

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 08 OCTOBER 2004**

**04/0641/FL: PROPOSED HOUSING DEVELOPMENT COMPRISING THE  
ERECTION OF 25 DWELLINGHOUSES  
PHASE 3, PENNYLANDS ROAD, AUCHINLECK**

**APPLICATION BY NORTHKIRK LTD**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 It is proposed to erect 25 dwellinghouses of which 13 are detached. There are four house types comprising a mix of two storey three and four bedroom units, some with attached garage and also two and three bedroom bungalows. Wet dash and dry dash with facing brick is to be used for the external wall finishes and a Marley Monarch tile is proposed for the roof finish.

1.2 An area of landscaped public open space is shown in the central area of Phase 2 which would serve the whole development. It is proposed to take access off the existing access into the site and drainage would be to the public mains.

**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 have been thoroughly considered and would not merit a recommendation of refusal.

3.2 Full planning permission is being sought for the erection of 25 dwellinghouses on a site at the edge of the town of Auchinleck. Although not

allocated land, the site is within the settlement envelope as indicated in the East Ayrshire Local Plan, hence the principle of developing the site for housing is considered acceptable.

3.3 The site layout is for a mixture of detached and semi-detached dwellinghouses which are of a similar density to Phases 1 and 2 as well as the recent development at Runnels View. The layout includes a sizeable area of public open space and the internal roads are found to be acceptable to the Council's Roads and Transportation Division.

3.4 The proposed dwellings are of the same house types as those currently under construction at Phases 1 and 2. The external finishing materials and fenestration are appropriate and it is not considered that the proposed dwellinghouses will have an adverse impact on the surrounding built environment in terms of visual or residential amenity.

3.5 The proposed development is acceptable in principle and the layout, design and style are in keeping with the surrounding area. There are no material planning considerations which would indicate the recommendation should be one other than approval.

## **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 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 proposal and as it is subject to objection.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises the eastern side of a greenfield site on the edge of the settlement of Auchinleck at Pennylands Road. There are also two plots included in the current application which lie in the south west corner of the same field. Phases 1 and 2 of the same residential development are currently under construction (Planning Ref: 03/0450/FL and 03/1089/FL respectively).

2.2 Phase 2 of the site comprises ten units and lies immediately west of the application site with the Pennylands Road beyond. The Glasgow-Dumfries railway line lies parallel to the northern boundary of the site and the recent residential development at Runnels View lies to the east. Existing single storey detached dwellings front onto Barony Road immediately south of the site.

2.3 **Proposed Development:** It is proposed to erect 25 dwellinghouses of which 13 are detached. There are four house types comprising a mix of two storey three and four bedroom units, some with attached garage and also two and three bedroom bungalows. Wet dash and dry dash with facing brick is to be used for the external wall finishes and a Marley Monarch tile is proposed for the roof finish.

2.4 An area of landscaped public open space is shown in the central area of Phase 2 which would serve the whole development. It is proposed to take access off the existing access into the site and drainage would be to the public mains.

### 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) access to the site will require to be taken via internal roads which comply with the Roads Development Guide 1996 and will require Construction Consent from East Ayrshire Roads and Transportation Division. This consent would cover details such as road widths, footways, road construction, traffic calming, street lighting, drainage etc. Any existing public utility apparatus located in the verge will require to be protected beneath the proposed access.
- (ii) no surface water must be allowed to discharge onto the public road;
- (iii) off road parking spaces in accordance with the Roads Development Guide 1996 will require to be provided for the dwelling;
- (iv) any garages must be set back a minimum distance of 6 metres from the rear of the footway;
- (v) 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;
- (vi) any gates will require to open inwards away from the public road;
- (vii) drainage details and in particular the use of SUDs will require the approval of East Ayrshire Council Roads and Transportation Division and SEPA as part of the Construction Consent;
- (viii) the proposed driveways should be not less than 4.8m in length by 2.5m wide.

***These road safety requirements can be imposed as conditions on the planning consent should the Committee be minded to approve the application.***

3.2 Scottish Water has objected to the development whereby it proposes to connect to the public sewerage system. This is due to the cost of providing infrastructure to serve the development which is outwith Scottish Water's "reasonable cost" obligation. They would remove their objection if the developer bears the cost or promotes a scheme which does not compromise the quality and quantity of discharge from the existing sewerage system.

***This objection was raised during consideration of the application for Phase 1 of the development and the developer shall be required to***

***resolve this matter prior to the commencement of any development on Phase 3 of the site. It is a matter which can be acknowledged by means of a note attached to any consent granted.***

3.3 The Scottish Environment Protection Agency (SEPA) has no objection to the proposed development provided the drainage arrangements are to their complete satisfaction. In this regard SEPA has requested a condition requiring the applicant to obtain assurance from Scottish Water that additional foul drainage arising from this development will not cause or contribute to premature operation of downstream consented storm sewer overflows. SEPA has also requested a condition requiring the applicant to install a surface water treatment system. All waste materials generated by the development that require to be removed such as construction, demolition wastes and surplus excavated material, must be removed from the site by licensed waste carriers.

***Noted.***

3.4 Transco has no objection to the proposed development.

***Noted.***

3.5 Power Systems has no objection to the proposed development.

***Noted.***

3.6 Auchinleck Community Council has been consulted but no response had been received at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 The application has not attracted any third party letters of objection other than that received from Scottish Water.

