

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 20 FEBRUARY 2004

03/0017/FL: ERECTION OF 2 HOUSES AND DETAILS FOR DRAINAGE AND SEWER DISPOSAL, ALL ROAD ISSUES, PROVISION OF OPEN SPACE, PROVISION OF CAR PARKING, BOUNDARY FENCES, SITE LEVELS AND GRADING AND WALKING ROUTE, PROVISION OF THE RETAINED EMBANKMENT AT LOW GREENBANK, EAST MAIN STREET, DARVEL BY MR ALEX PATERSON

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of 2 houses on Plots 18 and 19 and detailed approval for drainage and sewer disposal, all roads matters, the provision of open space and car parking, boundary fences and site levels for the remaining 20 housing plots. Outline planning consent was granted on 7 December 2001 for the formation of a serviced residential site including partial removal of former railway embankment and provision of road services (including improvement to A71 junction) on the same application site as the present application under consideration. The present application also includes the grading of land to allow the provision of a walking route across the retained embankment which links to the existing path through the embankment.

1.2 The residential plots will be accessed from George Young Drive by an access road and the 22, in total, dwelling units are sited around three turning heads within the site. Visitor car parking is provided within the turning heads or within the individual housing plots. The levels of the site vary from the embankment to the residential plots.

1.3 The level of the land for the residential plots is higher than the adjacent Glen Water although much lower than the adjacent embankment. Sewerage provision will be provided by a pumping station and three soakaways are proposed within the site and all houses will be connected to mains water, sewers.

1.4 An area of open space is to be provided adjacent to Plot 22 at the entrance to the site and the existing embankment is to be graded whilst maintaining an existing walking route across the viaduct. The open space will be grassed with barrier planting along the rear boundaries of gorse and broom as per the first and second phases. The open space will be maintained by an agreed Factor extended from Phase 1 and 2 of the development. The soakaways will be grassed over and used as open space.

1.5 All side and rear boundary fences to the residential plots will be close boarded overlap fencing of a maximum height of 1.8 metres. Any boundaries forward of front elevations will be in finish in stone to match the basecourse or fences to be a maximum of 1 metre in height.

1.6 Full details have been provided for Plots 18 and 19. The proposed dwellinghouses are 2 storey in height, 4 bedroom accommodation. Materials are interlocking concrete roof tiles, dry dash render, reconstituted stone basecourse and quoins or the use of facing brick on the full elevation. The proposed houses are set back 6 metres from the heel of the footway and have double driveways.

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 the Minute of Variation of the existing Section 75 Agreement with the applicants in respect of the matters detailed in Section 7.2 of the report.

3. CONCLUSIONS

3.1 As indicated at 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 37 (2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 of the report there are material considerations relevant to this application and they are generally supportive. The comments of the consultees with regard to servicing the housing plots can be secured by attaching conditions to the grant of planning consent. The full details submitted for proposed 2 houses with regard to their design, layout and height are considered to be acceptable and compatible with the surrounding area. These details also meet the terms of the Section 75 Agreement. The remaining 20 housing plots are considered to be of reasonable size and shape to achieve a high amenity housing development which would be compatible with the Policy RES 11 of EALP and the terms of Section 75 Agreement associated with this application site.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control and provided such refusal did not rest on objection to the principle of residential development the application would not be required to be referred to the

Development Services Committee as it would not constitute a significant departure from 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 as it is a larger scale residential development of area significance and subject to objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is 2.8 hectares in area and is sited along the northern boundary of Darvel. The site is presently vacant with the vegetation removed ready for development. The site is of an elevated position with levels falling towards the Glen Water at the northern boundary. The application site is bounded to the north and west by the Glen Water, to the south by residential properties, to the west by the Viaduct of the dismantled railway, and to the east by the dismantled railway, vacant land and residential properties.

2.2 **Proposed Development:** Full planning permission is sought for the erection of 2 houses on Plots 18 and 19 and detailed approval for drainage and sewer disposal, all roads matters, the provision of open space and car parking, boundary fences and site levels for the remaining 20 housing plots. Outline planning consent was granted on 7 December 2001 for the formation of a serviced residential site including partial removal of former railway embankment and provision of road services (including improvement to A71 junction) on the same application site as the present application under consideration. The present application also includes the grading of land to allow the provision of a walking route across the retained embankment which links to the existing path through the embankment.

