

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 26 MAY 2006

**05/01024/FL: ALTERATIONS TO SITE LAYOUT OF CONSENT 03/1097/FL
TO FORM ACCESS AND ERECTION OF AN ADDITIONAL 15 HOUSING
UNITS FORMING A TOTAL DEVELOPMENT OF 37 UNITS
AT MAIN STREET, AUCHINLECK**

**APPLICATION BY MODUS ESTATES AND BONNINGTON
DEVELOPMENTS LIMITED**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is now sought for alteration of the approved layout for consent 03/1097/FL to allow for the formation of an access road into the land adjacent to the rail line which together with amendments to the layout and substitution of house types promotes a scheme for the erection of 22 dwellinghouses. Overall this amended scheme promotes an additional 15 dwellinghouses on the extended site. Together with the existing consents for residential development at this location, a total of 37 dwellinghouses are proposed.

1.2 The proposal includes the erection of the following house types:

- (i) the erection of eight, semi-detached, two-storey dwellinghouses (type S2 – 3 Bedrooms);
- (ii) the erection of twelve, single storey detached dwellinghouses (type B2 – 3 Bedrooms); and
- (iii) the erection of two, two storey detached dwellinghouses with integral garage (type C – 4 Bedrooms).

1.3 The proposed residential development will be serviced by a new access road off Main Street part of which is already approved under previous consents. The proposed dwellinghouses, in terms of scale, design and use of finishing materials would also compliment the flatted development. The layout of the development along the boundary of the existing railway line is linear in nature with the access road terminating in a turning head, located adjacent to Merlin Park. Areas of open space are also located within this part of the application site.

1.4 The common boundary with the existing rail line is to be provided with a 2 metres high acoustic close boarded fence to reduce potential noise nuisance associated with the rail line.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet.

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 are generally supportive of the application.

3.2 It is considered that the proposed residential development, in terms of its scale, density and layout, is acceptable for this brownfield site within the central part of Auchinleck. With the demolition of the former Auchinleck Primary School, the site currently detracts from the visual amenity of Main Street.

3.3 It is considered that the representations made can be partly addressed by the use of appropriate conditions but are not of sufficient weight to justify refusal of the application. There are no consultation responses that would merit refusal of the application. The objection by Scottish Water can be addressed through the imposition of an appropriate suspensive condition to ensure that the drainage of the site is to its satisfaction.

3.4 The proposed development in terms of its scale, density, design and use of finishing materials is compatible with the currently approved residential properties to be developed on the adjoining part of the former primary school site, with similar house types being used.

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, the application will not require to be referred to the Development Services Committee because it would not 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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Report by Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the Scheme of Delegation as the proposal is a larger application of area significance and is subject to objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies on the south side of Main Street in Auchinleck, immediately opposite the Railway Hotel and comprises part of the site of the former Auchinleck Primary School which has now been demolished. The site extends to approximately 1.6 hectare and is bounded by residential and commercial properties to the north, by Auchinleck Bowling Green, Merlin Park and residential properties to the west, by a coach depot and Auchinleck railway station to the south and by residential and commercial properties to the east.

2.2 Detailed planning consent for the erection of 15 dwellinghouses and 24 flatted units on the former Auchinleck Primary School site was granted on 12 December 2002 (Ref. No. 02/0482/FL). Following this approval, a subsequent application for the deletion of the flatted units and erection of 7 dwellinghouses on part of the site was granted on 05 February 2004 (Ref. No. 03/1097/FL). A further application for outline consent for a small area of land to the south of the former primary school site for the erection of three dwellinghouses was approved on 30 March 2003. In essence there is currently detailed planning consent for 22 dwellings on this site.

2.3 The present application site encompasses part of the site of the former primary school together with an additional area of land lying to the north of the Glasgow – Dumfries rail line.

2.4 **Proposed Development:** Full planning permission is now sought for alteration of the approved layout for consent 03/1097/FL to allow for the

formation of an access road into the land adjacent to the rail line which together with amendments to the layout and substitution of house types promotes a scheme for the erection of 22 dwellinghouses. Overall this amended scheme promotes an additional 15 dwellinghouses on the extended site. Together with the existing consents for residential development at this location, a total of 37 dwellinghouses are proposed.

2.5 The proposal includes the erection of the following house types:

- (i) the erection of eight, semi-detached, two-storey dwellinghouses (type S2 – 3 Bedrooms);
- (ii) the erection of twelve, single storey detached dwellinghouses (type B2 – 3 Bedrooms); and
- (iii) the erection of two, two storey detached dwellinghouses with integral garage (type C – 4 Bedrooms).