***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 (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 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 at this location would have a limited impact on the surrounding natural and built environment and adjacent uses.***

- (ii) transportation and infrastructure implications;

***The proposed development is not considered to have any unacceptable implications for transportation and infrastructure, (subject to the applicants agreeing drainage arrangements with the relevant authorities.)***

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

***The proposal is considered to be compatible with surrounding densities and house types.***

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

***The proposed development is considered to comply with Design Guidance 2: New Residential Development.***

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 proposed development meets the Council's 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 individual plots do meet the required amount of private garden space and therefore comply with this policy.***

5.6 Policy TLR5 states that the Council will request all potential developers of residential sites comprising four or more houses, to 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 been requested to make a contribution to the Sports, Leisure and Recreation Fund but has confirmed that no contribution shall be made.***

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

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

### Consultation Responses

6.2 Scottish Water has objected to the proposed development however this is an objection which can be resolved by the developer with Scottish Water prior to the commencement of development and would therefore not indicate the application should be refused. None of the other consultation responses have objected to the proposal.

### Representations

6.3 Other than Scottish Water no other third party has made any representation in respect of this planning application. The applicant will require to resolve drainage issues directly with Scottish Water.

### Planning History

6.4 The site forms part of a larger development for which Phases 1 and 2 are currently underway. The application for Phase 1 (Ref: 03/0450/FL) also included the roads layout for the whole development so establishing the principle of developing the whole site.

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

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

## **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 thoroughly considered and would not merit a recommendation of refusal.

8.2 Full planning permission is being sought for the erection of 25 dwellinghouses on a site at the edge of the town of Auchinleck. Although not allocated land, the site is within the settlement envelope as indicated in the East Ayrshire Local Plan, hence the principle of developing the site for housing is considered acceptable.

8.3 The site layout is for a mixture of detached and semi-detached dwellinghouses which are of a similar density to Phases 1 and 2 as well as the recent development at Runnels View. The layout includes a sizeable area of public open space and the internal roads are found to be acceptable to the Council's Roads and Transportation Division.

8.4 The proposed dwellings are of the same house types as those currently under construction at Phases 1 and 2. The external finishing materials and fenestration are appropriate and it is not considered that the proposed dwellinghouses will have an adverse impact on the surrounding built environment in terms of visual or residential amenity.

8.5 The proposed development is acceptable in principle and the layout, design and style are in keeping with the surrounding area. There are no material planning considerations which would indicate the recommendation should be one other than approval.

## **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 represent a significant departure from the development plan.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

24 September 2004  
NM/NM/SMB  
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: 04/0641/FL

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Location	Pennylands Road AUCHINLECK KA18 2LL
Nature of Proposal:	Proposed housing development comprising the erection of 25 dwellinghouses Phase 3
Name and Address of Applicant:	Northkirk Ltd 14 Walnut Road KILMARNOCK KA1 2HF
Name and Address of Agent	Thomson McCrea 9 Old Bridge Street AYR 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. Prior to the commencement of development the developer shall submit to and have approved by the Planning Authority a detailed landscaping scheme, including a programme for its future management and maintenance, for the area of public open space. This scheme shall include items of furniture such as litter bins and benches.

REASON – In the interests of visual amenity and for the residential amenity of the occupants of the dwellinghouses.

2. The landscaping scheme as approved under Condition 01 above shall be implemented no later than the first planting season following the occupation of the last dwellinghouse to be completed on the site to the satisfaction of the Planning Authority.

REASON – To ensure the landscaping scheme is undertaken timeously following completion of the development.

3. Prior to the occupation of the dwellinghouses on Plots 32, 33, 34, 35, 36 and 37 a 1.8m high vertically boarded screen fence shall be erected along the boundaries as marked in green on the approved plans.

REASON – In the interests of safeguarding residential amenity.

4. Access to the site will require to be taken via internal roads which comply with the Roads Development Guide 1996 and will require Construction Consent from East Ayrshire Roads and Transportation Division.

REASON – In the interests of road safety.

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

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

6. Prior to the occupation of each dwellinghouse off road parking spaces in accordance with the Roads Development Guide 1996 will require to be provided to the satisfaction of the Planning Authority in consultation with the Roads and Transportation Division.

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

7. Prior to the commencement of development on the 25 houses hereby approved, the road serving plots 1 to 13 shall be completed to final wearing surface.

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

8. Prior to the occupation of the final house hereby approved, the road system serving these 25 units and that extending to Pennylands Road, shall be completed to final wearing surface.

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

9. Any garages must be set back a minimum distance of 6 metres from the rear of the footway.

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

10. Prior to the occupation of each dwellinghouse the 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.

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

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

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

12. The proposed driveways should be not less than 4.8m in length by 2.5m wide.

REASON – In the interests of road safety.

13. Surface water runoff shall be disposed of on site via an appropriate method of Sustainable Urban Drainage systems which shall be installed and maintained in perpetuity to the satisfaction of the Planning Authority in consultation with Scottish Environment Protection Agency.

REASON – In the interests of public health and safety.

## Notes to Applicant

1. East Ayrshire Council Roads and Transportation Division has advised that Construction Consent will be required for the construction of the residential roads and footpaths, street lighting etc. The Division can be contacted on Tel 01563 555330. The internal roads must comply with the Roads Development Guide 1996. This consent would cover details such as road widths, footways, road construction, street lighting, drainage, traffic calming, internal junction visibilities etc.
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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