

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 12 DECEMBER 2003

**03/0450/FL: PROPOSED HOUSING DEVELOPMENT COMPRISING THE
ERECTION OF 7 DWELLINGHOUSES (PHASE 1) AND FOR THE
ESTABLISHMENT OF ROADS LAYOUT AND DEMARCATION OF PLOTS AT
PENNYLANDS ROAD, AUCHINLECK**

APPLICATION BY NORTHKIRK LTD

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is being sought for the erection of seven dwellinghouses to form Phase 1 of a larger residential development (comprising 42 no. dwellinghouses as shown on the site plan). The current application includes the proposed road layout and demarcation of the remainder of the plots.

1.2 The units proposed are a mix of two storey and single storey. External finishing materials are a dry dash render with a Marley Monarch roof tile. The houses are modestly sized units and comprise both semi-detached and detached units. It is proposed to make a connection to the public sewer and the point of access would be an existing gate currently providing agricultural access only on the west boundary of the site.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet and that the issue of the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded with the applicants a Minute of Agreement regarding the matter indicated within Section 7.1 of the report.

3. CONCLUSIONS

3.1 As indicated in 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 Section 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, there are material considerations relevant to this application, however it is considered that these

have been adequately addressed and are not of sufficient weight to merit refusal of the application.

3.2 The site on which the residential development is proposed is currently within the settlement boundary of Auchinleck indicated in the adopted Local Plan settlement maps. Therefore its development for residential purposes is compliant with this given that it is situated immediately adjacent to a residential area of the town. The proposal has demonstrated that the requirements for private and public open space and safeguarding the privacy and amenity of existing adjacent properties can be met.

3.3 There is concern that if two storey units are proposed along the southern end of the site this will be detrimental to the amenity of the houses on Barony Road, both privacy and outlook. There are no detailed plans for these plots and it is reasonable to impose a condition to ensure they are developed as single storey plots only.

3.4 The matter of drainage does still require to be resolved however the developer has advised this has been verbally agreed with Scottish Water. This shall require to be formally resolved prior to any works commencing on the site and can be addressed through the imposition of an appropriate suspensive condition.

3.5 It is considered that the proposed development does meet all the relevant guidance and provided that the public open space forms part of any application for developing the next phase of the development there are no material planning considerations which would suggest that the recommendation should be anything other than one of approval.

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 because it is not a significant departure from the development 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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APPLICATION BY NORTHKIRK LTD

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, due to the scale of the proposed development and as the application is the subject of objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is an open greenfield site on the edge of the settlement of Auchinleck. The land is reasonably level though it is slightly undulating to the east and there are no significant features contained within the site.

2.2 A belt of mature trees forms the northern boundary of the site beyond which is the railway line and the old race track. The new housing development known as Runnels View lies immediately adjacent to the east and there are single storey dwellinghouses fronting onto Barony Road to the south. Pennylands Road runs along the west side of the site and the traffic lights and railway bridge are situated by the north west corner of the site.

2.3 **Proposed Development:** Full planning permission is being sought for the erection of seven dwellinghouses to form Phase 1 of a larger residential development (comprising 42 no. dwellinghouses as shown on the site plan). The current application includes the proposed road layout and demarcation of the remainder of the plots.

2.4 The units proposed are a mix of two storey and single storey. External finishing materials are a dry dash render with a Marley Monarch roof tile. The houses are modestly sized units and comprise both semi-detached and detached

units. It is proposed to make a connection to the public sewer and the point of access would be an existing gate currently providing agricultural access only on the west boundary of the site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has no objection to the proposed development subject to the following conditions:

- (i) junction visibilities of 2.5m by 90m are required at the junction with C62 Pennylands Road and no obstruction greater than 1m in height will be allowed within these areas
- (ii) junction visibility splay areas of 2.5m by 35m will be required at all internal road junctions with no obstruction greater than 1m in height being allowed within these areas
- (iii) access to the site will require to be taken via internal roads which comply with the Roads Development Guide 1996
- (iv) no surface water must be allowed to discharge onto the public road
- (v) off road parking spaces in accordance with the Roads Development Guide 1996 will be required to be provided for each dwelling
- (vi) any garages must be set back a minimum distance of 6m from the rear of the footway
- (vii) private driveways will require to be paved for a minimum distance of 2m from the rear of the footway to avoid overcarry of loose material onto the public road
- (viii) any gates will require to open inwards away from the public road
- (ix) the developer is required to provide a 2m footway from the new development along Barony Road to tie into the existing footway at Runnels View as part of the Construction Consent
- (x) the proposed driveways should be not less than 4.8m in length by 2.5m wide

The developer has been advised of the road safety requirements and has confirmed that they can be achieved to the satisfaction of the Roads Division. The requirement for the footpath shall require to be the subject of a Minute of Agreement whereby the developer shall give a legal undertaking to provide the necessary funds and the Council's Roads Division shall undertake the works on the verge of the existing public road.

3.2 Scottish Water has objected to the development whereby it proposes to connect to the public sewerage system. This is due to the cost of providing infrastructure to serve the development which is outwith Scottish Water's "reasonable cost" obligation. They would remove their objection if the developer

bears the cost or promotes a scheme which does not compromise the quality and quantity of discharge from the existing sewerage system.

The developer has been informed of this and it shall be addressed prior to any works commencing as a suspensive condition imposed on the consent if the Committee are minded to approve the application.

3.3 The Scottish Executive Trunk Roads Division has stated they do not propose to advise against the granting of permission for the proposed development.

Noted.

3.4 The Coal Authority has no adverse comments to make and no objection to the proposed development.

Noted.

3.5 The Scottish Environment Protection Agency has no objections in principle to the proposed development but has advised that a suitable method of SUDs should be installed to treat and minimise the surface water leaving the site.

Noted. The developer has been advised of this requirement and the proposed method can be secured through the imposition of an appropriate condition.

3.6 Network Rail has no objection to the proposed development.

Noted.

3.7 Power Systems has no objection to the proposed development.

Noted.

3.8 Transco has requested that their information pack is passed to the developer.

Noted. This has been copied to the developer.

3.9 East Ayrshire Outdoor Services Section has been consulted but no response had been received at the time of writing this report.

Noted.

3.10 British Telecom has been consulted but no response had been received at the time of writing this report.

Noted.

3.11 The West of Scotland Archaeology Service has advised that any groundbreaking works may disturb or destroy sensitive archaeological remains relating to the prehistoric or early medieval periods. A condition is recommended to ensure that prior archaeological assessment can be made.

This condition can be imposed on the consent if the Committee are minded to approve the application.

3.12 Auchinleck Community Council has been consulted but no response had been received at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 In addition to the objection referred to above from Scottish Water, eight third party letters of representation have been received in respect of the proposed development, one of which is a petition signed by 26 local residents. The objections raised are addressed below.

4.2 Concerns are raised that there is a major gas pipeline which runs through the site where it is proposed to build. The apparatus runs at an angle through the site and the developer should have it diverted at his expense.

Transco, the company responsible for gas pipelines, forwarded an application pack to the Planning Division in their response. This was duly copied to the developer in order that they could address any implications which this may have for the proposal. The developer is required to liaise with Transco prior to any works commencing on site and this is a matter which would be dealt with by them. It is a material planning consideration in the determination of this application but not one that is without resolution or of sufficient weight to merit refusal of the application.

4.3 The utilities, namely electricity, are not keeping up with the growth of new dwellinghouses. This has been graphically demonstrated over the last ten days when the residents of Barony Road were left without power seven times and for several hours at a time.

There are no objections to the proposal from Scottish Power.

4.4 The residents would lose a well loved view and no doubt there will be a disturbance to their daily normal life and if they build two storey houses they will be looking into the resident's gardens.

The loss of a view is not a material planning consideration in the determination of this application. It is accepted that there will be a certain amount of disturbance to the area during construction. However this is inevitable for any development which is approved and is not considered to indicate that the application should be refused. The current planning application demarcates the plots backing onto the houses at Barony Road only and it is therefore not known at this stage if these plots would be for single or two storey units. Hence this does not form part of the determination for the current application.

