

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 27 JUNE 2003

**03/0345/FL: PROPOSED DEVELOPMENT OF 9 DWELLINGHOUSES,
IRVINE ROAD, CROSSHOUSE
BY EARLSTON HOMES LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the erection of nine dwellinghouses comprising eight semi-detached houses providing 3 bedroom accommodation and one detached house of 3 bedroom accommodation. The proposed houses are 2 storey in height and will be sited towards the southern boundary of the site adjacent to a new shared surface road. A new access will be formed off the Irvine Road. Each house will have an attached garage. Materials proposed for the houses are white render, facing brick and concrete roof tiles.

2. RECOMMENDATION

2.1 It is recommended that the application should be approved subject to the conditions indicated on the enclosed sheet and that the issuing of the Planning Decision Notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in Section 7.2 of the report.

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report the application is generally in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 There are material considerations relevant to this application as indicated in Section 6 of the report and they are supportive of the proposal. The proposal is considered to be in accordance with the Council's Design Guidance as the design and siting of the proposed houses are compatible with the surrounding residential properties. The proposed dwellings will not have an adverse impact on adjacent properties.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee as there would be no significant breach of Council policy.

Alan Neish
Head of Planning and Building Control

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the Scheme of Delegation because it concerns a large scale residential development which generally accords with the Adopted East Ayrshire Local Plan.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is 0.48 hectares in area and it is the site of the former Brown Nursery. The site has been cleared of all greenhouses associated with the Nursery and is presently ready for development. The site is surrounded by 2 storey dwellings to the north, single and one and a half storey houses to the west and agricultural land to the south. The site slopes towards the southern boundary.

2.2 **Proposed Development:** Full planning consent is sought for the erection of nine dwellinghouses comprising eight semi-detached houses providing 3 bedroom accommodation and one detached house of 3 bedroom accommodation. The proposed houses are 2 storey in height and will be sited towards the southern boundary of the site adjacent to a new shared surface road. A new access will be formed off the Irvine Road. Each house will have an attached garage. Materials proposed for the houses are white render, facing brick and concrete roof tiles.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have no objections provided the traffic calming measures on Irvine Road are completed prior to the occupation of the dwellings.

The requirements of the Roads Division can be met by attaching a condition to any grant of planning consent.

3.2 Scottish Water have advised that there is a public sewerage system to which a connection may be made from the proposed development and the developer should satisfy themselves that relative levels are such as will allow the development to be connected at an acceptable gradient. Their permission should be sought to connect to the public sewerage system.

A note can be attached to any grant of planning permission advising the applicant of the requirements of Scottish Water.

3.3 Scottish Environment Protection Agency have no objection provided the applicant treats the surface water from the site in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland.

The requirements of SEPA can be addressed by attaching a condition and notes to any grant of planning permission.

3.4 Transco, Coal Authority, Scottish Power and Crosshouse Community Council have no adverse comments to make regarding the proposed development.

Noted.

4. REPRESENTATIONS

There is one objector to the proposed development and their grounds of objection are as follows.

4.1 There is concern regarding the height differential at the boundary of their house as since the greenhouses have been demolished an embankment has been established. This had led to further erosion in their garden as it has been washed away with rainfall in some areas causing slippage. This inadequate embankment has caused problems of slippage. They have erected a new fence and have concerns as the concrete bases are moving into the embankment. They insist that a supporting wall along the full boundary of their property is erected to support a major height differential to stop ongoing slippage prior to commencement of any other development work in the site.

An embankment will be maintained along the western boundary, together with a retaining wall along part of the boundary. This will produce a stable slope and support existing and proposed garden fences. Furthermore, the stability of the embankment and its impact on adjacent properties will be addressed through the Building Warrant process.

4.2 The blatant disregard by the developer during the preparation of the ground for the regulations and the occupants of the adjacent area at such an early stage in the development. How would this building work be policed as it occurs outwith 9-5 Monday to Friday.

If the developer does not adhere to the terms of any of the conditions of the grant of planning approval, this would become an enforcement matter and the breach of planning control would be pursued through the enforcement procedures.

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.

5.2 Policy RES1 of the Adopted Local Plan encourages and supports residential development on those identified Development Opportunity Sites.

The proposed development largely accords with the above policy. However, a small strip along the south eastern boundary falls outwith the settlement boundary as defined by the Adopted Local Plan. As this strip of land is very minor and it provides for an improved layout from a previous application for residential development, its inclusion is considered to be acceptable in terms of the Adopted Local Plan.

5.3 Policy ENV7 requires developers to comply with the Council's Design Guidance in order to ensure that designs conform, compliment and harmonise with the landscape character of the area, the design of surrounding buildings and the general appearance of the settlements in which the development site is located particularly in terms of scale, form, materials and finish.

The proposed development involves the erection of two-storey dwellinghouses with the use of pitched roof dormers on the front and rear elevations over the attached garages. The design and materials of the proposed development are considered to be in keeping with and compliment the surrounding residential area.

5.4 The developer has agreed to contribute to the Sports and Leisure Fund in terms of Policy TLR5 of the Adopted Local Plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

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

Consultation Responses

6.2 The consultation responses have been addressed in Section 3 of the report and do not raise any issues that would warrant the refusal of this application.

Planning History

6.3 00.0281/FL: Proposed Development of 9 Dwellinghouses granted on 6 April 2001.

This proposal involved the erection of 8 semi-detached houses and one detached house of 2½ storey in height on the same site as the present application.

