

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 13 JUNE 2003

**03/0205/OL: PROPOSED OUTLINE PLANNING FOR RESIDENTIAL
DEVELOPMENT**

**AT 22 MAXWOOD ROAD, GALSTON
BY MR D MURDOCH**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning consent is sought to develop the site for residential purposes. Being in outline, no details of the numbers, type, size or design of dwellings are provided.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As is indicated at Section 5 of the report, the application is considered to be in accordance with the Adopted Local 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. As is indicated at Section 6 of the report, the principal material considerations relevant to this application are the consultation responses and they are supportive of the application.

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 will 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 an outline planning application which is to be considered by the Local Planning Committee under the scheme of delegation as it is a larger application of area significance.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located at 22 Maxwood Road at the site of a former garage and petrol filling station. The site extends to some 2722 sq metres on the south side of Maxwood Road and is surrounded by residential properties. The former garage buildings, built of rendered brick, with slated pitched roof, remain on site. It is also believed that the underground tanks are still present.

2.2 **Proposed Development:** Outline planning consent is sought to develop the site for residential purposes. Being in outline, no details of the numbers, type, size or design of dwellings are provided.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Coal Authority and Transco have no objections in respect of the proposed development.

Noted.

3.2 Scottish Environment Protection Agency (SEPA) have advised as follows:

- (i) There are no objections provided that the foul drainage is connected to the public sewer, and the applicant should consult with Scottish Water in this regard;

- (ii) SEPA would seek an assurance in writing from Scottish Water stating that additional flow arising from the site will not cause the premature operation of consented storm overflows;
- (iii) It is possible that previous uses of the site as a garage may have resulted in land contamination, although no details have been received relating to the site history or its condition.
- (iv) It is requested that surface water from the site is treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Design Manual for Scotland and Northern Ireland published by CIRIA in March 2000.

The requirements of SEPA can be addressed by attaching appropriate conditions and notes to any grant of outline planning consent.

3.3 Galston Community Council have not replied to their consultation letter at the time of writing this report.

Noted.

3.4 Scottish Water have no objections to the application but have advised that:

- (i) The applicant must make separate application to Scottish Water Developer Services for permission to connect to the public sewerage system at the appropriate time. Scottish Water may refuse or grant permission subject to such conditions as they think fit.

Noted. It would be appropriate by conditions to have the acceptability of a sewerage connection confirmed before commencement of development.

3.5 East Ayrshire Council Roads and Transportation Division have advised that as the submission does not provide an indicative layout of the proposed housing development it will only be possible to make general observations subject to more specific comment once a full planning application is submitted. In respect of vehicle access onto Maxwood Road, they have advised that the access should have a sightline standard of $x = 2.5$ metres and $y = 90$ metres.

Details regarding proposed access and internal road layout and car parking will be provided at the reserved matters stage.

3.6 East Ayrshire Council Department of Community Services Trading Standards have no objection but have advised that the site was previously used as a filling station, and that two 500 gallon underground steel welded tanks are

still present on site. These are situated to the west of the existing building at the south side of Maxwell Road. According to the archives, the tanks were put out of use in 1989 by infilling both tanks with heating oil. Trading Standards Service have advised that the developer of the site takes all due care when removing both underground tanks, in case an explosive atmosphere may have built up inside the tanks. The developer should contact Trading Standards Service when a method and date for removal of the tanks has been established.

It is recommended that should Members choose to grant planning permission a condition can be incorporated that requires site investigations to be carried out to determine and address site contamination.

4. REPRESENTATIONS

4.1 No letters of representation were received.

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 (1999) and the Adopted East Ayrshire Local Plan.

5.2 The proposal would fall to be considered against Policy RES4 of the Adopted East Ayrshire Local Plan. This Policy encourages the sympathetic residential development of sites not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments require to be assessed against a number of criteria:

- (i) Impact on the surrounding natural and built environment and adjacent uses;
- (ii) Transportation and infrastructure implications;
- (iii) Compatibility with surrounding densities and housing types; and
- (iv) Compliance with the Council's Development Promotion and Design Guidance.

The proposed development is in outline and seeks planning permission for the acceptance of residential development in principle. Exact details as to the number, type, layout, external finish of houses and vehicular access thereto would be established at the reserved matters stage. The principle of housing

development in this location is acceptable and complies with Policy RES4.

5.3 There is no conflict between the proposed development and the terms of the Approved Ayrshire Joint Structure Plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to this application are the consultations received, which are detailed in Section 3 of this report.

