

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 13 JUNE 2003

**03/0033/FL: ERECTION OF RESIDENTIAL DEVELOPMENT COMPRISING
15 DETACHED PRIVATE DWELLINGS
AT LANDS SOUTH OF CUTSTRAW ROAD, WEST OF DRAFFEN,
STEWARTON
BY JOHN DICKIE HOMES LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full Planning Permission is sought for the erection of 15 detached houses to be accessed off Cutstraw Road in a cul-de-sac arrangement proposed from a new enlarged roundabout. This new roundabout is detailed within the boundaries of the existing road limits and partly within the application site. The cul-de-sac loops west from the roundabout skirting the rear of existing houses on Cutstraw Road for a length before terminating in a roundel at the lower end of the site. Eight houses will be grouped around the roundel backing variously onto rear garden areas of existing houses on Cutstraw Road and Loudoun Street. The remaining seven houses are proposed on the south side of the cul-de-sac backing onto Draffen Mount. Four house types are detailed with the majority of the houses being substantial two storey villas. A one and a half storey house is detailed in the most sensitive areas.

1.2 As stated above the site has a considerable difference in levels throughout its confines. As a consequence of this and to accommodate the access road in its optimum position in terms of vertical alignment and geometry, significant land engineering works are proposed to accommodate the houses whilst maintaining a reasonable relationship to both the road and the adjacent houses. The result of these engineering works are that significant volumes of material will be moved within and removed from the site to form level areas for the houses. The houses backing onto Draffen Mount are detailed with significant retained and terraced areas of land behind them. Some of these areas are detailed in excess of 3 and 4 metres in height with a timber gridlock arrangement being installed to retain the land. Certain volumes of material removed to accommodate the houses on the higher areas of the site will be retained on site, re-distributed and graded in the lower areas of the site again to accommodate the proposed houses at a reasonable level. The degree of infill in these areas is detailed in the submission as being in the region of between 1 and 2.5 metres (depending on existing ground levels) to form a plateau for the roundel and houses to its immediate north. It should be noted that the relationship between the proposed houses and

the existing houses adjacent to the site is such that there is scope for generous separation distances to compensate for the difference in levels.

1.3 It should be noted that this same site as part of the larger Draffen site has a lengthy planning history. Currently there are two extant planning consents extending over this site. EAC Ref. 99/0265/FL for the erection of 41 houses was approved at Planning Appeal. Subsequent to that decision a planning application for the erection of 37 houses was approved in January 2001, (EAC Ref 00/0578/FL). These consents allowed for the section of 25 and 29 units respectively on the current application site.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the report, the application is considered to be 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. As is indicated in Section 6 of the report there are material considerations relevant to this application. It is considered that these add weight to the presumption in favour of the plan. Consequently, it is considered that this development of the site for residential purposes is acceptable.

CONTRARY DECISION NOTE

Should the committee agree that the application be refused, and should such a decision be based on the principle of housing development on the site, then the application will require to be referred to the Development Services Committee as it would represent the refusal of an application the principle of which is in accordance with the Adopted East Ayrshire Local Plan.

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 a full application which is to be considered by the Local Planning Committee under the scheme of delegation because it is a larger application of area significance and has been subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises an area of land between Cutstraw Road and Loudoun Street, Stewarton to the immediate west of Draffen Farm. Draffen Farm has been the subject of a new housing consent and this development is currently nearing completion.

The application site is broadly crescent shaped and currently under grass and is confined on three sides by existing housing. Additionally the site has a significant difference in levels from west to east with its low point on the west side. From this low point the site rises by almost 20m, 65 feet to its high point circling what could be termed as 'Draffen Mount'.

2.2 **Proposed Development:** Full Planning Permission is sought for the erection of 15 detached houses to be accessed off Cutstraw Road in a cul-de-sac arrangement proposed from a new enlarged roundabout. This new roundabout is detailed within the boundaries of the existing road limits and partly within the application site. The cul-de-sac loops west from the roundabout skirting the rear of existing houses on Cutstraw Road for a length before terminating in a roundel at the lower end of the site. Eight houses will be grouped around the roundel backing variously onto rear garden areas of existing houses on Cutstraw Road and Loudoun Street. The remaining seven houses are proposed on the south side of the cul-de-sac backing onto Draffen Mount. Four house types are detailed with the majority of the houses being substantial

two storey villas. A one and a half storey house is detailed in the most sensitive areas.

