

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 09 AUGUST 2002

**02/0330/FL: PROPOSED ERECTION OF 12 DWELLINGHOUSES AT
PHASE 3 MAUCLINE ROAD, CATRINE**

APPLICATION BY HOPE HOMES SCOTLAND

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of 10 detached and 2 semi-detached dwellings on the site. The proposed houses comprise three and four bedroom house types. It is proposed that the access to the site will be taken from Phase 2 of the development. The public open space provision for the overall development (3 phases) is contained within Phases 1 and 2 and has been secured by condition on the consents relative to those phases. Likewise, the Sustainable Urban Drainage System provision for the site is contained within Phase 2 and has been secured by an appropriate condition on that consent.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheets

3. CONCLUSIONS

3.1 As is indicated at Paragraph 5.2 of the report, the application is considered to be contrary to 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 refused unless material considerations indicate otherwise. As is indicated at Paragraphs 6.2 to 6.9 of the report, there are material considerations relevant to the determination of this application.

3.2 Given the age of the Adopted Catrine and Sorn Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered as a prime material consideration. Whilst the proposal is contrary to the provisions of the Adopted Catrine and Sorn Local Plan, it is nevertheless in accordance with the policy provisions of the EALP (Finalised Version with Modifications).

3.3 No consultation replies have been received which would indicate that the application should be refused.

3.4 The design and density of the proposed dwellinghouses are considered to be compatible with adjacent houses.

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 if that decision is on the basis of the principle of residential use on the site, then the application would require to be referred to the Development Services Committee.

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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PHASE 3 MAUCHLINE ROAD, CATRINE

APPLICATION BY HOPE HOMES SCOTLAND

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 the proposed development is a larger application of area significance.

2. APPLICATION DETAILS

2.1 **Site Description:** The development site lies adjacent to Mauchline Road on the northern approach to Catrine, opposite a row of existing dwellings that overlook the site. The site comprises a prominent greenfield site and was, until recently, in agricultural use. Not all the field is contained within the application site boundary as two earlier phases of residential development occupy the northern and eastern part of the larger site. The application site measures some 0.67 hectare in area, and is bordered to the north and east by Phase 2 of the development and to the south and west by the River Ayr and the Burn O' Need respectively.

2.2 **Proposed Development:** Full planning permission is sought for the erection of 10 detached and 2 semi-detached dwellings on the site. The proposed houses comprise three and four bedroom house types. It is proposed that the access to the site will be taken from Phase 2 of the development. The public open space provision for the overall development (3 phases) is contained within Phases 1 and 2 and has been secured by condition on the consents relative to those phases. Likewise, the Sustainable Urban Drainage System provision for the site is contained within Phase 2 and has been secured by an appropriate condition on that consent.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objection to the proposal subject to the inclusion of conditions on the planning permission relating to the standard and construction of the site's internal

roads and footways, the standard and formation of the driveways, individual access gates and parking provision.

Should the application be granted, appropriate conditions in respect of the above can be attached to the planning permission.

3.2 East Ayrshire Council's Roads and Transportation Division, Flooding Section has stated that provided SEPA is satisfied with the Flood Study for the entire development, submitted subsequent to the approval of Phase 1, it would have no comment to make.

SEPA has indicated its satisfaction with the Flood Study for the site.

3.3 Scottish Water has no objection to the proposal subject to operational requirements being met and requests that all surface water is disposed of via a sustainable urban drainage system.

A SUDS system has been approved and secured by a condition through the approval of planning permission 00/0737/FL for Phase 1 of the development. The utilisation of SUDS relative to the current application can be secured by condition. Furthermore, a note advising the applicant to make early contact with Scottish Water can be attached to the planning permission.

3.4 The Scottish Environment Protection Agency has no objection to the proposal provided the drainage arrangements are to its satisfaction. The Agency has stated all surface water should be directed to the Burn O' Need via the SUDS system. The Agency also states that the sustainable urban drainage system must be installed before work starts on site.

See response to section 3.3 of the report. Furthermore, a note advising the applicant to make early contact with the Scottish Environment Protection Agency can be attached to the planning permission.

