

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 1 SEPTEMBER 2000

**00/0217/FL: PROPOSED ERECTION OF 15 HOUSES AT
THE FIELDINGS PHASE 3, NEWMILL ROAD, DUNLOP
BY ROCK HOMES LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to take a new extended access from the existing Fieldings Development into the field to the north and erect 15 detached houses in a variety of styles. Predominantly these will be bungalows but to address a difficulty in achieving drainage gradients it is proposed to transfer/import material and artificially raise the land in the west area of the site where it is proposed to construct four split level houses. These houses will effectively present a single level elevation to the main body of the site, and a two storey elevation to the west (railway side). The detailed level information submitted in support of the application confirms that the existing ground level will be raised by a maximum of 1.74m with the result that these split level houses will have a ridge height of approximately 0.84m higher than the adjacent proposed bungalows within the site and 1.58m higher than the nearest comparable bungalow within the existing development. The positioning and design of these houses are such that any overlooking problems attributable to this difference in height are minimised.

1.2 As stated above the access to this proposed development is via the existing Fieldings, development and is taken through the area that was to provide an area of amenity space and play area to serve that development. This new proposal presents an amenity space/toddlers area (of approximately 1000m²) which straddles both the existing and proposed developments.

1.3 In terms of the other main details of the site the layout is similar in character to that of the existing houses based on the use of roundals, (cul-de-sacs). The provision of private amenity space meets the Councils requirements albeit given the constraints of the site in a manner which in places results in narrow gardens which span the width of the plots. However where the proposed new housing backs onto the existing housing the separation distance has been maximised.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 It is considered that the proposed development is acceptable. It presents the conclusion of the Fieldings Development and accords with the Councils current policy provisions in respect of garden

ground and public open space. The design and layout of the houses are generally consistent with the existing character of the existing houses and will be finished externally to match. Other material considerations such as the representations submitted supporting the setting aside of the policy requirements in this case are not considered sufficient to justify taking an alternative view.

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 an application which is to be considered by the Local Planning Committee under the scheme of delegation because it involves a larger application of area significance which accords with the Development Plan.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site in this instance is the agricultural field to the immediate north of the existing Fieldings development off New Mill Road, Dunlop. To the west and north the site is bounded respectively by a stretch of the Kilmarnock – Glasgow Railway and additional agricultural land. To the east there is what appears as a large area of private open space/garden ground and an area of trees protected by a TPO which serves as an edge for the parking area of Struthers Farm Hotel/Restaurant.

2.2 **Proposed Development:** It is proposed to take a new extended access from the existing Fieldings Development into the field to the north and erect 15 detached houses in a variety of styles. Predominantly these will be bungalows but to address a difficulty in achieving drainage gradients it is proposed to transfer/import material and artificially raise the land in the west area of the site where it is proposed to construct four split level houses. These houses will effectively present a single level elevation to the main body of the site, and a two storey elevation to the west (railway side). The detailed level information submitted in support of the application confirms that the existing ground level will be raised by a maximum of 1.74m with the result that these split level houses will have a ridge height of approximately 0.84m higher than the adjacent proposed bungalows within the site and 1.58m higher than the nearest comparable bungalow within the existing development. The positioning and design of these houses are such that any overlooking problems attributable to this difference in height are minimised.

2.3 As stated above the access to this proposed development is via the existing Fieldings, development and is taken through the area that was to provide an area of amenity space and play area to serve that development. This new proposal presents an amenity space/toddlers area (of approximately 1000m²) which straddles both the existing and proposed developments.

2.4 In terms of the other main details of the site the layout is similar in character to that of the existing houses based on the use of roundals, (cul-de-sacs). The provision of private amenity space meets the Councils requirements albeit given the constraints of the site in a manner which in places

results in narrow gardens which span the width of the plots. However where the proposed new housing backs onto the existing housing the separation distance has been maximised.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Coal Authority have advised that they do not anticipate any ground stability issues which would prevent the proposal from proceeding.

Noted.

3.2 West of Scotland Water have raised no objections to the proposed development confirming that there is a public sewerage system available for connection. The proposal would require a separate drainage system and West of Scotland Water have advised that the developer should contact their office to discuss the matter.

Noted.

3.3 The Councils Community Services Parks Department have advised on the particular matter of the proximity of the new build to existing trees on or adjacent to the site, i.e. with particular regard to the relationship with an existing T.P.O. Through amendments the issues have been met but a condition should be attached addressing the specifics of tree protection should the Committee be of a mind to approve the application.

Noted.

3.4 SEPA have confirmed that they have no objection to the proposal.

Noted.

3.5 Dunlop and Lugton Community Council have confirmed that they have no objections to the application as now amended.

Noted.

3.6 Railtrack have provided a general guidance document concerning development of new operational railway lines.

Noted. It is proposed that a copy of this be made available to the applicants with any decision notice. Furthermore a condition should be attached to any consent requiring an appropriate fence adjacent to the railway line.

3.7 The Roads and Transportation Division comment only that measures relative to the presence of the toddlers activity area should be put in place, that the block paving of the adjoining cul-de-sac should be extended to form a speed table and that prior to the commencement of development, roadworks on the 2 earlier phases should be completed.

Noted. These matters can be addressed by condition where competent to do so.

4. REPRESENTATIONS

4.1 Letters of representation were submitted from eight of the existing Fieldings residents and from the Residents Association in respect of the initial submission which presented 18 houses with no amenity space or children's play area. Those letters were supportive of that proposal citing issues such as the elderly age of residents and the low numbers of children in the development as a justification for dispensing with public open space provision. This particular matter has been revisited on several occasions with the applicant and after a protracted period of negotiation and several amendments the proposal currently before the Committee has been finalised. The representees have been advised of the change in circumstances.