2.3 The residential plots will be accessed from George Young Drive by an access road and the 22, in total, dwelling units are sited around three turning heads within the site. Visitor car parking is provided within the turning heads or within the individual housing plots. The levels of the site vary from the embankment to the residential plots.

2.4 The level of the land for the residential plots is higher than the adjacent Glen Water although much lower than the adjacent embankment. Sewerage provision will be provided by a pumping station and three soakaways are proposed within the site and all houses will be connected to mains water, sewers.

2.5 An area of open space is to be provided adjacent to Plot 22 at the entrance to the site and the existing embankment is to be graded whilst maintaining an existing walking route across the viaduct. The open space will be grassed with barrier planting along the rear boundaries of gorse and broom as per the first and second phases. The open space will be maintained by an agreed Factor extended from Phase 1 and 2 of the development. The soakaways will be grassed over and used as open space.

2.6 All side and rear boundary fences to the residential plots will be close boarded overlap fencing of a maximum height of 1.8 metres. Any boundaries forward of front elevations will be in finish in stone to match the basecourse or fences to be a maximum of 1 metre in height.

2.7 Full details have been provided for Plots 18 and 19. The proposed dwellinghouses are 2 storey in height, 4 bedroom accommodation. Materials are interlocking concrete roof tiles, dry dash render, reconstituted stone basecourse and quoins or the use of facing brick on the full elevation. The proposed houses are set back 6 metres from the heel of the footway and have double driveways.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division was consulted on road/access issues and flooding matters. They have made the following comments.

Road/Access Issues

(i) The application should be conditioned to ensure that the junction improvements required under planning application no. 00/0711/OL take place. The roads construction consent for the junction improvements has been granted.

This requirement was controlled under the previous consent on the site. It is recommended that the junction improvements are also a requirement of this planning approval.

(ii) The area of ground where the road surface water discharges into the river and where the associated soakaway is located should be conditioned as open space. Restrictions should be placed on any planting and building with the area that may effect the operation of SUDS.

A condition can be attached to any grant of planning consent to meet the requirements of the Roads Division.

(iii) The Roads Division require a legal agreement that permits access for maintenance of the SUDS and access to the river.

Arrangement for access and maintenance along the riverbank can be addressed by a condition attached to any planning permission.

(iv) Plots 18 and 19 are the only plots to indicate where the vehicle access crossing points are. Plot 19 access may conflict with the speed table and not be acceptable. This can not be confirmed until the road construction consent details are provided. Other plots within the development may have similar problems and the developer may require to alter the vehicle access or traffic calming proposals at a later date to overcome access difficulties.

A condition can be attached to any planning consent to meet the requirements of the Roads Division regarding the relationship between the access points to the housing plot and traffic calming measures to the access road.

Flooding

They have no objections to the proposal with regard to flooding issues. The requirements of the Flood Risk Assessment submitted as part of the previous application (00/0711/OL) are being met by the developer. Details of arrangements for access along the riverbank for inspection and maintenance should be agreed.

Arrangement for access and maintenance along the riverbank can be addressed by a condition attached to any planning permission.

3.2 Scottish Water have no objection and advised that their permission is required to connect to the public sewerage system. A totally separate drainage system of foul and surface water sewers will be required.

A note can be attached to any grant of planning consent to advise the applicant of Scottish Water's requirements.

3.3 SEPA have no objection in principle provided that the foul drainage is connected to the public sewer and the applicant should contact Scottish Water in this regard. If the use of a sewage pumping station with an emergency overflow arrangement is required, the Agency's consent will be required in terms of the Control of Pollution Act 1974 (As Amended).

Scottish Water have no objection to the proposed development. A pumping station is to be provided for the development and it is recommended that a note is attached to the grant of planning consent to advise the applicant of SEPA's comments.

They have recommended that a condition is attached to any grant of planning consent requiring the applicant to treat surface water from the site in accordance with the principles of the Sustainable Urban Drainage System. They recommend that SUDS serving this development proposal forms part of an overall SUDS masterplan dealing with surface water from the entire site. They would be happy to comment on SUDS proposals as well as calculated treatment volumes.

The applicant has provided details of three soakaways which are proposed adjacent to Plots 10 and 11. A condition can be attached to any grant of planning consent to provide full details of the final design of the Sustainable Urban Drainage System and its subsequent maintenance.