2.6 The proposed residential development will be serviced by a new access road off Main Street part of which is already approved under previous consents. The proposed dwellinghouses, in terms of scale, design and use of finishing materials would also compliment the flatted development. The layout of the development along the boundary of the existing railway line is linear in nature with the access road terminating in a turning head, located adjacent to Merlin Park. Areas of open space are also located within this part of the application site.

2.7 The common boundary with the existing rail line is to be provided with a 2 metres high acoustic close boarded fence to reduce potential noise nuisance associated with the rail line.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Auchinleck Community Council has not responded to the consultation letter.

Noted.

3.2 East Ayrshire Council's Roads and Transportation Division has no objection to the proposal subject to the imposition of conditions as follows:

- (i) The site will require to be served by internal access roads which comply with the Roads Development Guide 1996 and will require Construction Consent. This consent would cover details such as road widths, footways, road construction, street lighting, drainage, traffic calming etc. and this consent must be in place prior to works commencing on site.
- (ii) Junction visibility splay areas of 2.5 metres by 35 metres will be required at all internal road junctions with no object greater than 1 metre in height being allowed within these areas. 15 metres forward visibility is required at speed bends.

- (iii) Parking requirement shall be to the Roads Development Guide 1996, including visitor parking.
- (iv) No surface water must be allowed to discharge from driveways onto existing or proposed public roads.
- (v) Any garages must be set back a minimum distance of 6 metres from the rear of the footway / service strip.
- (vi) Private driveways will require to be paved for a minimum distance of 2 metres from the rear of the footway to avoid overcarry of loose material onto the public road.
- (vii) The proposed driveways/parking areas should be not less than 4.8 metres in length by 2.5 metres in width.
- (viii) Any access gates shall open inwards away from the public road.
- (ix) Drainage details including the use of SUDS will require the approval of East Ayrshire Roads and Transportation Division, Scottish Water and SEPA as part of the Construction Consent.
- (x) Junction visibilities of 2.5 metres by 90 metres are required at the junction with Main Street with no fencing, buildings etc over 1 metre in height being allowed in these areas.

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

3.3 Transco and Power Systems have no objections to the proposal.

Noted.

3.4 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 request a condition requiring the applicant to install a surface water treatment system designed and constructed in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual published by CIRIA. All waste materials generated by this development that require to be removed such as construction, demolition wastes and surplus excavated material must be removed from site by licensed waste carriers. Waste must be removed to a site that has either an appropriate waste management licence or is registered with SEPA as exempt from licensing.

Noted. A note can be attached to any consent granted for the proposed development to advise the applicant to make early contact with SEPA to address issues of surface water drainage.

3.5 Scottish Water objects to this application but this objection can be deemed to be withdrawn if the Council as Planning Authority attaches conditions to any consent granted for the proposed development to the effect that no development shall commence until evidence is exhibited to the Planning Authority that an agreement has been reached by the applicant with Scottish Water for the provision of drainage and / or water scheme to serve the development.

The applicant has been advised of the comments of Scottish Water and is currently attempting to resolve issues raised by Scottish Water. A suspensive condition can be attached to any consent granted for the proposed development to ensure that appropriate arrangements for the drainage of the site are agreed with Scottish Water prior to any works commencing on site.

3.6 Network Rail has no objections in principle to the proposed development. However, due to the nature of the proposed development, Railtrack considers there to be an increased risk of trespass onto the railway and consequently would ask that the applicant provides a 1.8 metres high concrete post and weld mesh fence along the mutual boundary with the railway station.

A condition can be attached to any consent granted for the proposed development to meet the requirements of Network Rail. It is noted that a 2 metres high close boarded acoustic fence is proposed by the applicant.

3.7 Environmental Health and Waste Management Division comment that the former use of the site as railway land could suggest the possibility of site contamination. In this regard it would be prudent to apply standard contaminated land conditions in any consent granted for the development.

Conditions can be attached to any consent granted for the proposed development to address issues of potential site contamination.

4. REPRESENTATIONS

4.1 One letter of representation has been received and the main points of objection or representation are summarised as follows:

4.2 Our firm has operated a bus depot at Market Place for more than 70 years which will be partly surrounded if the development goes ahead. We have a busy yard which at time operates 24 hours a day with vehicles coming in and out, starting up etc at odd hours and we feel that this would be detrimental to houses built near our premises. If these new houses were built we would have complaints from the neighbours.

The coach depot is an existing operational business and it would be for prospective purchasers of the proposed dwellinghouses in proximity to the depot to satisfy themselves as to the potential impact the operations may have on the amenity and enjoyment of these dwellings. It is considered that an acoustic fence, similar to that proposed adjacent to the existing rail line could be erected along the common boundary of the application site with the bus depot to reduce potential noise nuisance associated with the operation of the depot. This could be secured by the imposition of a condition in any consent granted from the proposed development.