4.5 The entrance to the development is not safe because of traffic lights at one side and a bad corner at the other where heavy vehicles and buses have difficulty turning.

The proposed development will inevitably have an impact upon Pennylands Road where a significant number of heavy goods vehicles pass on a daily basis. However the Council's Roads Division as well as the trunk roads authority have been consulted and neither has any objection to the proposed development. The Roads Division has recommended that certain conditions are attached to the planning permission in the interests of road safety.

4.6 Some of the houses are two storey and are not in keeping with the houses already there especially whenever other two storey houses have been refused.

As currently proposed there are only two plots identified for two storey units. These are situated along the west side of the site and will therefore be at least 100 metres from the closest house on Barony Road. Albeit most of the houses on Barony Road and indeed Runnels View are single storey or two storey (dormer) it is considered that a mix of house heights will in fact add character to the area. The two storey units are not situated immediately adjacent to the existing houses and therefore are not considered to be out of keeping with or detrimental to the character of the area.

4.7 One resident advises that when they bought their plot from the farmer they were assured by him that there would be no houses built beside the plot.

This is not a material planning consideration and therefore carries no weight in the determination of the planning application.

4.8 The existing privacy to the rear of a property along Barony Road would cease to exist, as the boundary wall (which is the objector's responsibility to maintain) is at the moment only 0.75m high and would no longer be sufficient to secure and define what is their land as it appears the developer is using existing boundary wall and fences to define what is to be his land and this would lead to controversy in the future.

The developer has stated that a 900mm stob and wire fence is to be used for the boundary. At present the plots along Barony Road are only demarcated with no details of the units to be built. In considering the details for the plots along the southern end of the site their impact on the residential amenity of existing properties, including privacy, will be a material consideration. However, the erection of a 900mm fence only as currently proposed is not considered to have any detrimental impact on these existing houses and it therefore does not indicate that the planning application as submitted should be refused.

4.9 The rear of a property on Barony Road is secluded but if the development were to take place there would be two properties looking directly into the rear garden and conservatory thereby rendering the existing privacy non existent. This secluded privacy was a most important factor at the time of purchasing the house.

As stated under Para 4.8 there is a policy requirement to ensure that the residential amenity, including privacy, of existing houses is safeguarded and not detrimentally affected by new development. There are no details of the houses proposed on these plots and it is reasonable to say that single storey units would not necessarily impinge on the Barony Road houses. Therefore this is not considered to be a material consideration of significant weight in the determination of the current planning application.

4.10 Any building on the site would spoil an open view, would cause considerable disruption with the noise and dust from building works and deny the privacy of the existing property.

It is accepted that the view over the existing greenfield would indeed be lost however the proposed development is not considered to have an overbearing impact upon the existing units and the loss of view is not a material planning consideration. There will be a certain amount of noise and dust during the construction phase however this is inherent in any development and does not constitute a reason for refusing planning permission. The privacy to the rear of the properties along Barony Road will form a material consideration in

the determination of any application for the details of the proposed houses and it is not considered that this is of sufficient weight to indicate refusal of the current application.

4.11 Strong objection to any building that will block out light or sunlight and be any higher than the existing bungalow.

The properties fronting onto Barony Road are all single storey and upon submission of the details for the plots backing onto these houses the impact of the proposed units on the daylighting and in terms of whether or not they are overbearing will be a material consideration. However it is not considered to form a consideration in the determination of this application.

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).

Ayrshire Joint Structure Plan

5.2 There are no policies contained in the structure plan which are especially relevant to the proposed development.

Adopted East Ayrshire Local Plan

5.3 The site is within the settlement boundary of Auchinleck therefore Policy RES4 applies. This states that within settlement boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites not specifically safeguarded or identified for any particular development purposes on the Local Plan maps. Developments will be assessed against the following criteria:

- (i) Impact on the surrounding natural and built environment and adjacent uses

The site is on the edge of the settlement but is situated adjacent to a residential area within Auchinleck. A railway track runs along the northern boundary of the site and beyond this is the Merlin Loch Park. It is considered that the proposed development is in keeping with the surrounding uses and with an appropriate amount of public

open space and structural planting it is acceptable in terms of how it fits into the surrounding natural landscape.

