

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 12 DECEMBER 2003

**03/0250/OL: PROPOSED DEVELOPMENT OF EXISTING OPEN SPACE FOR
RESIDENTIAL PURPOSES AT LAND ADJACENT TO SKELDON CRESCENT,
DALRYMPLE**

APPLICATION BY SKELDON ESTATE

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought to develop this existing open space for residential purposes. It is proposed to take access off Skeldon Crescent and to connect to the public sewer for drainage.

2. RECOMMENDATION

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

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 a refusal of the planning application.

3.2 The proposal is for a residential development on land within the settlement boundary. There are no other material planning considerations at this stage which would indicate that the application should be refused and the recommendation is therefore 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 would not be 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.

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 12 DECEMBER 2003

03/0250/OL: PROPOSED DEVELOPMENT OF EXISTING OPEN SPACE FOR RESIDENTIAL PURPOSES AT LAND ADJACENT TO SKELDON CRESCENT, DALRYMPLE

APPLICATION BY SKELDON ESTATE

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 subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises an area of scrubby grassland on the southern edge of the settlement of Dalrymple. It is an elongated site sandwiched between Skeldon Crescent and the River Doon. The boundary to the public road is formed by a wild hedgerow and grass verge of approximately 1.2m wide to the road. The site extends to approximately 0.35 hectare.

2.2 There are a number of trees on the site, most of which are self seeded birch however there are a couple of mature finer specimens on the eastern side of the site. The site is evidently used by walkers along the riverside and there are picnic benches sited by the river. The houses on Skeldon Crescent are single storey detached units that front onto the river. Beyond the river is open grassland which is undulating in nature, though the site itself is level.

2.3 **Proposed Development:** Outline planning permission is sought to develop this existing open space for residential purposes. It is proposed to take access off Skeldon Crescent and to connect to the public sewer for drainage.

3. CONSULTATIONS AND ISSUES RAISED

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

- (i) a continuous 2m footway must be provided along the frontage of the site and linked to the existing footways on Skeldon Drive.
- (ii) access to individual plots must be via access crossings to the Council's Roads Department's standards
- (iii) internal parking within individual plots must comply with the standards contained in the Roads Development Guide and accesses should have driveway manoeuvrability
- (iv) visibility sightline splay areas of 2m by 20m will require to be formed and maintained at each access, with no obstruction greater than 1m in height allowed within these areas
- (v) any garages must be set back a minimum distance of 6m from the rear of the footway
- (vi) the private driveways will require to be paved for a minimum distance of 2 metres from the rear of the driveway to avoid overcarry of loose material onto the public road
- (vii) any gates will require to open inwards away from the public road
- (viii) no surface water must be allowed to discharge onto the public road

Conditions can be attached to any consent granted for the proposed development to meet the requirements of the Roads Division.

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

Noted.

3.3 Power Systems has no objection to the proposed development.

Noted.

3.4 South Ayrshire Council does not offer any formal comment or objection to the proposed development.

Noted.

3.5 Scottish Water has advised that separate application will have to be made for the provision of site water mains and has objected to the proposed development on the basis that the cost of providing infrastructure to serve the development is outwith their "reasonable cost" obligations.

The applicant has been advised of the comments of Scottish Water. A suspensive condition can be attached to any consent granted for the proposed development to ensure that appropriate arrangements for the drainage of the site are agreed with Scottish Water prior to any works commencing on site.

3.6 East Ayrshire Council's Roads Division Flooding Section requested a Flood Risk Assessment (FRA) based upon a flood event return period of 1 in 200 years. In response to the report submitted, the Section has advised that it appears that acceptable proposals to mitigate against flooding can be developed and that any outline consent granted be conditioned on the basis that a more detailed FRA based on the type of development with drawings (initial assumptions to be confirmed etc) is submitted.

Noted. A condition can be attached to any consent granted for the proposed development to meet the requirements of the Flooding Section.

3.7 The Scottish Environment Protection Agency has requested that the following points be addressed:

- (i) a full FRA to be prepared
- (ii) foul drainage from the site should connect to the local authority sewer without having any adverse impact on downstream overflows
- (iii) the surface water from the site is to be treated in accordance with the principles of Sustainable Urban Drainage systems

Further to the receipt of the FRA, SEPA has advised that the report confirms that at least part of the site lies within the floodplain of the River Doon and recommended that the development is restricted to those areas outwith the floodplain. If the Council is minded to approve development within the floodplain SEPA has recommended that the applicant submits appropriate information to satisfy both the Planning Authority and SEPA that:

- the development will be secure from an appropriate design flood event
- demonstrate that any mitigation measures do not result in a loss of flood plain storage/conveyance

Noted. A condition can be attached to any consent granted for the proposed development to meet the requirements of SEPA.

3.8 The West of Scotland Archaeological Service had requested a consultation but at the time of writing no response had been received.

Noted.

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

Noted.

4. REPRESENTATIONS

4.1 In addition to the objection from Scottish Water, this planning application has attracted eleven third party letters of representation. The points of objection are summarised as follows:

4.2 There is complaint from residents of Skeldon Drive that they were not included as notifiable neighbours.

People residing in Skeldon Drive did not require to be notified under the procedures. The application has however been advertised in the local press.