6.4 02/0858/FL: Proposed Development of 9 Dwellinghouses was withdrawn on 17 April 2002.

Impact on Amenity

6.5 The proposed development has been designed and sited to minimise its impact on the two-storey houses adjacent to Irvine Road and the one and a half storey houses along the western boundary of the site. An embankment will be maintained along the western boundary, together with a retaining wall along part of the boundary. This will produce a stable slope and support existing and proposed garden fences. The proposed houses have been orientated to reduce any potential overlooking to adjacent houses. The erection of two storey houses is acceptable, due to the sloping nature of the site and the height of adjacent residential properties.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

7.2 Legal implications would arise from the Council entering into a Legal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant. The Section 75 would facilitate a contribution amounting to 1% of the construction costs being made into the Sports, Leisure and Recreation Fund in order to address identified deficiencies in the provision of leisure and recreational facilities in the area.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report the application is generally in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

8.2 There are material considerations relevant to this application as indicated in Section 6 of the report and they are supportive of the proposal. The proposal is considered to be in accordance with the Council's Design Guidance as the design and siting of the proposed houses are compatible with the surrounding residential properties. The proposed dwellings will not have an adverse impact on adjacent properties.

9. RECOMMENDATION

9.1 It is recommended that the application should be approved subject to the conditions indicated on the enclosed sheet and that the issuing of the Planning Decision Notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in Section 7.2 of the report.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee as there would be no significant breach of Council policy.

Alan Neish
Head of Planning and Building Control

(PC/MS)

FV/DVM

18 June 2003

List of Background Papers

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Adopted East Ayrshire Local Plan.
4. Approved Ayrshire Joint Structure Plan.
5. Planning Application Nos: 00/0281/FL
02/0858/FL

Anyone wishing to inspect the above papers should contact Pamela Clifford on (01563 576772).

Implementation Officer: Dave Morris

I:CLPC/030345FL

Form TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0345/FL

Location:	Irvine Road CROSSHOUSE
Nature of Proposal:	Proposed Development of 9 Dwellinghouses
Name & Address of Applicant:	Earlston Homes Ltd Caledonian House Longford Avenue KILWINNING KA13 6EX
Name & Address of Agent:	Thomson Dawes 21 Portland Road KILMARNOCK KA1 2BT

DPO's Ref: (PC/MS)

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 plans submitted on 22 April 2003 as revised by the site layout plan and sections proposed and the letters dated 23 May 2003 from Thomson Dawes and Rowland Design Associates.

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

2. Notwithstanding the submitted plans, details and samples of all external materials shall be submitted to and approved by the Planning Authority before any development commences on the site and shall be implemented on site as approved.

REASON In the interest of visual amenity.

3. Prior to the commencement of development on site and in order to compensate for inadequate junction spacing, traffic calming measures will be required on the Irvine Road. Details of these measures and their location shall be submitted to and approved in writing by the Planning Authority in consultation with East Ayrshire Council Roads and Transportation Division and shall have been implemented prior to the occupation of any houses.

REASON To overcome a junction spacing inadequacy in the interests of road safety.

4. Notwithstanding the submitted plans, 1.1 metre high post and wire fence along south-eastern boundary is not hereby approved. A close boarded timber fence of 1.8 metres in height shall be provided along the south-eastern boundary and implemented on site prior to the occupation of any houses.

REASON In the interests of visual amenity and the rural location of the site.

5. Notwithstanding the submitted plans and prior to the commencement of development on site details of a landscaping scheme to be provided along the south-eastern boundary shall be submitted to and approved in writing by the Planning Authority and shall be implemented not later than the next appropriate planting season after the occupation of the houses and shall be maintained thereafter in accordance with these details. Any trees removed without the consent of the Planning Authority or seriously damaged at any time thereafter shall be replaced by trees of similar size or species as may be agreed in writing with the Planning Authority.

REASON To ensure that the settlement boundary is maintained, in the interests of local planning policies and to maintain the rural nature of the site.

6. Notwithstanding the submitted plans, details of the dimensions and finish of the retaining wall to prevent slippage of the embankment to which it relates shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented on site prior to the occupation of the house to which it relates.

REASON In the interests of visual amenity and public safety.

7. Details of the treatment and maintenance arrangements for the areas of the land adjacent to the access to Irvine Road shall be submitted to and approved in writing by the Planning Authority and thereafter implemented prior to the occupation of any houses.

REASON In the interests of visual amenity.

8. No construction work, site clearance or preparation works shall take place before 07.00 hours and after 17.00 hours on Mondays to Saturdays nor at any time on Sundays.

REASON In the interests of residential amenity.

9. The visitor car parking spaces shall be provided prior to the occupation of any houses.

REASON In the interests of road safety and residential amenity.

10. Before any work commences on site, details of a Sustainable Urban Drainage System and its maintenance following installation, shall be submitted to and approved by the Planning Authority in writing. The Sustainable Urban Drainage System shall thereafter be installed on site prior to the occupation of any of the dwellinghouses.

REASON To ensure that adequate drainage is provided.

11. All new timber fences shown on the approved plans shall be constructed on site prior to the occupation of any houses.

REASON In the interests of residential amenity.

Note:

1. The applicant shall make early contact with Scottish Water, 35 Glenburn Road, Prestwick regarding permission to connect to the public sewerage system.

2. The developer shall make early contact with the Scottish Environment Protection Agency and Scottish Water to confirm their 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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PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**