2.3 As stated above the site has a considerable difference in levels throughout its confines. As a consequence of this and to accommodate the access road in its optimum position in terms of vertical alignment and geometry, significant land engineering works are proposed to accommodate the houses whilst maintaining a reasonable relationship to both the road and the adjacent houses. The result of these engineering works are that significant volumes of material will be moved within and removed from the site to form level areas for the houses. The houses backing onto Draffen Mount are detailed with significant retained and terraced areas of land behind them. Some of these areas are detailed in excess of 3 and 4 metres in height with a timber gridlock arrangement being installed to retain the land. Certain volumes of material removed to accommodate the houses on the higher areas of the site will be retained on site, re-distributed and graded in the lower areas of the site again to accommodate the proposed houses at a reasonable level. The degree of infill in these areas is detailed in the submission as being in the region of between 1 and 2.5 metres (depending on existing ground levels) to form a plateau for the roundel and houses to its immediate north. It should be noted that the relationship between the proposed houses and the existing houses adjacent to the site is such that there is scope for generous separation distances to compensate for the difference in levels.

2.4 It should be noted that this same site as part of the larger Draffen site has a lengthy planning history. Currently there are two extant planning consents extending over this site. EAC Ref. 99/0265/FL for the erection of 41 houses was approved at Planning Appeal. Subsequent to that decision a planning application for the erection of 37 houses was approved in January 2001, (EAC Ref 00/0578/FL). These consents allowed for the section of 25 and 29 units respectively on the current application site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have confirmed that they are in the advanced stages of correspondence with the applicants in respect of this application and its related Road Construction Consent. They have advised that they have no objection to the proposal provided their requirements are met which include the securing of the new roundabout prior to the commencement of development on site.

These matters can be addressed by means of conditions if the Committee are of a mind to approve the application.

3.2 Scottish Environment Protection Agency have confirmed that they have no objection to the proposal. They have also recommended that a requirement

that surface water from the development is treated in accordance with the principles of the Sustainable Urban Drainage.

This requirement can be secured by means of a condition should the Committee be of a mind to approve the application.

3.3 Scottish Water have advised that they have no objection to the proposal and have confirmed that there is a public sewerage system available for connection to serve the development. They have additionally advised due to the topography of the site of their requirements in connection with this proposal with particular regard to the servicing of the site with a public water supply.

These matters can be addressed by means of a condition and notes attached to the planning permission if the Committee are of a mind to approve the application.

3.4 The Coal Authority have advised of no ground stability issues that should impact on the ability of the development to be implemented.

Noted.

3.5 Stewarton and District Community Council have confirmed that they have no objection to the development.

Noted.

3.6 Transco have advised of the location of their plant in the location of the site and recommended that their response and supporting information be passed directly to the applicants.

Noted. This point can be addressed by a note attached to any planning consent.

3.7 West of Scotland Archaeology Service have advised that they have no objection to the proposed development confirming that the site is unlikely to have any archaeological merit.

Noted.

3.8 Community Services, Outdoor Amenities have no objections to the proposals but would require landscaping/planting proposals and recommend some form of drainage being installed to catch surface run off from the banking and prevent flooding of the rear gardens/houses.

These comments can be accommodated by conditions attached to any consent granted.

4. REPRESENTATIONS

Two letters of objection have been submitted in connection with this application, one from a resident on Cutstraw Road and another from the recently completed houses on Draffen Mount. The grounds of objection are as follows:

The access point is too narrow and will result in an increased road hazard for road users.

The Council's Roads and Transportation Division have confirmed that subject to certain provisions they have no objections to the proposal.

The proposal will result in additional strain on already stretched facilities and amenities in the Stewarton area.