6.2 It is not considered that any aspect of the consultations received indicate that the application should be refused.

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 is indicated at Section 5 of the report, the application is considered to be in accordance with the Adopted Local 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. As is indicated at Section 6 of the report, the principal material considerations relevant to this application are the consultation responses and they are supportive of the application.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated 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 and Building Control, the application will 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

02 June 2003
(AG/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Consultation Responses.
3. Statutory Notices/Certificates.
4. Adopted East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan.
6. Correspondence.

Anyone wishing to inspect the above papers please contact Ailsa Graham on 01563 576787.

Implementation Officer: Dave Morris

0302050L

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0205/OL

Site of Proposal: 22 Maxwood Road
GALSTON

Nature of Proposal: Proposed Outline Planning For Residential
Development

Name & Address of Applicant: Mr D Murdoch
22 Maxwood Road
GALSTON

Name & Address of Agent:

DPOs Reference: AG/MMM

The above OUTLINE application should be approved 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 under mentioned matters hereby reserved.
 - (i) The layout of the site;
 - (ii) The size, height, design and external appearance of the proposed residential properties;
 - (iii) The means of drainage and sewage disposal;
 - (iv) Details of the access arrangements;
 - (v) The provision for open space;
 - (vi) The provision for car parking;
 - (v) The boundary walls/fences to be erected;
 - (vi) The landscaping of the site;
 - (vii) Finished and existing site levels and proposed floor levels.
 - (viii) The submission of a ground contamination report detailing the measures necessary to address and resolve contamination on site.

REASON The approval is in outline only.

2. No work shall commence on site until such time as the applicant has provided the Planning Authority with written confirmation from Scottish Water that the existing sewerage system is capable of accommodating the connection of this approved development.

REASON To ensure that adequate drainage is provided.

3. Before any work commences on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved in writing by the Planning Authority. The Sustainable Urban Drainage System shall thereafter be formed and maintained on site in accordance with the approved details prior to the occupation of the dwellings.

REASON To ensure that adequate drainage is provided.

4. During construction, the developer of the site shall ensure that adequate and continuing measures are taken to ensure that roads and footpaths adjoining the site are maintained free from mud and other material carried from the site by construction and any other vehicles.

REASON In the interest of public and road safety and residential amenity.

5. Details to be submitted under Condition 1(iv) above shall allow for sightlines of 2.5 metres x 90 metres free from all obstruction greater than 1 metre in height, to be provided at all access points from the site onto Maxwell Road.

REASON In the interests of road safety.

6. The development hereby approved shall be undertaken without detriment to neighbouring residential properties by virtue of noise, dirt or general disturbance.

REASON In the interests of amenity and to prevent such established amenity being adversely affected.

7. 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.

8. Prior to the commencement of any works on site for the development hereby approved, a method statement and date for the removal of the underground tanks shall be submitted to the Planning Authority for approval and the works subsequently implemented as approved.

REASON In the interests of public safety.

9. The details to be submitted further to Condition 1 above shall ensure that:-
- (i) There shall be a minimum of 3 metres between all adjacent houses;
 - (ii) All dwellings including integral garages shall be a minimum of 1½ metres from the boundary of the plot;
 - (iii) Any detached garages shall be a minimum of 1 metre from the plot boundary.

REASON In the interests of visual amenity.

10. The details shall be submitted further to condition 1 above shall ensure that:-
- (i) All dwellings to be no more than 1½ storeys in height;
 - (ii) The design of any dwellings shall be compatible with any existing buildings adjacent to the particular plot;
 - (iii) No building's main elevation fronting onto Maxwood Road shall be located within 6 metres of the footpath.

REASON To complement the building line of the existing houses on Maxwood Road and in the interests of visual amenity.

11. No house shall be occupied until the roads and footpaths are completed to basecourse level and the road drainage is installed. The road and footpath wearing surface shall be completed immediately at the houses are occupied, all to the satisfaction of the Planning Authority.

REASON In the interests of highway safety and residential amenity.

NOTES:

1. Prior to the commencement of any works on site for the development hereby approved, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.
2. The developer shall make early contact with Scottish Water and the Scottish Environment Protection Agency 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.

4. This site is known/suspected to be contaminated. You should be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.
5. The local Planning Authority has determined the application on the basis of the information available to it. This does not necessarily mean that the land is free from contamination.

**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.**