At the time of writing no actual objections to the revised scheme have been received although a letter continues to argue that such provision is not required.

5. DEVELOPMENT PLAN STATUS

5.1 It is the policies contained in the East Ayrshire Local Plan (Finalised Version), which have been agreed for determination purposes by the Council, to which the greatest weight should be attached.

5.2 Under the term of this plan the application site is identified for housing purposes under Policy RES11 which prescribes that the site shall be developed for high amenity housing.

It is considered that the proposal before the Committee now complies with that description in terms of density, open space provision, design and the type of layout carrying through the existing character of the Fieldings. The more general policy provisions have also been substantially met in terms of adequate private garden ground provision for the individual houses and the amenity space provision at the entrance to the new phase serving both existing and proposed houses.

6. OTHER PLANNING CONSIDERATIONS

6.1 Impact on the amenity of the existing residents.

It is considered, given the character of the proposed layout relative to the existing Fieldings developments that it can be accommodated on site with no significant impact on the immediate amenity of residents. Details of proposed levels have been submitted and it has been demonstrated that even with the infill proposed the comparable finished floor levels of the proposed houses close to the existing units will only be approximately 500mm higher. This difference given the relationship on site is considered to be acceptable. It should also be noted that further clarification/details of all boundary treatment will be sought by condition.

6.2 Provision of public open space.

The issue of how appropriate it is in this case to provide a public amenity space and play area has been more contentious. It is Council policy to seek such a provision and indeed such a policy has been consistently applied elsewhere. A group of residents concerned about the need for and likely

impact of a play area, point to the playground some distance away across the Lugton Road as being an adequate alternative provision. The applicants were content to fund improvements to the park, but not to an extent that would make a significant difference, and in any case, their proposal would not accord with Policy RES 20 of the Finalised East Ayrshire Local Plan which looks for any upgraded facility to be adjacent or in close proximity to the site.

The fact that a group of existing residents have confirmed that they are opposed to the provision of such areas is in this case, not considered to be sufficient to justify setting aside the requirement for the following reasons. i.e. the type of houses are suitable for families, there are new prospective residents who would benefit from the provision, and such a facility can if properly designed and positioned contribute to the quality of a development. Regrettably on occasions such a facility can be abused but again the potential for this depends on the area itself and the skill exercised in designing the facility itself.

The Councils Play Development Officer has confirmed that the position of the area is appropriate to serve both existing and proposed developments. Final details of the equipment would normally be dealt with by means of a condition, however it is a toddlers activity area that is proposed, not equipment likely to attract older children. It should also be borne in mind that the existing Fieldings development as approved was provided with an area of amenity space that was intended to accommodate a play area. That provision took up an area of 520m² and lay approximately in the position of the new access road to this application site. The new amenity space provision extends to approximately 1000m².

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSION

8.1 It is considered that the proposed development is acceptable. It presents the conclusion of the Fieldings Development and accords with the Councils current policy provisions in respect of garden ground and public open space. The design and layout of the houses are generally consistent with the existing character of the existing houses and will be finished externally to match. Other material considerations such as the representations submitted supporting the setting aside of the policy requirements in this case are not considered sufficient to justify taking an alternative view.

9. RECOMMENDATIONS

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

Alan Neish
Head of Planning and Building Control

18 August 2000

(IW/MS)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Letters of representation.
4. East Ayrshire Council Local Plan (Finalised Version).

Anyone wishing to inspect the above papers please contact Ian Walker on (01563) 576769.

I:Comreps/000217FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

00/0217/FL

Site of Proposal	The Fieldings – Phase 3 Newmill Road, DUNLOP, Ayrshire KA3 4AU
Nature of Proposal	Proposed Erection of 15 Dwellinghouses
Name & Address of Applicant	Rock Homes Ltd Dealston Road BARRHEAD Glasgow G78 1NL
Name & Address of Agent	W D Blair Staff Cottage 6 Fauldhouse Road LONGRIDGE EH47 8AQ

DPO's Reference IW/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 received on 23 March 2000 and the amended plans received by the Planning Authority on 8 August 2000.

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

2. A landscaping scheme including the treatment of the boundary of the site/ areas for public open space/play area equipment, shall be submitted to and approved by the Planning Authority prior to commencement of any development, and shall be implemented immediately upon the completion of 8 houses.

The scheme shall include details of the provision to be made for maintenance of soft and hard landscaped areas, and shall be maintained thereafter in accordance with these details.

REASON To ensure that adequate provision of public open space is provided, to an adequate standard, and that it is subsequently maintained, in the interest of residential and visual amenity.

3. The details submitted in provision of Condition 2 above shall include details of existing trees on site and confirm measures for their protection.

REASON In the interest of retaining the maximum number of trees on site.

4. No trees shall be felled, lopped or have roots cut on the site without the written consent of the Planning Authority.

REASON In the interest of visual amenity.

5. The details to be submitted further to Condition 2 above shall include a 1.8m high concrete post and weldmesh fence along the boundary with the railway; or some such other fence as can be confirmed as being acceptable to Railtrack.

REASON In the interests of public safety.

6. Prior to the commencement of development details of the following road safety measures shall be submitted to and approved by the Planning Authority. These details shall be implemented prior to the completion of 8 houses.

a) Pedestrian barriers placed on the footway opposite the access points to the amenity area.

b) The extension of the block paving of the adjoining cul-de-sac to construct a speed table.

REASON In the interests of road safety.

I:Rec/TP24TheFieldingsPhase3

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**

AGENDA