SEPA have no records of flooding at this location and recommend that a flood risk assessment is carried out to determine the risk of flooding to the property and /or evidence provided that the site was sufficiently above the level of the Glen Water so as to pose no realistic threat. They recommend contact with the Council's Roads Division.

The Roads Division regarding their responsibility for flooding have been consulted on the proposed development and have no objections to the proposed development. They have stated that the requirements of the Flood Risk Assessment submitted as part of the previous application (00/0711/OL) are being met by the developer.

It is essential that the Glen Water remains unpolluted during the construction phase of the project from contaminated site drainage (silts, cement, oils) and the developer follows advice contained in SEPA's Pollution Prevention Guidelines Notes.

A note can be attached to any grant of planning consent to make the developer aware of the requirements of SEPA.

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

Noted.

3.5 East Ayrshire Council Department of Community Services, Environmental Health and Waste Management has no objections provided all waste arising from the proposed works is disposed of otherwise than by burning and the works should be carried out at such times and in such a manner as will not give rise to nuisance.

The above comments can be addressed by a condition to any grant of planning consent.

3.6 East Ayrshire Council Department of Community Services Outdoor Amenities have no objections but require any landscaping/planting proposals for this site. They recommend some kind of drainage system is put along the bottom of the east banking to reduce the chances of surface run-off into the adjacent properties.

The above comments can be addressed by a condition attached to any grant of planning consent.

3.7 Darvel and District Community Council are totally opposed to the proposed development as they require that the existing development is completed before this development is granted planning permission. These include the satisfactory making of roads within the site and the provision of a pavement on East Main Street between George Young Drive and the bus terminus.

Each application must be assessed on its own merits and it would unreasonable or inappropriate to withhold the grant of planning permission for this present proposal until a previous phase of the development is completed. Notwithstanding this, the specific provisions referred to by the Community Council can be required by means of conditions attached to any planning consent. Separate provisions also exist under the Roads (Scotland) Act for completion under the terms of construction consent.

4. REPRESENTATIONS

4.1 There is one letter of objection to the proposed development from Darvel and District Community Council which is detailed in 3.7 above.

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 (EALP).

Adopted East Ayrshire Local Plan

5.2 The application site is identified in the EALP as a high amenity housing development opportunity site, therefore the principle of housing is acceptable. The two house types proposed on Plots 18 and 19 contain 4 bedrooms and comply with the site's high amenity designation in terms of size, design and layout and the terms of Section 75 Agreement on the site.

5.3 The developer has indicated that they are not prepared to contribute to the Sports, Recreational and Leisure Fund in terms of Policy TLR5.

East Ayrshire Council Design Guidance

5.4 Policy ENV7 requires developers to comply fully with the Council's Design Guidance whereby residential development should reflect and respect the built form of the surrounding area and aim to integrate with existing surrounding land uses and communities. On new individual serviced plots no dwellinghouse should be constructed within 1.5 metre of the side boundary of any plot adjoining another to preserve a minimum 3 metres separate distance between houses. New houses should not result in an unacceptable invasion of privacy or overlooking of properties adjoining the site. The height and position of houses must not have an oppressive, overshadowing or visually intrusive impact on neighbouring properties.

The proposed development will eventually integrate with the surrounding residential area. Full details of the houses to be constructed on Plots 18 and 19 indicate a distance of 2 metres on either side of the mutual side boundary resulting in a total separation distance of 4 metres between the two houses. The remaining 20 housing plots are of reasonable size and regular shape to allow reasonable sized houses to be sited on them, as well as meet private open space requirements, car parking, a minimum building line and a separate distance of 4 metres. The proposed development meets the terms of the East Ayrshire Council Design Guidance.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material consideration relevant to the determination of this application are the consultation responses and the representation detailed in Section 3 of the report and the planning history of the site.

Consultation Replies

6.2 None of the statutory consultees have raised any negative issues which would materially affect the determination of this application or warrant a recommendation of refusal.

Planning History

6.3 00/0711/OL: Proposed Formation of Serviced Residential Site including Partial Removal of Former Railway Embankment and Provision of Roads and Services (inc. improvement to A71 junction) was approved on 7 December 2001. There is a Section 75 Agreement associated with this site.

