

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 30 JANUARY 2004

**03/1025/FL: PROPOSED RESIDENTIAL DEVELOPMENT
AT GATESIDE ROAD, DALMELLINGTON**

APPLICATION BY CASERO HOMES LIMITED

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of 21 dwellings within the application site comprising 9 detached units (single storey, four apartment Type A houses) and 12 semi detached units (two storey, five apartment Type B houses)

1.2 The proposed Type A dwellings will be finished externally in a cream smooth cement render with a red sandstone basecourse and window surrounds. The Type B dwellings will be finished in a combination of cream harling and cream smooth cement render, also with a red sandstone basecourse and window surrounds. All dwellings will have slate grey Marley Monarch roof finish.

1.3 Provision has been made within the proposed layout for areas of open space including a play area. Access to the site is to be taken from Gateside Road and the layout also indicates an area for a proposed Sustainable Urban Drainage system (SUDS).

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet, but that the issue of the decision notice should be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matter detailed in Paragraph 7.1 of this report.

3. SUMMARY OF ANALYSIS

3.1 As is indicated in Section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material

considerations relevant to this application which are also generally supportive of the proposed development.

3.2 The proposed development in terms of its layout, scale, design and use of finishing materials is considered to be acceptable for this location. The development of this site will also greatly improve the visual and general amenity of this area given the present condition of the application site.

3.3 Although Scottish Water has objected to the proposed development, it is considered that the cost criterion on which the objection is based is a matter for the developer to resolve with Scottish Water.

CONTRARY DECISION NOTE

Should the Committee agree to refuse the application contrary to the recommendation of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee as such a decision would 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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APPLICATION BY CASERO HOMES LIMITED

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 which is also of area significance.

2. APPLICATION DETAILS

2.1 **Site Description:** The site lies on the south-east side of Gateside Road and lies approximately 70 metres south-west of the junction of Gateside Road with Broomknowe. The site is bounded to the east by the former rail line (now used as a footpath leading from Gateside Road to Doon Academy), by Gateside Road and private residential properties to the north and by rough grassland and formal recreational open space to the south and west.

2.2 The application site extends to approximately 1.45 hectares and is characterised by rough grassland and is relatively level in nature.

2.3 **Proposed Development:** Full planning permission is sought for the erection of 21 dwellings within the application site comprising 9 detached units (single storey, four apartment Type A houses) and 12 semi detached units (two storey, five apartment Type B houses)

2.4 The proposed Type A dwellings will be finished externally in a cream smooth cement render with a red sandstone basecourse and window surrounds. The Type B dwellings will be finished in a combination of cream harling and cream smooth cement render, also with a red sandstone basecourse and window surrounds. All dwellings will have slate grey Marley Monarch roof finish.

2.5 Provision has been made within the proposed layout for areas of open space including a play area. Access to the site is to be taken from Gateside Road and the layout also indicates an area for a proposed Sustainable Urban Drainage system (SUDS).

3. CONSULTATIONS AND ISSUES RAISED

3.1 Dalmellington Community Council has not responded to the consultation letter at the time of writing.

Noted.

3.2 Scottish Power, the Coal Authority and Transco have no adverse comments to make on the proposed development.

Noted

3.3 East Ayrshire Council's Roads and Transportation Division states that it has no objections in principle to the proposed development subject to the following conditions:

1. The internal roads must comply with the Roads Development Guide 1996 and will require Construction Consent from East Ayrshire Roads Department. This consent would cover details such as road widths, footways, road construction, street lighting, drainage, traffic calming, internal junction visibilities etc.

2. The visitor parking (5 spaces) shown on the submitted drawings would be acceptable but may require to be re-located with resident parking of 2 spaces per 2-3 bedroom dwelling and 3 spaces per 4 bedroom dwelling.

As the layout submitted appears to be a shared surface road, driveway manoeuvrability will be required via widened driveways.

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

4. The private driveways will require to be paved for a minimum distance of 2 metres from the rear of the footway/edge of the public road carriageway to avoid overcarry of loose material onto the public road.