4.3 Future housing development in and around the village would be beneficial for the local community but not on this site. We would not wish to see the river outlook destroyed by buildings of any description. The land is better suited for redevelopment as an extension to the already popular recreation area that is enjoyed by many. An area such as this would be much better suited to a dedicated park area where the local villagers could continue to walk and enjoy their natural surroundings.

The site under consideration is located within the settlement envelope. Subject to meeting all of the infrastructure requirements and meeting the Council's Design Guidance standards the site is considered to be suitable for the development proposed. There are no proposals to form a community park on this site and at present it is not maintained open space but has rather become an informal place that local people use. The loss of this area is not considered to be of sufficient weight to indicate that permission should be refused.

4.4 Do not need an increase in traffic on already congested Barbieston Terrace leading to Skeldon Drive and Skeldon Crescent.

The application has been the subject of a consultation with the Council's Roads Division that has not raised any concerns regarding the likely traffic implications of the proposed development on the local road network.

4.5 The main storm drain runs directly through this area.

It is the responsibility of the developer to survey the site to ensure that any drains or water apparatus is afforded the required protection in the course of construction work and in relation to the completed development.

4.6 There is no right of way.

If the objector is referring to the current use of the land by walkers and that the development may preclude this, it is privately owned land which despite being currently available for the community to use is not actually land which the public have an automatic right of access over.

4.7 The environmental impact which the development will have on this area of land.

Upon receipt of the design scheme, details of the impact of the proposed development on the natural environment shall be given due consideration as a material planning consideration. The current application is to establish if the principle of the proposed use is acceptable.

4.8 The residents of Skeldon Crescent own the land up to the boundary of the hedge i.e. the grass strip 1 metre wide between the hedge and the road.

The applicant has certified that they are the owner of the whole site. Upon receipt of this objection the applicant was asked to confirm if they owned the grass verge and they confirmed that they did. In any case the ownership is effectively a legal matter and is not material to the determination of this application.

4.9 The River Doon Trout Co. has raised concern that no difficulties are created by the proposed development affecting the free water flow and overspill of the river nor pollution from surface water drainage from the houses themselves.

The details of the proposed method of SUDS to be adopted have not yet been submitted. These details will be required at the Reserved Matters stage if outline consent is granted and at this time consultation with SEPA shall determine if the proposed method is appropriate to prevent any ill effects on the River Doon.

4.10 The important trees and bushes screening the application site are preserved in the interests of privacy and visual amenity.

There are no details regarding the site layout at this stage. Upon submission of an application for approval of Reserved Matters it is anticipated that the developer will aim to retain as many of the trees as possible, with particular reference to the more mature species.

4.11 The experience of annual flooding from the river in spate conditions can be overcome without creating increased flooding on the opposite side of the river to the proposed development impacting upon the unit known as Cassillis Mill Farm.

The applicant has submitted a preliminary FRA and it is intended to impose a condition to request a more detailed report to be submitted as part of the submission of an application for the approval of reserved matters. The requisite flood prevention measures shall be considered by SEPA and the Council's Flooding Section at that stage.

4.12 The proposed development, if approved, should not impact upon the free flow and purity of the water above the weir entering the farm intake.

If this application is approved the developer shall require to demonstrate a satisfactory means of water supply as well as foul and surface water drainage. At present there are no specific details and therefore no grounds on which to suggest that the proposed development will adversely affect the existing water supply to the trout farm.

4.13 There will be an obvious decrease in the value of existing properties due to the adverse aspect of going from an un-obstructed country view to looking into another property.

The value of properties in proximity to the proposed development is not a material planning consideration and has no weight in the determination of the application.

4.14 The area is a pleasant spot which has recently been converted to a picnic area by the local Community Council and a change of use of this ground would be a total waste of the funds used for this purpose.

It is noted that the area does offer a pleasant open space at present however it is not one which has been deemed worthy of retention through the local plan inquiry process and therefore it is not considered to be of sufficient weight to indicate the application should be refused.

4.15 Many trees are situated here and this provides homes to many birds and wildlife such as hedgehogs, badgers and foxes.

The area has no particular designation as a wildlife site. It is accepted that there may be a number of species which inhabit the area, however given the edge of settlement location it is considered

that the development will not have a significantly detrimental impact on the local wildlife.

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 within the structure plan which are especially relevant to this application.

Noted.

East Ayrshire Local Plan

5.3 Policy RES4 states that the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites not specifically safeguarded or identified for particular development purposes on the local plan maps. Developments require to be assessed against the following 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

It is considered that housing at this location would not impact detrimentally on adjacent uses and the Roads Division and other consultees can provide comments on any transportation and infrastructure issues. It is not possible to assess the proposal against (iii) and (iv) as the application is in outline only. It is considered that the current application is in accordance with Policy RES4.