3.5 Scottish Power has no objection to the proposal provided its apparatus is protected during the construction phase.

Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.

3.6 The Coal Authority has no objection to the proposal. It does however state that reserves of coal exist in the locality that may be mined at some time in the future subject to feasibility.

Noted.

3.7 East Ayrshire Council Outdoor Services has no objection to the proposal.

Noted.

3.8 Catrine Community Council has indicated that it has no objection to the proposal. The Community Council has advised that it has had its own discussions with the applicant in respect of the continuation of the footpath adjacent to the Burn O' Need from phase two of the development to the far end of phase three. The Community Council advises that the applicant is agreeable to this.

Whilst the applicant may have informally indicated to a third party that he is willing to provide an additional footpath link, it is not considered necessary to require the provision of this stretch of footpath by condition. An alternative link to the site of the former Burnfoot Bridge is presently available within the current layout of the site. It is considered that this link is adequate to access the area to the south west of the application site.

3.9 Mauchline Community Council has not responded to the consultation letter at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 No representations have been received in respect of the application.

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 (1999) and the Adopted Catrine and Sorn Local Plan (1984). The Adopted Plan was prepared in the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the application site forms part of a larger site identified as an area of restraint. This designation seeks to preserve and enhance the existing character of the area.

It is considered that the development of the site for residential purposes would significantly alter its character and appearance and as such, the proposal is contrary to the above designation.

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) 2001, National Planning Policy Guidelines, the consultation replies and the planning history of the site.

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 as a prime material consideration.

6.3 The application site forms part of a larger site identified for high amenity housing in the EALP. Policy RES 1 states that the Council will encourage and support residential development on designated sites. Policy RES 11 states that the Council will require the provision of high amenity housing on sites identified as appropriate for such development.

Whilst the proposed development is not exclusively high amenity, the majority of the proposed dwellings are detached with 40% comprising four bedrooms. As Catrine is a low demand area (in respect of housing requirement) the lesser percentage of high amenity housing should be accepted. It is therefore considered that the proposal is consistent with the site's designation and with Policies RES 1 and RES 11 of the EALP. It is further considered that the design of the proposed dwellings is compatible with the adjacent existing houses previously approved in the earlier phases of the development.

6.4 The designation of this site as part of a high amenity housing site in the EALP is linked to the use of a legal agreement under Section 75 of the Town and Country (Scotland) Act 1997. Policy RES 3 states:-

In appropriate circumstances, the Council will expect housing developers to enter into Section 75 Agreements under the Town and Country Planning (Scotland) 1997. Such agreements will be requested where:-

- (i) the development of a site is to be limited to a particular type of residential use

As full details have been submitted which indicate that the form of development within the application site is consistent with RES 11, it is not considered necessary to use such an agreement in this circumstance.

6.5 The application also requires to be considered with regard to Policy RES 19 of the EALP. Policy RES 19 states that:-

In formulating their development proposals, developers should ensure that;

- (i) areas of open space are of a size and configuration that is easily maintainable. Larger areas of well located, consolidated open space should be provided in preference to a series of smaller, individual areas scattered throughout the proposed development site;
- (ii) the proposed areas of open space are safe and secure, overlooked if possible by adjacent properties;
- (iii) play equipment and facilities for the disabled and those with special needs are provided as considered appropriate;
- (iv) areas of open space are attractively planted and where appropriate, use plant species to encourage wildlife; and
- (v) all open spaces are provided, as appropriate, with footpaths for both access and leisure walking, linking with adjacent open spaces wherever possible.

The applicant has included areas of public open space as part of the overall proposals for Phases 1, 2 and 3 although no open space appears in Phase 3. It is nevertheless considered that the open space provision in Phases 1 and 2 is sufficient to meet the requirements of the overall development (including Phase 3). Access to an area of public open space is provided for in the submitted plans.

6.6 Policy RES 21 is also of relevance. Policy RES 21 states that:-

All developers will require to observe the minimum private open space criteria and standards of provision detailed in Schedule 4 of the Local Plan. The private open space provisions within the proposed development meets with the requirements of Schedule 4 of the Local Plan. It is therefore considered that the proposal accords with the provisions of Policy RES 21 of the EALP.