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 (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;

The proposed residential development is unlikely to have a detrimental impact on surrounding land uses. The long established bus depot on occasion operates over 24 hours. As a consequence there may well be disturbance arising from the arrival and departure of buses late at night and early in the morning. If these activities were to generate complaints from occupants of the new houses, the weight to be attached to these complaints would be nil as specific regulations apply to such longstanding uses and it is most likely that no action would be taken by enforcing authorities on the basis that purchasers of the

proposed dwellings would or should be aware of the surrounding land use activities. It would be incumbent on the developer to advise potential purchasers of the adjacent land use activities.

- (ii) transportation and infrastructure implications;

There are no significant infrastructure implications that cannot be addressed through the imposition of appropriate conditions in any consent granted for the proposed development. Although Scottish Water has objected to the development, the objection is based on cost criteria and this is a matter for the applicant to resolve directly with Scottish Water.

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

The proposed development is compatible with the adjacent proposed housing site that has planning consent. There are no other housing areas immediately surrounding the site.

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

It is considered that the proposed development is of a sufficiently high quality to fit in with the surrounding built environment and meets with appropriate Design Guidance.

5.4 Policy RES19 requires developers to meet the standards of public open space set out in Schedule 3 of the EALP. 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 proposed development does not fully meet the requirements of Policy RES19. Although the area around the proposed site extension will provide open space, this will effectively be passive in nature. Similarly, there is no active children's play area proposed within the development.

However, it is acknowledged that this is a brownfield redevelopment site within the central area of Auchinleck. There is also local provision of active open space and children's play areas at Merlin Park which lies immediately adjacent to the south western part of the application site. In this regard the applicant has, as part of previous planning consents, already made a contribution under the SLR Fund, specifically targeted towards the enhancement of existing open space provision within the locality of the application site, this being due to the absence of specific provision within the development itself.

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 development meets with the private open space provisions detailed in the local plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The material considerations relevant to the determination of this application are the consultation responses, relevant planning history and representation received.

Consultation Replies

6.2 There are no consultation responses that would merit refusal of the application. The objection by Scottish Water can be addressed through the imposition of an appropriate suspensive condition to ensure that the drainage of the site is to its satisfaction.

Planning History

6.3 Detailed planning consent for the erection of 15 dwellinghouses and 24 flatted units on the former Auchinleck Primary School site was granted on 12 December 2002 (Ref. No. 02/0482/FL). Following this approval, a subsequent application for the deletion of the flatted units and erection of 7 dwellinghouses on part of the site was granted on 05 February 2004 (Ref. No. 03/1097/FL). A further application for outline consent for a small area of land to the south of the former primary school site for the erection of three dwellinghouses was approved on 30 March 2003. In essence there is currently detailed planning consent for 22 dwellings on this site.

Representations

6.4 It is considered that the representations made can be addressed to a degree by the use of appropriate conditions but in any case they are not of sufficient weight to justify refusal of the application.

7. FINANCIAL OR LEGAL IMPLICATIONS

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

Noted.

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 are generally supportive of the application.

8.2 It is considered that the proposed residential development, in terms of its scale, density and layout, is acceptable for this brownfield site within the central part of Auchinleck. With the demolition of the former Auchinleck Primary School, the site currently detracts from the visual amenity of Main Street.

8.3 It is considered that the representations made can be partly addressed by the use of appropriate conditions but are not of sufficient weight to justify refusal of the application. There are no consultation responses that would merit refusal of the application. The objection by Scottish Water can be addressed through the imposition of an appropriate suspensive condition to ensure that the drainage of the site is to its satisfaction.

8.4 The proposed development in terms of its scale, density, design and use of finishing materials is compatible with the currently approved residential properties to be developed on the adjoining part of the former primary school site, with similar house types being used.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet.

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, the application will not require to be referred to the Development Services Committee because it would not be a significant departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

14 May 2006
HM/HM/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans
2. Statutory notices and certificates
3. Consultation responses
4. Letter of representation
5. Adopted East Ayrshire Local Plan 2003
6. Approved Ayrshire Joint Structure Plan 1999

Anyone wishing to inspect the above papers should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

Application No: 05/1024/FL

Location	Main Street. Auchinleck
Nature of Proposal:	Alterations to site layout of consent 03/1097/FL to form access and erection of an additional 15 housing units forming a total development of 37 units
Name and Address of Applicant:	Modus Estates and Bonnington Developments Ltd. 11 Ashley Street GLASGOW
Name and Address of Agent	ARP Lorimer and Associates 11 Wellington Square AYR KA7 1EN

DPO's Ref:
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 amended application form and the amended plans received by the Planning Authority on 31 March 2006.

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

2. No work shall commence on site until such time as the applicant has provided the Planning Authority with written confirmation from Scottish Water that there is in place adequate drainage infrastructure sufficient to accommodate the proposed dwellinghouses.

