

## **EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 30 JANUARY 2004**

**03/0456/FL: PROPOSED CHANGE OF USE OF AGRICULTURAL LAND TO RESIDENTIAL DEVELOPMENT SITE AND ERECTION OF 18 NO. PRIVATE DWELLINGHOUSES WITH GARAGES AND PARKING AT LAND TO SOUTH EAST AND SOUTH WEST OF JOHN STREET, CATRINE**

**APPLICATION BY D & A CONTRACTS**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 It is proposed to develop the site for the erection of 18 new dwellinghouses on a linear layout. The houses, which are semi-detached in construction, are all two storey and of modest proportions. It is proposed to finish the houses in dry dash render with a facing brick to match and to clad the roof in grey Marley Mock Bond roof tiles.

1.2 The houses all have reasonably sized domestic curtilages each with parking for two cars. The vehicular access to the farm is to be retained and ground to either side is to contribute to the provision of public open space within the development site. The existing area of open space which is maintained by the Council is to be retained as public space with a play area and four additional visitor parking spaces are to be formed.

#### **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 an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 regarding the matter indicated within Section 7.1 of the report.**

#### **3. SUMMARY OF ANALYSIS**

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, and none of these indicate that the planning application should be refused.

3.2 The proposed development is for a residential development on a site identified for housing in the Local Plan. The site layout as submitted illustrates that all of the requirements in terms of both private and public open space can be met. The proposed design scheme is considered to be in keeping with the surrounding built environment.

3.3 The developer has demonstrated that the development is acceptable in terms of infrastructure requirements. The road safety requirements can be achieved and Scottish Water has confirmed that there is a public sewerage system to which a connection may be made. The developer has confirmed that an appropriate method of SUDs will be adopted and installed for the treatment of surface water runoff.

3.4 It is considered that the relevant local plan policies have been complied with 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 on the basis of the principle of the development, the application will require to be referred to the Development Services Committee because this would be a significant departure from the statutory 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 D & A CONTRACTS**

**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 it being a larger application which accords with the Local Plan and is of area significance.

1.2 Members may recall considering this application at the meeting on 12 December 2003. At this meeting the Committee continued consideration of this application to allow the Planning Division to seek an amendment to the scheme. This was to omit an area of existing public open space from the development site, this part of the development site being in the ownership of the Council. The developer has now submitted revised plans in accordance with this request and the number of units has been reduced from 28 to 18 dwellings.

### **2. APPLICATION DETAILS**

2.1 **Site Description:** The site is situated on the southern edge of the settlement of Catrine and comprises an elongated parcel of relatively flat agricultural land which runs parallel on the southeast side of John Street and extends round to Catrine Primary School. The land lies at a slightly lower level at this end.

2.2 The site straddles the access to the farm unit known as Catrineshaw Farm which is immediately south of the site. At the eastern end there is an area of land that is presently maintained open space and is in the ownership of the Council. The dwellings on the opposite side of John Street are all two-storey in height and finished in grey dry dash render.

2.3 **Proposed Development:** It is proposed to develop the site for the erection of 18 new dwellinghouses on a linear layout. The houses, which are semi-detached in construction, are all two storey and of modest proportions. It is proposed to finish the houses in dry dash render with a facing brick to match and to clad the roof in grey Marley Mock Bond roof tiles.

2.4 The houses all have reasonably sized domestic curtilages each with parking for two cars. The vehicular access to the farm is to be retained and ground to either side is to contribute to the provision of public open space within the development site. The existing area of open space which is maintained by the Council is to be retained as public space with a play area and four additional visitor parking spaces are to be formed.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Transco has no objection to the proposed development but has requested that their information pack is passed to the developer.

***Noted and this information has been passed to the developer.***

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

***Noted.***

3.3 Power Systems has no objection to the proposed development.

***Noted.***

3.4 The Scottish Environment Protection Agency has no objection to the proposed development subject to foul drainage from the development being connected to the existing foul sewer. The developer should select and install an appropriate Sustainable Urban Drainage system to treat and attenuate the surface water on the site.