- (ii) Transportation and infrastructure implications

The proposed development does not raise any significant issues in terms of its impact on the existing traffic flow along the Pennylands Road and the Roads Division has confirmed their acceptance of the proposal from a road safety aspect. The developer shall be required to demonstrate a satisfactory means of drainage as well as surface water runoff prior to any works commencing and it is not considered that the proposal has any insurmountable implications for the existing infrastructure. There are no objections from Scottish Power or Transco.

- (iii) Compatibility with surrounding densities and housing types

The proposal as originally submitted was for a high density development. However, the site plan has subsequently been amended to make provision for public open space which has resulted in a reduction in the amount of units proposed. It is considered that this revised proposal is now compatible with the density of the neighbouring Runnels View development.

- (iv) Compliance with the Council's Development Promotion and Design Guidance

The proposed development of the whole site does comply with the guidance as set out in Design Guidance 2: New Residential Development. There is sufficient public open space illustrated and this will come to fruition with the development of the next phase to be proposed. The houses proposed for Phase 1 are compliant in terms of design and materials as well as meeting the requirement for private amenity space.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses and third party representations.

Consultations Responses

6.2 The only consultee who has objected to the proposed development is Scottish Water and this is on the basis that providing the infrastructure to the development is beyond their reasonable cost obligation. They have also stated

that they would remove their objection if the developer proposes a solution to be agreed by Scottish Water. It has been confirmed by the agent that a proposal has been verbally agreed. Hence there are no consultation responses which would indicate that planning permission should be refused.

Representations

6.3 The third party letters of objection have raised several material planning matters. However, it is considered that these have been satisfactorily addressed and therefore are not of sufficient weight to indicate a recommendation of refusal.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. Legal implication will arise through the concluding of the Minute of Agreement to secure the provision of the link footpath along Barony Road as indicated in Section 3.1 above.

8. CONCLUSIONS

8.1 As indicated in 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 Section 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, there are material considerations relevant to this application, however it is considered that these have been adequately addressed and are not of sufficient weight to merit refusal of the application.

8.2 The site on which the residential development is proposed is currently within the settlement boundary of Auchinleck indicated in the adopted Local Plan settlement maps. Therefore its development for residential purposes is compliant with this given that it is situated immediately adjacent to a residential area of the town. The proposal has demonstrated that the requirements for private and public open space and safeguarding the privacy and amenity of existing adjacent properties can be met.

8.3 There is concern that if two storey units are proposed along the southern end of the site this will be detrimental to the amenity of the houses on Barony Road, both privacy and outlook. There are no detailed plans for these plots and it is reasonable to impose a condition to ensure they are developed as single storey plots only.

8.4 The matter of drainage does still require to be resolved however the developer has advised this has been verbally agreed with Scottish Water. This shall require to be formally resolved prior to any works commencing on the site and can be addressed through the imposition of an appropriate suspensive condition.

8.5 It is considered that the proposed development does meet all the relevant guidance and provided that the public open space forms part of any application for developing the next phase of the development there are no material planning considerations which would suggest that the recommendation should be anything other than one of approval.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet and that the issue of the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded with the applicants a Minute of Agreement regarding the matter indicated within Section 7.1 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, the application will not require to be referred to the Development Services Committee because it is not a significant departure from the development plan.

Alan Neish
Head of Planning and Building Control

NM/NM
01 December 2003
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).

