of three terraces, comprising a five, a four and three unit block of two storey houses. The units are shown as three bed-roomed houses with vertically proportioned fenestration and a canopy over the front door. Roughcast is proposed for the external wall finish with a Marley Monarch tile for the roofs of the proposed dwellings.

2.4 It is proposed to close off the existing access into the site and to form a new one further to the north which would culminate in a turning area and

accommodate resident and visitor parking in the north east of the site. It is proposed to erect a 1.8m high close boarded timber fence as a boundary for the development and a 300mm high fence would form a boundary between the rear gardens of the properties. It is proposed to connect to the public sewer for foul drainage.

### 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) visibility sightline splay areas of 2.5m by 160m will require to be formed and maintained at the access point from the B730 into the site with no obstruction greater than one metre in height and this will require the relocation of road signs which shall be at the developer's expense;
- (ii) a 2m wide footway to East Ayrshire roads standards will require to be constructed along the B730 frontage of the site;
- (iii) access to the site will require to be taken via internal roads which complies with the Roads Development Guide 1996 and will require Roads Construction Consent and submission of a Road Bond to East Ayrshire Roads Department;
- (iv) any existing public utility apparatus/drains etc located in the verge will require to be protected beneath the proposed access;
- (v) residents and visitor parking as shown must be provided (19 spaces);
- (vi) to provide safe pedestrian access into the courtyard area the B730 footway should be returned (as shown) up to Plot 5 on the south side of the shared surface access road.

***The applicant has submitted a revised site layout which is in accordance with the above requirements and these shall be secured through the imposition of appropriate conditions on the consent should the Committee be minded to approve the application.***

3.2 East Ayrshire Council's Environment Health Division has advised that there may be contamination issues in developing the site and hence the following conditions have therefore been recommended:

- (i) a comprehensive contaminated land investigation in accordance with BS 10175: 2001 and to contain details of proposals to deal with contamination (if present) to include:
  - the nature, extent and type(s) of contamination on the site;
  - a site specific risk assessment of all relevant pollutant linkages;
  - remedial measures to treat/remove contamination to ensure the site is fit for the use proposed;

- measures to deal with unsuspected contamination discovered during construction works;
- (ii) prior to any further site development the developer shall submit a report confirming that the remedial work has been carried out in accordance with the remediation plan;
- (iii) all noisy construction work should be limited to 7am-7pm Monday to Friday, 8am to 1pm Saturday and no noisy construction work on Sunday;
- (iv) waste materials disposed of to the satisfaction of the Waste Management Authority and otherwise than burning;
- (v) all drainage is to the satisfaction of Scottish Water;
- (vi) the development should provide for an area for siting recycling bins and advice should be sought from Cleansing Services in this regard.

***The developer has been advised that a site investigation survey will be required and this can be imposed as a suspensive condition on the consent should the Committee be minded to approve the application. Conditions can also be attached to any consent granted for the proposed development to meet the other requirements of the Environmental Health Division***

3.3 Scottish Water has advised there is an existing public water main located in the street adjacent and there is a public sewerage system to which a connection may be made. A totally separate drainage system of foul and surface water sewers will be required.

***Noted.***

3.4 The Scottish Environment Protection Agency has no objections in principle to the proposals provided the drainage arrangements are to their complete satisfaction. The site is also in close proximity to a landfill site. This site was awarded a waste disposal licence by Cumnock & Doon Valley District Council in August 1990. Inspection records passed to SEPA in 1994 describe the site as being dormant with the majority of infilling works being completed by March 1992. Subsequently the licence holders went into administration in January 2004 and the land has since been sold on. SEPA has therefore confirmed that the licence could not now be resurrected. The landfill constituted inert waste only and on this basis it would not cause harm to any future residents.

***Noted.***

3.5 Scottish Power has no objection to the proposed development.

***Noted.***

3.6 Transco has no objection to the proposed development.

***Noted.***

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

***Noted.***

#### **4. REPRESENTATIONS**

4.1 The planning application has not attracted any third party letters of representation.

***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 (1999) and the Adopted East Ayrshire Local Plan (2003).

##### Ayrshire Joint Structure Plan

5.2 There are no policies contained within the structure plan which are especially relevant to 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.

***The application site comprises part of Housing Development Opportunity Site 080H as identified in the adopted East Ayrshire Local Plan. The proposal is therefore in accord with Policy RES1 and Drongan 1(ii) of the local plan and there are no objections in principle to the proposal.***

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 requirement for the houses proposed is 75sqm of private garden space.

***The proposed layout does fall short of this requirement on some of the plots. However, the proposal is for a sympathetic reuse of a brownfield site within the settlement envelope and it is considered the overall layout does illustrate a satisfactory development in terms of both residential and visual amenity. It is considered that the shortfall in garden space represents a minor technical breach of Policy RES22 but is considered to be an acceptable departure from the development plan in this case.***

5.5 Policy TLR5 requests that developers make a contribution to the Council's Sports, Leisure and Recreation Fund. This is normally based on 1% of the cost of construction of each house unit.

***The developer has confirmed agreement to making a contribution to the Sports, Leisure and Recreation Fund. This will be a lump sum which shall be secured through a legal agreement thereby 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.