***Noted. The developer has confirmed in writing that it is intended to install a SUD system.***

3.5 Scottish Water has advised that there is water apparatus located within the development site that may be affected by the development so the developer should contact Developer Services. There is a public sewerage system to which a connection may be made from the proposed development but there should be a totally separate drainage system of foul and surface water sewers.

***The developer has been advised of the presence of the water apparatus within the development site and has confirmed in writing that it is intended to install a SUD system.***

3.6 The West of Scotland Archaeology Service has advised that no substantive archaeological issue is raised by the application.

***Noted.***

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

- (i) a 2.0m footway across the frontage of the site is required as part of the construction consent. The footway is required to be extended to join the existing footway at Catrine Primary School and the existing footway at Sloan Street.
- (ii) junction visibilities of 2.5m by 35m are required at the junction of John Street and no fencing, buildings etc over 1m in height will be allowed within these areas.
- (iii) no surface water must be allowed to discharge onto the public road.
- (iv) 2 number off road parking spaces will require to be provided per dwelling.
- (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 surfaced for a minimum distance of 2.0 metres from the rear of the footway to avoid overcarry of loose material onto the public road.
- (vii) any gates will require to open inwards away from the public road.
- (viii) John Street shall be widened and resurfaced along the frontage of the development to provide parking adjacent to the existing houses and a 5.5m wide carriageway.

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

3.8 Catrine Community Council has not responded to the consultation letters at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

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

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

***Noted.***

### East Ayrshire Local Plan

5.3 The site has been identified in the local plan as Development Opportunity site being suitable for residential development with a notional capacity of 13 houses. Policy RES1 states that the Council will encourage and support the residential development of sites identified for housing purposes on the Local Plan maps.

***The proposal is for the residential development of a site identified within the Local Plan for this purpose. The number of units, at eighteen, is more than what the site is notionally allocated for in the Local Plan. However, the development as proposed does meet all other relevant development plan policies and it is therefore considered acceptable in policy terms.***

5.4 Policy RES19 requires that all housing developers provide areas of recreational and amenity open space as an integral part of their development proposals and to make provision for the future maintenance of these areas, once formed, to the satisfaction of the Council.

***The site layout as proposed does make provision for areas of general open space as well as an area identified as a play area. It is considered that the provision is sufficient for a development of this scale and it is therefore considered that Policy RES19 is complied with.***

5.5 Policy RES22 requires that developers observe the minimum private open space criteria as set out in Schedule 4 of the plan.

***Each of the plots is served by sufficient private amenity space and it is considered that the proposed scheme complies with Policy RES22.***

5.6 Policy ENV7 requires that developers comply fully with the Council's existing and emerging Design Guidance relating to and advising on the particular type of development. Design Guidance 2: New Residential Development is applicable in this case.

***It is considered that the proposed units are of a scale and design which is compatible with the surrounding built environment. The proposed finishing materials are also sympathetic to those used in the immediate vicinity. The site layout is considered to be acceptable in terms of the amenity it provides and the requisite open space provision. Thus Policy ENV7 has been complied with.***

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.

***The developer has confirmed the intention to make a contribution towards the Council's Sports, Leisure and Recreation Fund and hence is in compliance with Policy TLR5. This can be secured through a Section 75 Agreement with the developer.***

## **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 planning history of the site.

### Consultations Responses

6.2 None of the consultation responses received indicate that the planning application should be refused.

### Planning History

6.3 The site has previously been the subject of outline planning permission granted for the erection of 13 houses (Ref: 00/0070/OL). This planning permission has never been implemented.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial implications for the Council in the determination of this application. Legal implications will arise through the concluding of a Section 75 Agreement with the developer to secure the proposed contribution to the SLR Fund.

## **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, and none of these indicate that the planning application should be refused.

8.2 The proposed development is for a residential development on a site identified for housing in the Local Plan. The site layout as submitted illustrates that all of the requirements in terms of both private and public open space can be met. The proposed design scheme is considered to be in keeping with the surrounding built environment.