6.7 Policy TLR5, which provides that developers of sites of 4 or more dwellings will be requested to make a payment of 1% of construction costs to the Social, Leisure and Recreation Fund, is also of relevance.

The applicant has indicated that he is not willing to make a contribution to the Social, Leisure and Recreation Fund.

Planning History

6.8 The site has been the subject of several previous applications for planning permission as follows:-

- (i) CD/91/315: Full planning permission was granted on 10 April 1992 for the erection of 43 houses on a larger site which includes the site of this current application.

This permission was not implemented and expired on 10 April 1997.

- (ii) 99/0308/FL: Full planning permission was refused on 1 July 1999 for the erection of a detached bungalow on the site.

The proposal involved the erection of one house on a site which formed part of the northern part of the site of this application. The application was refused as it was considered that approval in the absence of an approved scheme for the comprehensive development of the site would be premature and result in the piecemeal development of the site.

- (iii) 99/0491/FL: Full planning permission was refused on 17 December 1999 for the erection of 20 dwellinghouses on a larger site which comprised part of the site of this current application.

The proposal related to a more linear development of the site and would have consisted of 22 separate access onto Mauchline Road. The application was refused as the “proposed linear layout does not readily enable the comprehensive development of the site and is unsatisfactory in the context of visual amenity and its relationship to the existing road pattern”. A subsequent appeal against this decision was dismissed. It is considered that this current application addresses the reasons for the refusal of the two previous applications, given that the layout of the overall development (Phases 1, 2 and 3) enables the comprehensive development of the site with only two accesses onto Mauchline Road.

- (iv) 00/0737/FL : Full planning permission was granted on 2 March 2001 for the erection of 20 dwellinghouses on Phase 1 of the development which lies to the north of the application site.

Work has since commenced on this phase and several of the dwellings are now occupied.

- (v) 02/0094/FL : Full planning permission was granted on 7 June 2002 for the erection of 26 dwellinghouses on Phase 2 of the development which lies immediately to the north and east of the application site.

Work has commenced on this phase of the development.

6.9 NPPG 7 on Planning and Flooding indicates that the susceptibility of land to flooding is a material consideration in the assessment of development proposals. The Planning Authority's responsibility is to have regard to the risk of flooding in determining the planning application. This does not affect the liability position of developers or owners. Planning Authorities should avoid any indication that their approval of the application implies any absence of flood risk.

SEPA has previously indicated that the Flood Study submitted as part of the approval of Phase 1, in respect of the entire site, is satisfactory.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of this application. Legal implications may arise should the developer agree to contribute to the Social, Leisure and Recreation Fund although the applicant has indicated that he is not willing to make such contributions to the fund.

8. CONCLUSIONS

8.1 As is indicated at Paragraph 5.2 of the report, the application is considered to be contrary to 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 refused unless material considerations indicate otherwise. As is indicated at Paragraphs 6.2 to 6.9 of the report, there are material considerations relevant to the determination of this application.

8.2 Given the age of the Adopted Catrine and Sorn Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered as a prime material consideration. Whilst the proposal is contrary to the provisions of the Adopted Catrine and Sorn Local Plan, it is nevertheless in accordance with the policy provisions of the EALP (Finalised Version with Modifications).

8.3 No consultation replies have been received which would indicate that the application should be refused.

8.4 The design and density of the proposed dwellinghouses are considered to be compatible with adjacent houses.

9. RECOMMENDATION

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

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 if that decision is on the basis of the principle of residential use on the site, then the application would require to be referred to the Development Services Committee.

Alan Neish
Head of Planning and Building Control
DS/SMB
24 June 2001
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices and certificates.
3. Consultation responses.
4. East Ayrshire Local Plan Finalised Version with Modifications.
5. Adopted Catrine/Sorn Local Plan.
6. NPPG 7 : Planning and Flooding.
7. Planning applications : CD/91/0315; 99/0308, 99/0491, 00/0737/FL and 02/0094/FL.
8. Approved Ayrshire Joint Structure Plan.
9. Approved Strathclyde Structure Plan

Any person wishing to inspect the background papers listed above, should contact Mr Derek Scott on 01563 555483.