The site is identified for housing purposes in the Adopted East Ayrshire Local Plan during consideration of which, account was taken of these matters when identifying the site. Additionally there are extant consents and this proposal actually concerns a more limited scheme than previously approved.

The sewage and water system in the town requires upgrading.

Scottish Water have been consulted on the application and have not objected to the proposal.

Stewarton Academy is already over-stretched and this application will only increase the pressure on that facility.

As stated above this application involves less housing than the extant planning consents on the same site and East Ayrshire Council Education Department offered no objection to that development. Additionally it should be noted that the Reporter in considering the Proposed Local Plan found the following in respect of Stewarton Academy.

"Stewarton Academy is a relatively new, successful and attractive facility which has already had extra classrooms added. The evidence is that ordinary classroom timetabling is running at about 70% capacity; that potential over-capacity only relates to the teaching of some specialist subjects; that future problems may well be overcome by e.g. re-zoning pupils from Kilmaurs to Kilmarnock or Grange Academies; that housing developments on brownfield sites will not be turned down by EAC on grounds of over-capacity; that in any event the capacity problem is due to 'peak' this year and

thereafter decline; and that children from whatever housing sites are allocated following this inquiry would not be going there until after this year. In these circumstances, while there is no need to withdraw proposed modification No. 52, the implications for Stewarton Academy do not seem so severe for the period after 2002 that they should be used to significantly limit the amount of housing land allocated in EALP.”

My current outlook and amenity will be affected by the proposal.

It should be noted that this application involves a similar relationship with the objectors property to that of the extant consents. There are substantial separation distances between the objector’s and proposed houses and it is accordingly considered that this application can be supported. It is anticipated that appropriate boundary treatment can be secured by means of conditions to soften any impact further.

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 (2003).

5.2 With regard to the approved Ayrshire Joint Structure Plan, the proposal is compliant with Policies G1 and G5 in that they encourage development within settlement boundaries. Since the site is within the urban boundary of Stewarton in terms of the Adopted East Ayrshire Local Plan and is an identified housing site, the proposal is therefore compliant with the Approved Ayrshire Joint Structure Plan.

5.3 In the Adopted East Ayrshire Local Plan, the application site lies within the settlement boundary of Stewarton. The application site is designated Development Opportunity Site under Policy RES 1 which states that the “Council will encourage and support the residential development of those Development Opportunity Sites identified for housing purposes on the individual Local Plan maps. The sites identified will be reserved for residential and associated recreational and amenity open space development.”

The application has been assessed against the criteria of this policy and found to be acceptable. A very small section of the site is outwith the settlement boundary of Stewarton but since it is required for access purposes this small section is considered acceptable.

The reduction in numbers of units in the entire Draffen site to below the threshold figure of 30 units and the difficult topography of the site has led to the conclusion that a play area provision will not be sought within the confines of the site.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the impact on the amenity of the area/adjacent properties, representations/consultation replies and the planning history of the site.

Impact On The Amenity Of Area And Adjacent Properties

6.2 As stated above the proposal involves significant land engineering in an effort to achieve a development which can be accommodated on site whilst having minimal detrimental impact on the amenity of the area or adjacent properties. The site is highly visible from certain aspects and the degree of works associated with its development will be initially intrusive. However through the use of conditions and appropriate retaining treatment these factors can be managed in a manner that best utilises the constraints on site to create an attractive development whilst retaining a sufficient standard of amenity for the adjacent properties.

Consultation Responses

6.3 The consultation responses are as listed above and are supportive of the application.

Objections Received

6.4 The objections have been assessed in Section 4 above of the report and it is considered that they do not raise issues of sufficient weight to merit refusal of the application.

Planning History

6.5 As detailed previously there are two extant planning consents on site for residential development having numbers of units in excess of that now proposed.

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 in Section 5 of the report, the application is considered to be 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. As is indicated in Section 6 of the report there are material considerations relevant to this application. It is considered that these add weight to the presumption in favour of the plan. Consequently, it is considered that this development of the site for residential purposes is acceptable.