8.3 The developer has demonstrated that the development is acceptable in terms of infrastructure requirements. The road safety requirements can be achieved and Scottish Water has confirmed that there is a public sewerage system to which a connection may be made. The developer has confirmed that an appropriate method of SUDs will be adopted and installed for the treatment of surface water runoff.

8.4 It is considered that the relevant local plan policies have been complied with 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 and that the issue of the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 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 on the basis of the principle of the development, the application will require to be referred to the Development Services Committee because this would be a significant departure from the statutory development plan.

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

NM/NM/SMB  
FV/AN  
15 January 2004

### **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).
7. East Ayrshire Council Design Guidance.

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: No.03/0456/FL

Location	Land to South East and South West of John Street CATRINE KA5 6PX
Nature of Proposal:	Proposed change of use of agricultural land to residential development site and erection of 18 no. private dwellinghouses with garages and parking
Name and Address of Applicant:	D & A Contracts Thornhouse Business Centre 30 Ballot Road IRVINE KA12 0HW
Name and Address of Agent	Freckleton Design Thornhouse Business Centre 30 Ballot Road IRVINE KA12 0HW

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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. Prior to the commencement of development the developer shall submit a full working specification of the method of Sustainable Urban Drainage system to be adopted and installed for the further written approval of the Planning Authority in consultation with SEPA.

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

2. No later than two months from when the last dwellinghouse to be completed is occupied the developer shall submit a programme for the future management and maintenance of the SUDs for the further written approval of the Planning Authority and shall thereafter implement that programme as approved.

REASON – To secure the future maintenance of the system.

3. Prior to the occupation of the last dwellinghouse to be completed on the site the public open space areas as shown on the plans hereby approved shall be landscaped and the area as hatched in green on the plans shall be equipped with three items of children's play equipment which shall have been agreed in advance and in writing by the Planning Authority and shall thereafter implement such programme as agreed.

REASON – To ensure the required open space areas are available for use by the occupants of the dwellinghouses.

4. Prior to the commencement of works on site, the developer shall submit a programme for the future management and maintenance of the public open space areas for the further written approval of the Planning Authority.

REASON – To secure the future maintenance of the public amenity areas.

5. Prior to the occupation of the last dwellinghouse to be completed on site the developer shall provide a 2.0m footway across the frontage of the site as part of the construction consent. The footway is required to be extended to join the existing footway at Catrine Primary School and the existing footway at Sloan Street and shall be finished to the satisfaction of the Planning Authority in consultation with the Roads and Transportation Division.

REASON – In the interests of pedestrian safety.

6. The developer shall form junction visibilities of 2.5m by 35m at the junctions with John Street and no fencing, buildings etc over 1m in height will be allowed within these areas. This shall be done prior to the occupation of any of the dwellinghouses on the site to the satisfaction of the Planning Authority in consultation with the Roads and Transportation Division.

REASON- In the interests of road safety.

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

REASON – To ensure a safe road surface in the interests of public safety.

8. The developer shall provide 2 number off road parking spaces per dwelling

REASON – In the interests of road safety.

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

REASON- To ensure there is no obstruction on the public footway in the interests of pedestrian safety.

10. The private driveways will be surfaced for a minimum distance of 2.0 metres from the rear of the footway to avoid overcarry of loose material onto the public road.

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

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

REASON- To ensure there is no obstruction on the public footway in the interests of pedestrian safety.

12. Prior to the commencement of development, the public road John Street shall be widened and resurfaced along the frontage of the development to provide parking adjacent to the existing houses and a 5.5m wide carriageway to the satisfaction of the Planning Authority in consultation with Roads and Transportation Division.

REASON- In the interests of road safety.

13. Prior to the commencement of development on site, full details of the facing brick and colour of render for the proposed houses and of the height, design and colour of all fencing to be erected on the site shall be submitted to and approved by the Planning Authority. The development shall thereafter be implemented in accordance with these details as approved.

REASON – In the interests of visual amenity.

14. Construction works on site shall not be carried out prior to 0800 hours and after 1800 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.

➤ **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.
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 Scottish Environment Protection Agency, 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  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
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VIEWING PLEASE CONTACT (01563) 555320.**