

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 27 FEBRUARY 2004**

**03/01089/FL: PROPOSED HOUSING DEVELOPMENT COMPRISING THE  
ERECTION OF 10 NO. DWELLINGHOUSES PHASE 2 AT PENNYLANDS  
ROAD, AUCHINLECK**

**APPLICATION BY NORTHKIRK LTD**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 The present application is for Phase 2 of the Pennylands Road development and is for the erection of ten units, six of which are detached houses. The units proposed are a mix of two storey and single storey units. External finishing materials are the same as those approved for Phase 1 and comprise a dry dash render for the walls with a Marley Monarch tile for the roof. The roads layout for the whole development site at Pennylands Road was approved as part of the permission granted for Phase 1 of the development.

**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 do not indicate that the application should be refused.

3.2 The site on which the residential development is proposed is currently within the settlement boundary of Auchinleck as indicated in the adopted Local Plan settlement maps. Therefore its development for residential purposes is in compliance with this given that it is situated immediately adjacent to a residential area of the town. The proposals demonstrate that the requirements for private and public open space are met, and there are no material planning

considerations which would indicate that the recommendation should be 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 the proposal does not represent 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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### **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 comprising a residential development of ten units.

#### **2. APPLICATION DETAILS**

2.1 **Site Description:** The site comprises the north east corner of a greenfield site on the edge of the settlement of Auchinleck at Pennylands Road. There is also a singular plot included in the current application site which is located on the southern boundary of the field. The site is bounded to the west by Pennylands Road and the Glasgow – Dumfries railway lies parallel to the northern boundary of the site. Phase 1 of the residential development is presently under construction (Planning Ref: 03/0450/FL).

2.3 **Proposed Development:** The present application is for Phase 2 of the Pennylands Road development and is for the erection of ten units, six of which are detached houses. The units proposed are a mix of two storey and single storey units. External finishing materials are the same as those approved for Phase 1 and comprise a dry dash render for the walls with a Marley Monarch tile for the roof. The roads layout for the whole development site at Pennylands Road was approved as part of the permission granted for Phase 1 of the development.

#### **3. CONSULTATIONS AND ISSUES RAISED**

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

- (i) access to the site will require to be taken via internal roads which comply with the Roads Development Guide 1996
- (ii) no surface water shall discharge onto the public road
- (iii) off road parking spaces in accordance with the Roads Development Guide 1996 will require to be provided for each of the dwellings
- (iv) any garages must be set back a minimum distance of 6 metres from the rear of the footway
- (v) private driveways will require to be paved for a minimum distance of 2 metres from the rear of the footway
- (vi) any gates will require to open inwards away from the public road
- (vii) drainage details and in particular the use of SUDs will require the approval of Roads and Transportation Division
- (viii) the proposed driveways should be not less than 4.8 metres in length by 2.5 wide

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

3.2 Network Rail has no objection to the proposed development.

***Noted.***

3.3 The Scottish Environment Protection Agency has no objections to the proposed development.

***Noted.***

3.4 The West of Scotland Archaeology Service (WOSAS) has advised that any measures as found to be required through the watching brief submitted for Phase 1 of the development should be secured prior to the determination of the application for Phase 2.

***The developer has submitted the archaeological watching brief as required for Phase 1 of the development. This brief has been forwarded to WOSAS and upon receipt of their response their recommendations may be imposed as conditions on the planning permission if the Committee are minded to approve the application.***

3.5 Auchinleck Community Council has no objection to the proposed development.

***Noted.***

#### 4. REPRESENTATIONS

4.1 This planning application has not attracted any third party letters of representation.

#### 5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan (1999) and the Adopted East Ayrshire Local Plan (2003).

##### Ayrshire Joint Structure Plan

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

***Noted.***

##### East Ayrshire Local Plan

5.3 The site lies 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 provision 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 and Transportation Division has confirmed its acceptance of the proposals from a road safety aspect.***

- (iii) Compatibility with surrounding densities and housing types;

***The proposed site layout makes adequate provision for public open space and the plots as shown demonstrate sufficient private garden space and it is therefore considered that the proposed Phase 2 development is compatible with the surrounding residential areas.***

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

***The proposed houses are considered to be an acceptable design in terms of the Council's Design Guidance. The proposal does not raise any amenity issues nor is it considered to have any adverse impact on the existing environment.***

## **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 the planning history of the site.

### Consultations Responses

6.2 None of the consultation responses have raised any objections to the proposed development.

### Planning History

6.3 Planning permission for a 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 was approved on 30 January 2004 (Ref. No. 03/0450/FL).

## **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 do not indicate that the application should be refused.

8.2 The site on which the residential development is proposed is currently within the settlement boundary of Auchinleck as indicated in the adopted Local Plan settlement maps. Therefore its development for residential purposes is in compliance with this given that it is situated immediately adjacent to a residential area of the town. The proposals demonstrate that the requirements for private and public open space are met, and there are no material planning considerations which would indicate that the recommendation should be 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.**

### **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 the proposal does not represent a significant departure from the development plan.

**Alan Neish**  
**Head of Planning and Building Control**

12 February 2004  
NM/NM

## **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Adopted East Ayrshire Local Plan (2003).
5. Approved Ayrshire Joint Structure Plan (1999).
6. Previous application 03/0450/FL

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

**Implementation Officer: Dave Morris**

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/1089/FL

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Location	Pennylands Road AUCHINLECK KA18 2LL
Nature of Proposal:	Proposed housing development comprising the erection of 10 no. dwellinghouses (Phase 2)
Name and Address of Applicant:	Northkirk Ltd 14 Walnut Road KILMARNOCK KA1 2HF
Name and Address of Agent	Thomson McCrea 9 Old Bridge Street AYR KA7 1QA

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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 form received on 05 December 2003 and the amended site layout plan (Drawing Number: A03/685/2) received by the Planning Authority on 11 February 2004.

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

2. Prior to the commencement of development approved under this application the developer shall submit to and have approved by the Planning Authority a landscaping scheme for the areas of public open space including a programme for the future management and maintenance of these areas.

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

3. The landscaping scheme to be approved in accordance with the terms of Condition 02 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 2 of the development.

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

4. Access to the site shall be taken via internal roads which comply with the Roads Development Guide 1996.

REASON – In the interests of road safety.

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

REASON – In order to ensure a secure road surface in the interests of road safety.

6. Off road car-parking spaces, in accordance with the Roads Development Guide 1996, shall be provided for each dwelling to the satisfaction of the Planning Authority.

REASON – In the interests of road safety.

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

REASON – In the interests of road safety.

8. Prior to the occupation of each dwellinghouse, the private access driveway shall be formed and paved for a minimum distance of 6m from the rear of the footway to avoid overcarry of loose material onto the public road.

REASON – In the interests of road safety.

9. The private access driveways shall not be less than 4.8 metres in length and 2.5 metres in width.

REASON – In the interests of road safety.

10. Any gates shall open inwards away from the public road.

REASON – In the interests of road safety.

11. Prior to the occupation of the houses to be built at Plots 10, 11 and 38, a 2 metres high vertically boarded timber screen fence shall be erected along the boundaries as marked in green on the plans hereby approved.

REASON – In the interests of safeguarding residential amenity.

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

3. 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.

4. 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.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 555320.**