Anyone wishing to inspect the above background papers should contact Nicola Monroe on 01563 555485.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0450/FL

Location	Pennylands Road AUCHINLECK KA18 2LL
Nature of Proposal:	Proposed housing development comprising the erection of 7 dwellinghouses (Phase 1) and for the establishment of roads layout and demarcation of plots
Name and Address of Applicant:	Northkirk Ltd 14 Walnut Road KILMARNOCK
Name and Address of Agent	Thomson McCrea 9 Old Bridge Street AYR KA7 1QA

DPO's Ref: Nicola Monroe
PPO's Ref: Hugh Melvin

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 forms and plans received on 01 May 2003 as amended by the amended proposed site layout plan received on 12 September 2003.

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

2. The full planning permission relates to the plots as outlined in red on the approved plans only. The remaining plots shall require to be the subject of a further application before any work other than the demarcation of the plots outwith the red site commences.

REASON – To ensure that the appropriate further consent is sought for the erection of houses on the remainder of the site.

3. The houses on the plots as outlined in green on the plans hereby approved shall be single storey units only.

REASON – In the interests of safeguarding the residential amenity of existing properties along Barony Road.

4. Prior to the commencement of development the developer shall submit full details of the proposed method of foul drainage to the Planning Authority for approval, which shall also require to be to the satisfaction of Scottish Water and Scottish Environment Protection Agency. Thereafter the foul drainage arrangements shall be implemented as approved by the Planning Authority.

REASON – To ensure an adequate method of drainage in the interests of public health and safety.

5. Prior to the commencement of development the developer shall submit full details of the proposed method of Sustainable Urban Drainage systems (SUDs) to be adopted and a programme for the future maintenance and management of the scheme which shall be subject to the further approval of the Planning Authority.

REASON – In the interests of public health and safety.

6. Prior to the commencement of development the developer shall submit a landscaping scheme for the areas of public open space and a programme for the future management and maintenance of these areas which shall be subject to the further approval of the Planning Authority.

REASON – In the interests of visual amenity and the character of the area.

7. The landscaping scheme which shall be approved in accordance with the terms of Condition 6 above shall be implemented as approved no later than the end of the first planting season following the occupation of the last house to be completed on Phase 1 of the development.

REASON- To ensure the landscaping is undertaken prior to the commencement of the latter phases of the development.

8. Prior to the occupation of the first dwellinghouse on Phase 1 visibility splays measuring 2.5m by 90m shall be formed at the junction with C62 Pennylands Road and no object greater than one metre in height shall be allowed within these areas.

REASON- In the interests of road safety.

9. Prior to the occupation of the first dwellinghouse on Phase 1, visibility splay areas of 2.5m by 35m shall be formed at all internal road junctions and no object greater than one metre in height shall be allowed within these areas.

REASON- In the interests of road safety.

10. No surface water shall be allowed to discharge onto the public road.

REASON- To ensure a secure road surface.

11. Private driveways which shall not be less than 4.8m in length by 2.5m wide shall be paved for a minimum distance of 2m from the rear of the footway.

REASON- To avoid overcarry of loose material in the interests of a secure road surface.

12. Any gates to be formed shall open inwards.

REASON- To avoid obstruction onto the public footway/highway.

13. Any garages shall require to be set back a minimum distance of 6m from the rear of the footway.

REASON – To avoid obstruction onto the public footway/highway.

14. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of reference for the watching brief will be supplied by the West of Scotland Archaeology Service. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

REASON- To ensure that any archaeological finds are properly recorded and afforded the appropriate action.

NOTES TO APPLICANT

1. Access to the site will require to be taken via internal roads which comply with the Roads Development Guide 1996 and will require Construction Consent, from East Ayrshire Roads and Transportation Division. This consent would cover details such as road widths, footways, road construction, street lighting, drainage etc. Any existing public utility apparatus located in the verge will require to be protected beneath the proposed access. The Division can be contacted on Tel 01563 555 330.

2. Scottish Water has advised that contact should be made with their Developer Services section to discuss how the proposed development would be best served by a public water supply. Scottish Water Developer Services can be contacted on Tel 0845 601 8855.

3. The applicant is advised to contact SEPA, 31 Miller Road, AYR KA72AX with regard to the drainage of the site.

4. 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.

5. 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.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
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VIEWING PLEASE CONTACT (01563) 555320.**