5. Any gates will require to open inwards, away from the proposed public road.

6. No surface water must be allowed to discharge onto the proposed public road.

7. Visibility splays of 2.5m x 90m are required to be formed and maintained at the access onto Gateside Road with no object greater than 1m allowed within the splay areas formed. This may require a section 75 agreement with the adjoining owners.

Conditions can be attached to any planning consent granted for the proposed development to meet the requirements of the Roads and Transportation Division. The applicant's agent has however confirmed that the visibility splay area is not within the total control of the applicant and this will therefore require to be secured by means of a Section 75 Agreement.

3.4 Scottish Water objects to the proposed development whereby it drains to the public sewerage system. This is due to the cost of providing infrastructure to serve the proposed development being outwith Scottish Water's 'reasonable cost' obligations in terms of the Sewerage (Scotland) Act 1968. Scottish Water would remove its objections if the applicant:

- (a) bears the cost of the increase in capacity of existing infrastructure and/or:
- (b) promotes a scheme that does not compromise the quality and quantity of discharge from the existing sewerage system and which is in terms satisfactory to Scottish Water.

A note can be attached to any consent granted for the development to advise early contact with Scottish Water regarding service provision and drainage of the site.

3.5 The Scottish Environment Protection Agency has no objections to the proposed development provided that the drainage details are to its satisfaction. Foul drainage from the development must be connected to the existing public sewer to the satisfaction of Scottish Water. The developer should select and install suitable above ground SUDS to treat and minimise the amount of surface water leaving the site

A note can be attached to any consent granted for the proposed development advising the applicant to make early contact with SEPA regarding drainage of the site. The proposed layout provides for the introduction of a SUD system to serve the proposed development.

3.6 East Ayrshire Community Services Department (Parks Section) has no objections to the proposed development. The Section notes that there are open spaces and play areas designated within the site and asks that current Council policy be carried out regarding these areas.

Noted.

4. REPRESENTATIONS

4.1 Apart from the objection received from Scottish Water, no representations have been received regarding the proposed development.

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 East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 There are no structure plan policies directly relevant to this application.

Noted.

East Ayrshire Local Plan

5.3 Policy RES4 states that, within Settlement Boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites, including those sites created through the large scale demolition of existing housing, not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed against a set of four stated criteria, as follows:

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

It is considered that there would not be a detrimental impact on the surrounding natural and built environment and adjacent uses.

- (ii) transportation and infrastructure implications;

Apart from the issue regarding the proposed drainage of the site, there are no significant infrastructure issues relating to the proposed development site. The issue of drainage is a matter for the developer to resolve with Scottish Water.

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

This site is somewhat isolated from other housing areas. However, the house types and densities are considered to be acceptable for this location.

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

The design appears to be acceptable and meets with the Council's Design Guidance.

5.4 Policy RES19 requires developers to meet the standards of public open space set out in Schedule 3.

The plans submitted provide for areas of public open space within the development site. It is therefore considered that Policy RES19 is met.

5.5 Policy RES22 sets out the requirement for each plot to meet the private open space standards relevant to the house type, as detailed in Schedule 4.

The proposal is considered to meet the terms of Policy RES22.

5.6 Policy ENV7 requires that developers comply with the relevant Design Guidance.

It is considered that the proposed design scheme is sympathetic to the surrounding environment and meets the guidance as set out in Design Guidance 2: New Residential Development. It therefore complies with Policy ENV7.

5.7 Policy TLR5 requests that all developers of residential sites comprising four or more houses, enter into a Section 75 Agreement with the Planning Authority for contributions towards the provision of appropriate leisure and recreational facilities within the area to which the development relates.

At the time of writing this report, no response has been received from the developer in respect of the request for a contribution to the SLR Fund.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation replies and the planning history of the site.

Consultation Replies

6.2 The consultation replies would generally indicate that approval of the application would be appropriate. The issue of drainage is a matter for the developer to resolve with Scottish Water.

Planning History

6.3 Full planning permission for the erection of 14 dwellings on this site was approved on 29 September 1993 (Ref. No: CD/93/175/DPP). This consent was never implemented and expired on 29 September 1998.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. Legal implications would arise in the concluding of a Section 75 Agreement regarding visibility sightline splay areas for access to the site and the potential contribution to the Sports, Leisure and Recreation Fund.

