

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 30 AUGUST 2002

**98/0216/OL: PROPOSED RESIDENTIAL DEVELOPMENT AT THE REAR
OF SILVERWOOD ROAD AND MEADOWSIDE, CROOKEDHOLM BY
MR W BARCLAY**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning consent is sought for the change of use from agricultural land to residential use. It is proposed to access the housing development site from both Silverwood Road and Meadowside.

2. RECOMMENDATION

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

2.2 It is further recommended that planning consent should not be issued until a formal agreement under Section 75 has been satisfactorily concluded by the Solicitor to the Council with the applicants. Such an agreement shall secure the details referred to in Section 6.4 above.

3. CONCLUSIONS

3.1 As is indicated at Section 5 of the report, the application is contrary to 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 refused unless material considerations indicate otherwise.

3.2 As is indicated at Section 6 of the report, there are material considerations relevant to this application. It is considered that the weight that should be attached to these material considerations should be greater than that given to the policies of the Adopted Local Plan due to the age of this plan. It is considered that the proposal accords with Policy RES 1 of the EALP as it involves the development of an identified housing site.

3.3 Furthermore, the identification of the site for housing purposes was not subject to third party objection through the Local Plan process or at the Public Inquiry into the East Ayrshire Local Plan. The other material considerations such as representations from consultees are considered to be of insufficient weight to recommend the application for refusal or can be addressed through the attachment of appropriate planning conditions.

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 require to be referred to the Development Services Committee as it would be a significant departure in terms of principle from the East Ayrshire Local Plan, Finalised Version with Modifications.

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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OF SILVERWOOD ROAD AND MEADOWSIDE, CROOKEDHOLM BY
MR W BARCLAY

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application which is to be considered by the Local Planning Committee under the scheme of delegation because it is a larger application which accords with the East Ayrshire Local Plan and is of area significance.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located predominantly to the rear of Leveret Lea to the east of Crookedholm. The site is 1.254 hectares in area and is currently an agricultural field. The site has a gentle gradient from north to south. The site is bounded on three sides by hawthorn hedges and has no fixed boundary treatment along its the eastern-most side.

2.2 **Proposed Development:** Outline planning consent is sought for the change of use from agricultural land to residential use. It is proposed to access the housing development site from both Silverwood Road and Meadowside.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has confirmed that it has no objection to the proposals provided conditions are attached to any grant of planning consent regarding such issues as the road layout, road construction, traffic calming measures and connections to the existing roads and footpath network.

Conditions can be attached to the grant of any planning consent regarding the requirements of the Roads Division.

3.2 Scottish Water has indicated that the existing down stream Combined Sewer Overflow (CSO) has been classified as unsatisfactory and that preliminary investigations suggested that upgrading of the sewer system will be outwith reasonable cost. The increase in surcharging caused by the proposed development will also be unacceptable, therefore Scottish Water object to the application.

Due to Scottish Water's objection regarding connection to the public sewer, the developer has opted to utilise a private drainage system to service the development.

3.3 The Scottish Environment Protection Agency has indicated that it would have preferred that all foul drainage arising from this housing development was discharged to the local authority sewerage system. However, as Scottish Water have confirmed that there is no capacity in the Irvine Valley sewer network then the applicant has no option other than to install private drainage arrangements for the site. SEPA are satisfied that it is technically feasible to collect, treat and discharge all sewerage effluent and surface water from the development without causing detriment to or downgrading of the water quality of the River Irvine. Formal consent is required from SEPA prior to the installation of the private drainage arrangements and discharge to the River Irvine.

A condition can be attached to the grant of any planning consent regarding the installation of the private drainage arrangement.

3.4 Hurlford and Crookedholm Community Council has not responded at the time of writing this report.

Noted.

3.5 East Ayrshire Community Services – Outdoor Services has confirmed that it has no objection to the proposed development however a 6 metre high fence should be provided between the development site and the existing football pitch on King George's field to prevent footballs entering the gardens of the dwellinghouses.

A condition relating to adequate boundary treatment to address this matter can be attached to any grant of planning consent.

4. REPRESENTATIONS

4.1 No letters of objection have been received in relation to this application however three letters in support of the application have been received.

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 Kilmarnock Local

Plan (1986). The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against Policies 5.10.1 and 5.10.3. These policies relate to housing development in the countryside outside the urban envelope of the existing settlements as shown on the proposals maps. Housing developments outwith the urban boundary are only acceptable when in relation to an agricultural use.

The proposed development is outwith the settlement boundary of Crookedholm and does not relate to an agricultural use and therefore the application does not accord with the Adopted Kilmarnock Local Plan, although this is some 16 years out of date.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications (1999), consultations and representations.

East Ayrshire Local Plan

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan Finalised Version with Modifications (EALP) should be considered a prime material consideration.

6.3 Policy RES 1 of the EALP indicates that the Council will encourage and support the residential development of those sites identified for housing purposes on the individual local plan maps.

The application site is identified on the Crookedholm Local Plan Map as a housing site with a notional capacity of 25 dwellings. The proposed development is therefore in accordance with Policy RES 1.

6.4 The Development Opportunities document indicates that the Council will require, through an appropriate Section 75 Agreement that the northern and eastern boundaries of the site shall be planted with trees to meet amenity requirements. The proposed development requires to meet the requirements of Policy RES 3 which expects housing developers to enter into Section 75 Agreements under the Town and Country Planning (Scotland) Act 1997 for the provision of appropriate landscaping.

Conditions can be attached to the granting of any outline planning consent relating to the requirements of Policy RES 3 of the East Ayrshire Local Plan. A Section 75 Agreement will required to be

entered into by the developer with the Council regarding the boundary treatment to the northern and eastern boundaries.