REASON -To ensure that adequate drainage is provided to serve the proposed development.

3. Prior to any works commencing on site, the applicant shall provide a detailed survey of the trees within the development site and shall submit to and have approved by the Planning Authority an appropriate scheme for the protection of those trees to be retained within the site.

REASON – In order to protect trees in the interests of visual amenity.

4. Prior to the occupation of the proposed dwellinghouses, the respective driveways shall be paved for a minimum distance of 2 metres from the rear of the footway to avoid overcarry of loose materials onto the public road.

REASON - In the interests of road safety.

- 5 Junction visibility splay areas of 2.5 metres by 35 metres shall be formed and maintained at all internal road junctions with no object greater than 1 metre in height being allowed within these areas.

REASON - In the interests of road safety.

- 6 Off-road parking spaces, in accordance with the Roads Development Guide 1996, shall be provided internally for each dwelling.

REASON - In the interests of road safety and residential amenity.

7. Visitor parking spaces, in accordance with the Roads Development Guide 1996, shall be provided within the site.

REASON - In the interests of road safety and residential amenity.

8. Any future garages must be set back a minimum distance of 6 metres from the rear of the footway/ service strip.

REASON - In the interests of road safety and residential amenity.

9. The proposed driveways/parking areas should be not less than 4.8 metres in length by 2.5 metres in width.

REASON - In the interests of road safety and residential amenity.

10. Any access gates shall only open inwards, away from the public road.

REASON - In the interests of road safety.

11. Prior to the commencement of any work on site, samples of all external materials to be used in the construction of the dwellinghouses shall be submitted to and approved by the Planning Authority.

REASON - In the interests of visual amenity.

12. Prior to the commencement of any work on site, details of the design and construction of all fences and walls to be erected within the site shall be submitted to and approved by the Planning Authority. In this regard the applicant shall provide an un-climbable 2 metres high acoustic fence along the mutual boundary with the Auchinleck railway station and the mutual boundary with the existing bus depot to the north and west of the application site. This fence shall be in place prior to the occupation of any of the dwellings hereby approved.

REASON - In the interests of visual amenity and public safety.

13. Notwithstanding the plans hereby approved, and the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, any future garages associated with the development shall be of permanent construction and finished in the same materials as the dwellinghouses to which they relate.

REASON - In the interests of visual amenity.

14. No construction or preparation works shall take place on site before 0800 hours and after 1800 hours on Mondays to Fridays, before 0800 hours and after 1200 hours on Saturdays and not at anytime on Sundays.

REASON - In the interests of residential amenity.

15. In so much as it lies within the ownership of the applicant, the existing wall bounding the Auchinleck Bowling Club shall be retained and thereafter maintained in a safe condition.

REASON – In the interests of amenity and public safety.

16. No development shall begin on site (with the exception of site investigative works), until a comprehensive contaminated land investigation has been submitted to, and approved in writing by, the Planning Authority. The investigation shall be conducted in line with BS 10175: 2001 code of practice for “The investigation of potentially contaminated sites” and will contain details of proposals to deal with contamination (if present) to include:

- (i) The nature, extent and type(s) of contamination on the site;
- (ii) A site specific risk assessment of all relevant pollutant linkages.
- (iii) Remedial measures to treat/remove contamination to ensure the site is fit for the use proposed.
- (iv) Measures to deal with unsuspected contamination discovered during construction works.

REASON: To ensure potential risks arising from previous site uses have been fully assessed.

17. Should contamination be present in terms of Condition 16 above, prior to any further site development, the developer shall submit a report, confirming that the remedial works have been carried out in accordance with the remediation plan.

REASON: To provide verification that remediation of has been carried out in accordance with the remediation plan and to the Authority’s satisfaction.

Notes

1. East Ayrshire Council Roads and Transportation Division has advised that Construction Consent will be required for the construction of the residential road and footpaths, street lighting etc. The Division can be contacted on Tel 01563 555337. 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 applicant should satisfy him/herself, by site investigation if necessary, that relative levels are such as will allow the development to be connected at a gradient acceptable to Scottish Water.
3. The applicant must make separate application to Developer Services for permission to connect to the public sewerage system at the appropriate time. Scottish Water may refuse permission to connect, or grant permission to connect, subject to such conditions as they think fit.
4. There is an existing public water main located in the street adjacent to the site, which may be suitable to provide a supply to the proposed development. However, details of the highest water fitting related to Ordnance Datum and the proposed demands must be forwarded to Scottish Water in order that hydraulic testing can be carried out.
5. 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.

6. 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.
7. 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.
8. All waste to be removed from the site (construction waste etc.) shall be removed by a licensed waste carrier to an appropriately licensed or exempted site.

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