

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 07 JUNE 2002

**02/0094FL: PROPOSED ERECTION OF 26 DWELLINGHOUSES
AT PHASE 2, MAUCLINE ROAD, CATRINE**

APPLICATION BY HOPE HOMES SCOTLAND

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of 5 two-storey detached dwellings, 11 one and a half storey detached dwellings, 2 one and a half storey semi-detached dwellings, 4 two-storey semi-detached dwellings and 4 single storey dwellings on the site. The proposed houses comprise two, three or four bedroom house types. The applicant proposes to retain, where condition allows, the existing sandstone wall, although this has been secured by a relevant condition on the planning permission for Phase 1. It is proposed that the access to the site will be taken from Phase 1 of the development. An area of public open space is proposed as well as a sustainable urban drainage system. The provision of the SUDS has been secured by the inclusion of a relevant condition on the planning permission for Phase 1.

1.2 The proposed development is partly retrospective, as construction works have already commenced on some of the dwellinghouses within this phase of development. (See Paragraph 6.8(v)).

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As is indicated at Paragraph 5.2 of the report, the application is considered to be contrary to the Development Plan. Therefore, given the terms of Section 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at Paragraphs 6.2 to 6.12 of the report, there are material considerations relevant to the determination of this application.

3.2 Given the age of the Adopted Catrine and Sorn Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with

Modifications) should be considered as a prime material consideration. Whilst the proposal is contrary to the provisions of the Adopted Catrine and Sorn Local Plan, it is nevertheless in accordance with the policy provisions of the EALP.

3.3 The objections relating to traffic impact and mud being carried out onto the public road can be addressed by the inclusion of appropriate conditions on the planning permission should the application be approved.

3.4 The design and density of the proposed dwellinghouses are considered to be compatible with adjacent houses. The open space provision is also considered to be appropriate.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, and if that decision is on the basis of the principle of residential use on the site, then the application would require to be referred to the Development Services Committee.

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 as the proposed development is a larger application of area significance and is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies adjacent to Mauchline Road on the northern approach to Catrine, opposite a row of existing dwellings that overlook the site. The site comprises a prominent greenfield site and was, until recently, in agricultural use. Not all the field is contained within the application site boundary. It is intended that one future phase of development will occupy the south-western part of the field whilst an earlier phase, which occupies the northern part of the site was granted full planning permission on 2 March 2001. The site measures some 1.61 hectares in area, and is bordered to the east by Mauchline Road and is separated from the footway by an existing sandstone boundary wall, which is in a poor state of repair in parts. The boundary wall rises to approximately one metre in height when measured from the footway on Mauchline Road. A number of mature trees are present within the site, several of which are subject to a Tree Preservation Order. It is proposed that the trees will be incorporated into the development.

2.2 The existing houses to the east side of Mauchline Road, opposite the site, are a mixture of two storey, single storey and one and a half storey dwellings.

2.3 **Proposed Development:** Full planning permission is sought for the erection of 5 two-storey detached dwellings, 11 one and a half storey detached dwellings, 2 one and a half storey semi-detached dwellings, 4 two-storey semi-detached dwellings and 4 single storey dwellings on the site. The proposed houses comprise two, three or four bedroom house types. The applicant proposes to retain, where condition allows, the existing sandstone

wall, although this has been secured by a relevant condition on the planning permission for Phase 1. It is proposed that the access to the site will be taken from Phase 1 of the development. An area of public open space is proposed as well as a sustainable urban drainage system. The provision of the SUDS has been secured by the inclusion of a relevant condition on the planning permission for Phase 1.

2.4 The proposed development is partly retrospective, as construction works have already commenced on some of the dwellinghouses within this phase of development. (See Paragraph 6.8(v)).

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objection to the proposal subject to the inclusion of conditions on the planning permission relating to the standard and construction of the site's internal roads and footways, the reconstruction of the footway along the west side of Mauchline Road, visibility splays, the formation of the driveways and individual access gates.

Should the application be granted, appropriate conditions in respect of the above could be attached to the planning permission. An appropriate condition has been included on the planning permission 00/0737/FL for Phase 1 of the development, securing the reconstruction of the footway and sandstone boundary wall along the entire frontage of the whole site. In the interests of consistency, this requirement can be further secured by condition relative to the current application.

3.2 East Ayrshire Council's Roads and Transportation Division, Flooding Section has stated that provided SEPA is satisfied with the Flood Study for the entire development, submitted subsequent to the approval of Phase 1, it would have no comment to make.