The Agreement deals with restricting the number of residential plots to 22, ensuring that high quality materials were used (two brick types), two render types and one type of roofing material to be used throughout the site. The Section 75 Agreement also stated that each housing plot be developed such that no greater than 30% of the housing plot is occupied by any dwelling and shall include at least 100 sq. m of secluded private garden ground. No external house wall including any garage should be within 1.5 metre of the boundary of any adjacent housing plot.

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 as the Council will have to enter into a minute of variation of the Section 75 agreement associated with planning application no. 00/0711/OL with the applicant. This will involve reference to the present application under consideration.

8. CONCLUSION

8.1 As indicated at 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 37 (2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6 of the report there are material considerations relevant to this application and they are generally supportive. The comments of the consultees with regard to servicing the housing plots can be secured by attaching conditions to the grant of planning consent. The full details submitted for proposed 2 houses with regard to their design, layout and height are considered to be acceptable and compatible with the surrounding area. These details also meet the terms of the Section 75 Agreement. The remaining 20 housing plots are considered to be of reasonable size and shape to achieve a high amenity housing development which would be compatible with the Policy RES 11 of EALP and the terms of Section 75 Agreement associated with this application site.

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 the Minute of Variation of the existing Section 75 Agreement 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 and provided such refusal did not rest on objection to the principle of residential development the application would not be required to be referred to the Development Services Committee as it would not constitute a significant departure from Council policy.

Alan Neish
Head of Planning and Building Control

12 February 2004 (PC/SA)
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted East Ayrshire Local Plan.
6. Planning Application No. 00/0711/OL

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

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0017/FL

Site of Proposal:	Low Greenbank East Main Street DARVEL
Nature of Proposal:	Erection of 2 Houses and Detailed Approval for Drainage and Sewer Disposal, All Roads Issues, Provision Of Open Space, Car Parking, Boundary Fences, Finished Site/ Floor Levels and Grading and Walking Route Provision of Retained Embankment
Name & Address of Applicant:	Mr Alex Paterson East Heads Steading NEWMILNS KA16 9LG
Name & Address of Agent:	Nicoll Design 184 Main Street PRESTWICK KA9 1PG

DPOs Reference: PC/SA

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 amended on 8 October 2003 and cross sections, proposed house type 1 and 2 topographical survey submitted on 9 October 2003, block plan submitted on 28 January 2004 and drawings nos. 401, 405-409 road layout, pump station, submitted on 29 January 2004 and proposed site layout (Drawing No. B633-PO1D) submitted on 28 January 2004.

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

(2) The further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby reserved for each individual plot, with the exception of the details approved for Plots 18 and 19 under this consent

- (a) The internal layout of the house plots
- (b) The size, height, design and external appearance of the proposed dwellinghouses
- (c) The means of drainage sewage disposal
- (d) The provision for open space
- (e) The provision for car parking
- (f) Existing and proposed finished site levels/floor levels

REASON To enable the Planning Authority control over the development of the site in the interests of residential and visual amenity.

(3) Prior to any works commencing on site, all plots shall be pegged out and their boundaries identified on site.

REASON In the interest of residential amenity.

(4) Notwithstanding the approved details, details of a landscaping scheme for the public open space area, the embankment and the area to be occupied by the soakaways shall be submitted to and approved by the Planning Authority prior to the commencement of any development on site and shall be implemented not later than the next appropriate planting season after the development has commenced on site. The scheme shall include details of the maintenance arrangements for the landscaped areas.

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

(5) Notwithstanding the approved details, the proposed access point for Plot 19 is hereby not approved, details of the final access point for Plot 19 shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented prior to the occupation of the house.

REASON In the interests of road safety.

(6) Notwithstanding the submitted details, details of measures to prevent the displacement of surface water from the railway embankment onto adjacent residential properties shall be submitted to and approved by the Planning Authority prior to the commencement of development on site, implemented prior to the works commencing on site.

REASON To prevent the displacement of surface water to adjacent residential properties.

(7) The proposed construction works shall only be undertaken between the hours of 08.00 and 18.00 hours Monday to Friday, 08:00 and 17:00 hours on Saturday and at no times on a Sunday.

REASON To prevent noise and disturbance to adjacent residential properties during unsociable hours.

(8) No material shall be burned on the site at any time.

REASON To prevent nuisance to nearby properties.