Implementation Officer : Dave Morris

Location	Phase 3 Mauchline Road CATRINE
Nature of Proposal:	Proposed erection of 12 dwellinghouses
Name and Address of Applicant:	Hope Homes Scotland Ltd Watson Terrace DRONGAN
Name and Address of Agent	

DPO's Ref: Derek Scott]
PPO's Ref; [

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 and plans submitted on 26 April 2002 as revised by the amended site layout plan received by the Planning Authority on 29 May 2002.

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

2. All roads and footways within the site shall be constructed in accordance with the East Ayrshire Council Roads Development Guide 1996.

REASON – In the interests of public road safety.

3. The access to each plot shall be by means of a standard footway crossing constructed in accordance with the East Ayrshire Council Roads Development Guide 1996.

REASON – In the interests of public road safety.

4. All individual driveways within the site shall be suitably surfaced to ensure that no surface water discharges or loose material is carried out onto the public road.

REASON – In the interests of public road safety.

5. The gradient of each driveway shall not exceed 1:10.

REASON – In the interests of public road safety.

6. During the construction phase, the applicant shall take reasonable steps, including the installation and effective use of a wheel washing facility within the site, to ensure that no mud or other debris is carried out from the site onto the public road.

REASON – In the interests of public road safety.

7. Any detached garages to be erected within the site shall be set back a minimum of 6 metres from the rear of the footway.

REASON – In the interests of public road safety.

8. Any access gates shall open inwards only, away from the public road.

REASON – In the interests of public road safety.

9. Notwithstanding any specification on the approved plans or application form, two off-road car parking spaces shall be provided for each three-bedroomed dwelling and three off-road car parking spaces shall be provided for each four bedroomed dwelling, such provision to be made prior to the occupation of the respective dwellinghouses.

REASON – In the interests of public road safety.

10. Notwithstanding any specification on the approved plans or application form, three visitor car parking spaces shall be provided within the site, prior to the occupation of any of the dwellinghouses.

REASON – In the interests of public road safety.

11. A landscaping scheme including details for the treatment and maintenance of the boundary of the site shall be submitted to and approved by the Planning Authority prior to commencement of any development. The landscaping shall be implemented not later than the next appropriate planting season after the development has been carried out. The landscaping shall be maintained in accordance with the approved maintenance regime at all times thereafter.

REASON – To ensure that adequate landscaping is provided to an adequate standard, and that it is subsequently maintained, in the interests of residential and visual amenity.

12. Notwithstanding any specification on the approved plans or application form, and before any work is commenced on site, samples of all external construction materials to be used shall be submitted to and approved by the Planning Authority.

REASON – In the interests of visual amenity.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any other order or enactment replacing this, all detached garages erected within the site shall have pitched roofs and shall be externally constructed in materials to match the dwellinghouses to which they relate.

REASON – In the interests of residential amenity.

14. 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. The Sustainable Urban Drainage System shall thereafter be installed on site prior to the erection of any of the dwellinghouses in the application site.

REASON – To ensure that adequate drainage is provided.

➤ **NOTES TO APPLICANT**

1. The applicant is advised to contact Scottish Water, 35 Glenburn Road, Prestwick, KA9 2NS, with regard to water and drainage provision.
2. The applicant is advised to contact SEPA, 2 Alloway Place, Ayr, with regard to drainage provision.
3. All drainage shall comply with the requirements of Scottish Water and the Scottish Environment Protection Agency.
4. The applicant is advised to contact Transco, Plant Location Protection, 95 Kilbirnie Street, Glasgow, G5 8JD, with regard to the protection of Transco apparatus.

5. The applicant is advised to contact East Ayrshire Council Roads and Transportation Division, Greenholm Street, Kilmarnock, KA1 4DR, with regard to securing necessary consents.
6. The applicant is advised to contact East Ayrshire Council Roads and Transportation Division, Flooding Section, Greenholm Street, Kilmarnock, KA1 4DR with regard to possible flooding on the site.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**

AGENDA