6.5 Policy RES 22 requires developers to observe the minimum private open space criteria required under Schedule 4 of the Local Plan.

Conditions can be attached to the granting of any outline planning consent relating to the requirements of Policy RES 22 of the EALP.

6.6 Policy ENV 7 requires all developments to accord with the requirements of the EALP Design Guidance document.

Conditions can be attached to the granting of any outline planning consent relating to the requirements of Policy ENV 7 of the EALP.

6.7 Policy TLR 5 requests developers to enter into a Legal Agreement facilitating contributions towards the provision of appropriate leisure and recreational facilities in the area.

The application was received some considerable time before implementation of the policy was agreed by the Development Services Committee. Consequently, it is not applicable retrospectively in this case.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. Legal implications would arise should the Council agree to approve the application as this would necessitate the Council entering into a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 with the applicant to secure the obligations on the developer as detailed below:

- Boundary treatments to northern and eastern boundaries.

8. CONCLUSIONS

8.1 As is indicated at Section 5 above, the application is contrary to 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 refused unless material considerations indicate otherwise.

8.2 As is indicated at Section 6 above, there are material considerations relevant to this application. It is considered that the weight that should be attached to these material considerations should be greater than that given to the policies of the Adopted Local Plan due to the age of this plan. It is considered that the proposal accords with Policy RES 1 of the EALP as it involves the development of an identified housing site.

8.3 Furthermore, the identification of the site for housing purposes was not subject to third party objection through the Local Plan process or at the Public Inquiry into the East Ayrshire Local Plan. The other material considerations such as representations from consultees are considered to be of insufficient weight to recommend the application for refusal or can be addressed through the attachment of appropriate planning conditions.

9. RECOMMENDATION

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

9.2 It is further recommended that planning consent should not be issued until a formal agreement under Section 75 has been satisfactorily concluded by the Solicitor to the Council with the applicants. Such an agreement shall secure the details referred to in Section 6.4 above.

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 require to be referred to the Development Services Committee as it would be a significant departure in terms of principle from the East Ayrshire Local Plan, Finalised Version with Modifications.

Alan Neish
Head of Planning and Building Control

21 August 2002 (CI/SA/IMB)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form/Plans.
2. Statutory Notice/Certificates.
3. Letters of Representation.
4. East Ayrshire Council Local Plan (Finalised Version) with Modifications.
5. Adopted Kilmarnock Local Plan.
6. Adopted Ayrshire Joint Structure Plan.
7. Adopted Strathclyde Structure Plan.

Anyone wishing to inspect the above please contact Craig Iles on (01563) 576770.

Implementation Officer: Dave Morris

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EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Site of Proposal: Lands at CROOKEDHOLM

Nature of Proposal: Proposed Residential Development at the rear of Silverwood Road and Meadowside CROOKEDHOLM

Name & Address of Applicant: Mr W Barclay
Ralstonyards
HURLFORD KA3 6HW

Name & Address of Agent: BSP Architects
3 Claremont Place
GLASGOW G3 7YR

DPOs Reference: CI/SA

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

(1) Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby reserved.

- (a) The layout of the site;
- (b) The size, height, design and external appearance of the proposed dwellinghouses;
- (c) The means of drainage and sewage disposal;
- (d) Details of the access arrangements;
- (e) The provision for open space and associated maintenance arrangements;
- (f) The provision for car parking;
- (g) The boundary walls/fences to be erected;
- (h) The landscaping of the site and associated maintenance arrangements;
- (i) Finished site levels/floor levels.

REASON The application is in outline only.

(2) Notwithstanding the approved plans, a 6 metre high fence shall be erected along the southern boundary of the site prior to the commencement of any development on site. Details of the said fence shall be submitted to and approved by the Planning Authority prior to the commencement of the development.

REASON In the interests of residential and public amenity.

(3) The details to be submitted under Condition 1 above shall comply in all respects with the Council's approved policy on the provision of public and private open space as contained in the East Ayrshire Local Plan.

REASON To ensure that the sufficient open space is provided within the development, in the interests of visual amenity and residential amenity.

(4) The details to be submitted under Condition 1 above shall comply in all respects with the Council's approved policy on the design of development as contained in the East Ayrshire Local Plan, Policy ENV 7.

REASON To ensure that the design of the development meets the requirements of the East Ayrshire Local Plan.

(5) The details to be submitted under Condition 1 above shall provide for the maximum height of all dwellings on the site to be restricted to no more than two storeys.

REASON In the interests of visual amenity.

(6) Before any development commences on the site, details of the private drainage arrangement shall be submitted to and approved by the Planning Authority.

REASON In the interests of public safety.

(7) Notwithstanding the submitted details the indicative plot layout is not hereby approved.

REASON The application is outline only.

(8) The existing residential road shall be upgraded to meet the requirements of East Ayrshire Council Roads Division.

REASON In the interests of residential amenity.

(9) Notwithstanding the approved plan the agricultural fields adjoining the development site shall not be accessed via the proposed residential development.

REASON In the interests of road safety.

(10) Notwithstanding the approved plan, the visitor parking provision shall meet the East Ayrshire Council Road's Division requirements.

REASON In the interests of road safety.

(11) Notwithstanding the approved plan the development site shall have appropriate footpath connections to the existing footpath in accordance with the East Ayrshire Council Road's Division requirements.

REASON In the interests of road safety.

(12) 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.

REASON To ensure that adequate drainage is provided.

Notes to Applicant

1. 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.

2. 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.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**

AGENDA