(9) Notwithstanding the submitted plans, the details of road No. 3 shown on Drawing No. G4427 401 is not hereby approved. The road layout and access to Plots 1 and 2 shall be according to the details shown on the proposed site layout plan drawing No. B633 – 01D.

REASON To enable the Planning Authority to control the development of the site according to the approved details.

(10) Notwithstanding the approved plans and prior to the commencement of development on site, full details of the final design of the Sustainable Urban Drainage System for the site shall be submitted to and approved by the Planning Authority and installed on site prior to the occupation of any houses on site. Details of subsequent maintenance including access to SUDS and the river shall be submitted to and approved by the Planning Authority prior to the commencement of development and implemented as approved.

REASON To ensure that adequate drainage is provided.

(11) Notwithstanding the submitted information, details/samples of all external materials to be used in the construction of the proposed houses and the development shall be submitted to and approved by the Planning Authority before any development commences on the site, and shall be implemented thereafter as approved.

REASON In the interest of visual amenity.

(12) Prior to the commencement of development, details shall be submitted to and approved by the Planning Authority showing the provision of steps and railings down the slopes of the embankment and also allowing for the continuation at all times of the walking route currently running along the embankment. The details shall confirm the manner of linkage to the proposed new footpath and they shall be implemented prior to the commencement of development on site such that there is no break in the availability of the walking route.

REASON In the interests of public and road safety and to maintain the existing walking route.

(13) Prior to the commencement of development on site, full details of all measures to be taken by the developer to safeguard the application site from flooding shall be submitted to and approved by the Planning Authority and these measures shall be implemented prior to the occupation of any houses. These details shall confirm that it is feasible to reduce to an acceptable level, the possibility of the site itself flooding. They shall also clearly preclude any possibility of the development or associated flood prevention measures causing an increased potential for flooding on land outwith the site.

REASON To ensure that any potential flooding problems caused by this proposed development are adequately addressed and mitigated.

(14) No works shall commence on site until details of the area of cutting have been submitted to and approved by the Planning Authority. No further material comprised within the existing embankment shall be moved off or within the site until details have been submitted to and approved by the Planning Authority confirming the manner and extent of operations in that respect.

REASON To enable the Planning Authority to retain control over the development of the site in the interests of residential and visual amenity.

(15) No works shall commence on site until visibility splay areas of 4.5m x 90 metres westbound and 4.5m x 80m east bound have been provided at the junction of the access to the development with the public road with no obstruction to visibility greater than 1m in height being allowed within these areas and maintained thereafter.

REASON In the interests of road safety.

(16) No works shall commence on site until a two metre footway to East Ayrshire Council Roads and Transportation Division Standards has been provided from the existing junction of George Young Drive with East Main Street to the bus terminal west of the junction.

REASON In the interests of road safety.

(17) Prior to the commencement of any development on site the applicant shall submit a Soil Analysis Report on the composition of those materials to be removed from the railway embankment. The Report shall also confirm details of a programme of monitoring of the embankment material as it is deposited on the land to the north of the housing site. The monitoring programme will analyse the deposited material and the adjacent river in order to confirm that no deleterious material is making its way into the Glen Water. The Soil Analysis Report and monitoring programme shall be submitted to and approved in writing by the Planning Authority prior to any works commencing on site and implemented as approved.

REASON To ensure that the movement of soil and recontouring works do not result in any pollution of the Glen Water or adjacent lands.

NOTES

1. The applicant shall make early contact with Scottish Water, 35 Glenburn Road, Prestwick regarding connecting to the public sewerage system. A totally separate drainage system of foul and surface water sewers will be required.
2. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.
3. There is an overhead line within the site which may be affected by the development. SP Power Systems therefore reserve the right to protect and/or deviate their apparatus at the applicant's expense.
4. It is recommended that the developer makes early contact with the Scottish Environment Protection Agency, Redwood Crescent, Peel Park, East Kilbride, G74 5PP. (Telephone No. 01355 574200) because
 - (a) their consent will be required in terms of the Control of Pollution Act 1974 (Amended) for the sewage pumping station and
 - (b) regarding the close proximity of the development adjacent to the Glen Water. SEPA's Pollution Prevention Guidelines Notes are attached to this decision notice and it is essential that the developer follows this advice during the construction phase of the development.

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