5.4 This site has been identified as being susceptible to flooding and therefore Policy ENV17 applies. This policy states that in areas that are known to have flooded in the past, a precautionary approach to development will be pursued. The Council will require any developer wishing to develop land which has been

known to flood in the past to fully investigate the implications of flood risk on their proposals and on adjoining land and property. Appropriate flood prevention measures should be incorporated into the design of their proposals so as to remove or reduce to an acceptable minimum, any adverse effects from flooding that may be experienced.

The developer has submitted a preliminary FRA in compliance with Policy ENV17 and the relevant technical consultees have advised that it is likely the required flood prevention measures can be achieved. Upon submission of a detailed application the developer will be expected to enter into a Section 75 Agreement to provide and finance any necessary flood prevention infrastructure that may be required in association if this is considered appropriate. It is considered that the current proposal does comply with Policy ENV17.

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 letters of representation.

Consultations Responses

6.2 None of the consultation responses received indicate that the application should be refused. Scottish Water has objected to the proposed development but only on the basis that it is beyond their reasonable cost obligation and the developer has been advised that this will require to be resolved prior to the submission of the application for Reserved Matters.

Representations

6.3 The third party letters of representation have raised a number of concerns some of which are indeed material planning considerations. It is considered that these matters have been adequately addressed and are not of sufficient weight to suggest 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 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 a refusal of the planning application.

8.2 The proposal is for a residential development on land within the settlement boundary. There are no other material planning considerations at this stage which would indicate that the application should be refused and the recommendation is therefore one of approval.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed 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 because it would not be a significant departure from the development plan.

Alan Neish
Head of Planning and Building Control

NM/NM/SMB
28 November 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: 03/0250/OL

| | |
|--------------------------------|--|
| Location | Land adjacent to Skeldon Crescent DALRYMPLE KA6 6DE |
| Nature of Proposal: | Proposed development of existing open space for residential purposes |
| Name and Address of Applicant: | Skeldon Estate c/o agent |
| Name and Address of Agent | ARP Lorimer & Associates 11 Wellington Square AYR KA7 1EN |

DPO's Ref: Nicola Monroe

PPO's Ref: Hugh Melvin

The above **OUTLINE** application should be granted subject to the following conditions:-

1. Before any development commences on site, the further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby reserved:-
 - (a) the layout of the site;
 - (b) the size, height, design and external appearance of the proposed dwellinghouses;
 - (c) the means of drainage and sewage disposal including the introduction of a Sustainable Urban Drainage System for the site;
 - (d) details of the access arrangements;
 - (e) the provision for open space and associated maintenance arrangements;
 - (f) the provision for car parking;
 - (g) the boundary walls/fences to be erected;
 - (h) the landscaping of the site and associated maintenance arrangements;
 - (i) existing ground and proposed finished site levels/floor levels.

REASON – The approval is in outline only.

2. As part of the detailed matters the developer shall submit a detailed Flood Risk Assessment which shall address the following issues :
 - (a) confirmation of the hydraulic controls which determine design water levels at this site;

- (b) information on the design flows used, and the allowances made for climate change and freeboard;
- (c) improved hydraulic analysis, providing information on key hydraulic parameters and sensitivity analysis; and
- (d) the areas of the development site at risk from an appropriate design flood event

This shall be to the satisfaction of the Planning Authority in consultation with SEPA and the Council's Flooding Engineer.

REASON – To ensure that appropriate mitigation measures can be adopted in the interests of public health and safety.

3. The dwellinghouses to be erected shall be no more than one and a half storeys in height.

REASON – To ensure the scale of the development is in keeping with the surrounding environment.

4. Prior to the occupation of the last dwellinghouse to be completed on site the developer shall provide a continuous 2m footway along the frontage of the site which shall be linked to the existing footways on Skeldon Drive.

REASON- In the interests of pedestrian safety.

5. Access to individual plots shall be via access crossings to the Council's Roads Department's standards.

REASON – In the interests of road safety.

6. Internal parking within individual plots shall comply with the standards contained in the Roads Development Guide and accesses shall have driveway manoeuvrability.

REASON- To ensure adequate off street parking is provided within the curtilage of each plot.

7. Prior to the occupation of the first dwellinghouse to be completed on the site the developer shall form visibility sightline splay areas of 2m by 20m at each access, with no obstruction greater than 1m in height allowed within these areas to the satisfaction of the Planning Authority in consultation with the Council's Roads and Transportation Division.

REASON- In the interests of road safety.

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

REASON – In the interests of road safety.

9. Prior to the occupation of the dwellinghouses the private driveways will require to be paved for a minimum distance of 2 metres from the rear of the driveway to avoid overcarry of loose material onto the public road.

REASON- To ensure a secure road surface in the interests of road safety.

10. Any gates will require to open inwards away from the public road.

REASON- To avoid obstruction of the public footway in the interests of pedestrian safety.

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

REASON- To ensure a secure road surface in the interests of road safety.

NOTES TO APPLICANT

1. The applicant should make early contact with Scottish Water with regard to the proposed foul and surface water drainage arrangements for the site.
2. The applicant should make early contact with the Scottish Environment Protection Agency with regard to the treatment and disposal of surface water from the development 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.**