8. CONCLUSIONS

8.1 As is indicated in Section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application which are also generally supportive of the proposed development.

8.2 The proposed development in terms of its layout, scale, design and use of finishing materials is considered to be acceptable for this location. The development of this site will also greatly improve the visual and general amenity of this area given the present condition of the application site.

8.3 Although Scottish Water has objected to the proposed development, it is considered that the cost criterion on which the objection is based is a matter for the developer to resolve with Scottish Water.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet, but that the issue of the decision notice should be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matter detailed in Paragraph 7.1 of this report.

CONTRARY DECISION NOTE

Should the Committee agree to refuse the application contrary to the recommendation of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee as such a decision would not represent a significant departure from the development plan.

Alan Neish
Head of Planning and Building Control

19 January 2004
HM/HM/SMB
FV/AN

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses..
4. Adopted East Ayrshire Local Plan (1993).
5. Approved Ayrshire Joint Structure Plan (1999).
6. Previous application CD/93/175

Any person wishing to inspect the background papers listed above, should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

TP24

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/1025/FL

Site of Proposal:	Gateside Road, Dalmellington
Nature of Proposal:	Proposed Residential Development
Name & Address of Applicant:	Casero Homes Limited Fairfield House Fairfield Nursery Symington KA1 5PN
Name & Address of Agent:	Darley Hay Partnership 54a Sandgate AYR KA7 1BX

DPOs Reference: Hugh Melvin

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

1. Prior to the commencement of development the developer shall submit the details of the Sustainable Urban Drainage system (SUDs) to be installed and shall specify a programme for the future management and maintenance of the scheme.

REASON – To ensure an appropriate means of surface water runoff in the interests of public health and safety.

2. Any garages must be set back a minimum distance of 6 m from the rear of the proposed footway.

REASON – In the interests of public road safety.

3. The parking provision shall be 2 spaces per 2-3 bedroom dwelling and driveway manoeuvrability shall be provided via widened driveways.

REASON – In the interests of public road safety.

4. The private driveways shall be paved for a minimum distance of 2 metres from the rear of the footway/edge of the public road carriageway.

REASON – To avoid overcarry of loose material onto the public highway in the interests of maintaining a secure road surface.

5. Any gates shall open inwards away from the road.

REASON – To prevent obstruction on the public highway in the interests of pedestrian and road safety.

6. No surface water shall be allowed to egress onto the public highway.

REASON – In the interests of maintaining a secure road surface.

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

REASON – To prevent obstruction on the public highway in the interests of pedestrian and road safety.

8. Notwithstanding the plans hereby approved, and the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, any domestic garages associated with the development shall be of a permanent construction and finished in the same materials as the dwellinghouse to which it relates.

REASON – To ensure that any future domestic garages within the site are an appropriate match with the approved dwellinghouses in the interests of visual amenity.

9. Construction works on site shall not be carried out prior to 0800 hours and after 1700 hours on Mondays to Saturdays, and not at any time on Sundays.

REASON – To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity.

10. Prior to the commencement of development on site, the developer shall submit to, and have approved by the Planning Authority details of boundary fencing or walls to be constructed within the development. In this regard, the developer shall provide appropriate boundary screening / fencing along the rear boundaries of the proposed plots.

REASON – In the interests of residential and visual amenity.

11. Prior to the commencement of development, the developer shall submit to and have approved by the Planning Authority, details of the proposed areas of active and passive open space, including details of the proposed future maintenance of these areas.

REASON – In the interests of residential amenity and to ensure future maintenance of open space areas.

NOTES TO APPLICANT

1. East Ayrshire Council Roads and Transportation Division has advised that Construction Consent will be required for the construction of the residential roads and footpaths, street lighting etc. The Division can be contacted on Tel 01563 555 330. The internal roads must comply with the Roads Development Guide 1996. This consent would cover details such as road widths, footways, road construction, street lighting, drainage, traffic calming, internal junction visibilities etc. Visibility splays of 2.5m x 90m are required to be formed and maintained at the access onto Gateside Road with no object greater than 1m allowed within the splay areas formed. This will require a section 75 agreement with the adjoining owners.

2. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency regarding drainage of the site and to confirm the request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.

3. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.

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