### Consultations Responses

6.2 The consultation responses have not raised any objections or issues that would indicate the application should be refused.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial obligations for the Council in the determination of this application. Legal obligations 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.

## **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 and there are no issues which would indicate the application should be refused.

8.2 The site is allocated in the local plan for residential development and is acceptable in principle. The development comprises three terraces of two storey units and the proposed houses are considered to be aesthetically pleasing. As stated under Para 5.4 the proposed house plots do fall short of the requirement for private open space. However this is marginal and given that the development is on a brownfield site it is considered an acceptable minor technical breach of the policy. The proposed dwellings do not raise any other issues of residential or visual amenity.

8.3 The proposed development has been found to be acceptable in terms of services and facilities and the developer has demonstrated that the road safety requirements can be met on land within his control.

## **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 69 of the Local Government (Scotland) Act 1973 with the applicants in respect of the matter detailed in Paragraph 7.1 of this report and payment in that regard has been received.**

## **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 basis of the principle of the proposed development, then 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  
08 May 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: 04/0910/FL

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|                                |   |
|--------------------------------|---|
| Location                       | Old Toll Yard<br>Littlemill Road<br>DRONGAN<br>KA6 7BT  |
| Nature of Proposal:            | Proposed housing development for 12 houses              |
| Name and Address of Applicant: | Buchanan Homes Ltd<br>5 Cromwell Road<br>AYR<br>KA7 1DY |
| Name and Address of Agent      | Thomson McCrea<br>9 Old Bridge Street<br>AYR<br>KA7 1QA |

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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 and location plan; plan, elevations and sections (Drawing No: A04/748/1 and A04/748/2) received on 03 September 2004 and amended site plan (Drawing No: A04/748/4) received by the Planning Authority on 10 March 2005.

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

2. The dwellinghouses hereby approved shall have external finishes of wet roughcast and Marley Monarch roof tiles as stated on the plans unless alternative finishes receive the prior written approval of the Planning Authority.

REASON – In the interests of visual amenity.

3. The 1.8m high close boarded fence shall be stained or creosoted in a suitable dark timber preservative prior to its installation and shall be maintained in a neat and tidy condition to the satisfaction of the Planning Authority.

REASON –In the interests of residential and visual amenity.

4. Prior to the commencement of development the developer shall submit to, and have approved by the Planning Authority, a programme for the future management and maintenance of the public open space area as outlined in green on the plan hereby approved.

REASON – To ensure the area is maintained in perpetuity.

5. Prior to the commencement of development the developer shall submit a report for a comprehensive contaminated land investigation in accordance with BS 10175: 2001 and to contain details of proposals to deal with contamination (if present) to include:
  - the nature, extent and type(s) of contamination on the site;
  - a site specific risk assessment of all relevant pollutant linkages;
  - remedial measures to treat/remove contamination to ensure the site is fit for the use proposed;
  - measures to deal with unsuspected contamination discovered during construction works.

REASON – To ensure that any site contamination is suitably addressed prior to any development works commencing on site.

6. Prior to any further site development the developer shall submit a report confirming that the remedial work has been carried out in accordance with the remediation plan.

REASON – In the interests of public health and safety.

7. All construction work should be limited to between 7am-7pm Monday to Friday, between 8am to 1pm on Saturdays with no construction work being undertaken on Sundays.

REASON – In the interests of residential amenity.

8. All waste materials shall be disposed of to the satisfaction of the Waste Management Authority and otherwise than burning to the satisfaction of the Planning Authority.

REASON – In the interests of public health and safety.

9. Prior to the commencement of development the applicant shall submit details of the required bin storage area(s) to serve the proposed development, The details should be the subject of prior discussion with the Waste Management Authority

REASON – In the interests of public health and safety.

10. Prior to the occupation of any of the dwellinghouses hereby approved visibility sightline splay areas of 2.5m by 160m shall be formed and maintained at the access point from the B730 into the site with no obstruction greater than one metre in height. The visibility sightlines shall thereafter be maintained in perpetuity to the satisfaction of the Planning Authority.

REASON – In the interests of road safety.

11. Prior to the occupation of the last dwellinghouse to be completed the developer shall form a 2m wide footway to East Ayrshire roads standards along the B730 frontage of the site.

REASON – In the interests of pedestrian and road safety.

12. Access to the site shall be taken via internal roads which comply with the Roads Development Guide 1996.

REASON – In the interests of road safety.

13. Any existing public utility apparatus/drains etc located in the verge shall be protected beneath the proposed access.

REASON – In the interests of road safety.

14. Prior to the occupation of any of the dwellinghouses hereby approved, residents and visitor parking as shown shall be provided (19 spaces).

REASON – To ensure there is sufficient off road parking in the interests of road safety.

15. The B730 footway shall be returned (as shown) up to Plot 5 on the south side of the shared surface access road to the satisfaction of the Planning Authority in consultation with the Roads and Transportation Division.

REASON – In the interests of pedestrian and road safety.

#### **NOTES TO APPLICANT**

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

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VIEWING PLEASE CONTACT (01563) 555320.**