9. RECOMMENDATION

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

CONTRARY DECISION NOTE

Should the committee agree that the application be refused, and should such a decision be based on the principle of housing development on the site, then the application will require to be referred to the Development Services Committee as it would represent the refusal of an application the principle of which is in accordance with the Adopted East Ayrshire Local Plan.

Alan Neish
Head of Planning and Building Control

04 June 2003
(IW/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form/Plans.
2. Statutory Notes/Certificates.
3. Consultations.
4. Letters of Objection.
5. Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. Previous Planning Consents: 99/0265/FL and 00/0578/FL.

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

Implementation Officer: Dave Morris

030033FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0033/FL

Site of Proposal:	Land on South of Cutstraw Road West of Draffen Farm STEWARTON
Nature of Proposal:	Proposed Residential Development Comprising 15 Detached Private Dwellings
Name & Address of Applicant:	John Dickie Homes Ltd Burnfield Avenue Thornliebank GLASGOW G46 7TT
Name & Address of Agent:	G D Lodge and Partners Empire House 131 West Nile Street Glasgow G1 2RX

DPOs Reference: IW/MMM

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 14 January 2003 and the various plans as detailed below:

Drawings Nos. 01; 003-Rev E; 004-Rev A; 005-Rev A; 006; 007; 008; 060-Rev A; 061; 062-Rev B.

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

2. Prior to the commencement of development on site, the roundabout as detailed in Drawing No. 003-RevD, shall be completed in accordance with the East Ayrshire Council Roads Development Guide 1996.

REASON In the interests of road safety.

3. Notwithstanding any specification on the approved plans or application form, all surface water from the development shall be treated in accordance with CIRIA's Sustainable Urban Drainage Manual 2000, to the complete satisfaction of the Scottish Environment Protection Agency and the Planning Authority.

REASON To ensure that the drainage arrangements meet the requirements of the Scottish Environment Protection Agency.

4. Notwithstanding any specification on the approved plans or application form, samples of all external materials to be used in the construction of the new dwellinghouses shall be submitted to and approved by the Planning Authority prior to the commencement of any work on site.

REASON In the interests of visual amenity.

5. A landscaping scheme including the treatment of the boundary of the site/areas for public open space (areas not feued to dwellinghouses) shall be submitted to and approved by the Planning Authority prior to commencement of any development, and shall be implemented not later than the next appropriate planting season after the development has been carried out. Details of the means of maintenance of areas outwith the feu of an individual house plot shall be included for approval as part of this landscaping scheme.

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

6. Details submitted in pursuance of Condition 5 above shall include details of land consolidations and earth levelling works in the areas bounded in green on Drawing No. 003-Rev D.

REASON In the interests of visual amenity.

7. Details of the design and construction of the boundary treatment of the site shall be submitted to and approved by the Planning Authority before any development commences on site and thereafter implemented in accordance with the details as approved prior to the occupation of the dwellings.

REASON In the interests of visual/residential amenity.

8. The location of plant equipment and site compound buildings during the construction phases of the development hereby approved shall be agreed with the Planning Authority prior to the commencement of development.

REASON In the interests of residential amenity.

9. Construction works shall not be undertaken on site outwith the hours of 08:00 hours to 18:00 hours Monday to Friday, 09:00 hours to 16:00 hours on Saturday and not at any time on a Sunday.

REASON In the interests of residential amenity.

10. Details of the final treatment and means of surface drainage of the rear garden areas of plots 1 – 9 shall be submitted to and approved by the Planning Authority and thereafter implemented prior to the occupation of dwellinghouses in this range.

REASON In the interests of residential amenity and to prevent any flooding of rear garden areas.

11. Notwithstanding the submitted plans details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order revoking and re-enacting that order, permitted development Classes 1 & 3 of Schedule 1 of the said Order are hereby removed in relation to Plots 1 to 9.

REASON To enable the Planning Authority to retain control over future development on these plots in the interests of residential amenity.

Notes to Applicants:

1. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.
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.

4. The developer should have regard to the practice laid out by SEPA in their leaflets PPG5 and PPG6 when working in proximity to any watercourse.
5. The developer should make early contact with Transco with regard to the location of their plant within the site.

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