SEPA has indicated its satisfaction with the Flood Study for the site.

3.3 Scottish Water has no objection to the proposal subject to operational requirements being met and requests that all surface water is disposed of via a sustainable urban drainage system.

A SUDS system has been approved and secured by a condition through the approval of planning permission 00/0737/FL for Phase 1 of the development. The utilisation of SUDS relative to the current application can be secured by condition. Furthermore, a note advising the applicant to make early contact with Scottish Water can be attached to the planning permission.

3.4 The Scottish Environment Protection Agency has no objection to the proposal provided the drainage arrangements are to its satisfaction. The Agency has stated all surface water should be directed to the Burn O' Need via the SUDS system. The Agency also states that the sustainable urban drainage system must be installed before work starts on site.

See response to 3.3 of the report. Furthermore, a note advising the applicant to make early contact with the Scottish Environment Protection Agency can be attached to the planning permission.

3.5 Scottish Power has no objection to the proposal provided its apparatus is protected during the construction phase.

Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.

3.6 British Gas Transco has no objection to the proposal subject to the protection of its plant during construction.

Should the application be granted, an appropriate note in respect of the above can be attached to the planning permission.

3.7 The Coal Authority has no objection to the proposal. It does however state that reserves of coal exist in the locality that may be mined at some time in the future subject to feasibility.

Noted.

3.8 East Ayrshire Council's Department of Education and Social Services has no objection to the proposal in respect of schools provision.

Noted.

3.9 Catrine Community Council has not responded to the consultation letter.

Noted.

4. REPRESENTATIONS

4.1 One letter of objection has been received in respect of the application. The terms of objection can be summarised as follows:-

4.2 The proposal would give rise to traffic congestion and represent an increased danger to motorists and pedestrians using Mauchline Road, given the number of site workers' vehicles which are parked on Mauchline Road.

Whilst this objection has not been substantiated by the Roads and Transportation Division, the applicant has, nevertheless

provided a temporary car park for site workers within the site of Phase 2. This was in response to a similar objection in respect of Phase 1. Should the application be approved, a condition can be included on the planning permission requiring the retention of the temporary car park until development is due to commence on the affected plots. This can be scheduled with the use of such a condition to occur toward the substantial completion of the site.

4.3 The proposal would give rise to mud being carried out onto the public road.

Should the application be approved, a condition can be included on the planning permission to require the applicant to take appropriate measures to ensure that Mauchline Road in the vicinity of the site is kept free from any mud or other debris from the construction site.

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 Catrine and Sorn Local Plan (1984). The Adopted Plan was prepared in the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the application site forms part of a larger site identified as an area of restraint. This designation seeks to preserve and enhance the existing character of the area.

It is considered that the development of the site for residential purposes would significantly alter its character and appearance and as such, the proposal is contrary to the above designation.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications) 2001, National Planning Policy Guidelines, the objection detailed above and the planning history of the site.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) (EALP) should be considered as a prime material consideration.

6.3 The application forms part of a larger site identified for high amenity housing in the EALP. Policy RES 1 states that the Council will encourage and support residential development on designated sites. Policy RES 11 states that the Council will require the provision of high amenity housing on sites identified as appropriate for such development.

Whilst the proposed development is not exclusively high amenity, the majority of the proposed dwellings are detached with 30% comprising four bedrooms. As Catrine is a low demand area (in respect of housing requirement) the lesser percentage of high amenity housing should be accepted. It is therefore considered that the proposal is consistent with the site's designation and with Policies RES 1 and RES 11 of the EALP. It is further considered that the design of the proposed dwellings is compatible with the adjacent existing houses previously approved in the Phase 1 development.

6.4 The designation of this site as part of a high amenity housing site in the EALP is linked to the use of a legal agreement under Section 75 of the Town and Country (Scotland) Act 1997. Policy RES 3 states:-

In appropriate circumstances, the Council will expect housing developers to enter into Section 75 Agreements under the Town and Country Planning (Scotland) 1997. Such agreements will be requested where:-

- (i) *the development of a site is to be limited to a particular type of residential use*

As full details have been submitted which indicate that the form of development within the application site is consistent with RES 11, it is not considered necessary to use such an agreement in this circumstance.

6.5 The application also requires to be considered with regard to Policy RES 19 of the EALP. Policy RES 19 states that: -

In formulating their development proposals, developers should ensure that;

- (i) *areas of open space are of a size and configuration that is easily maintainable. Larger areas of well located, consolidated open space should be provided in preference to a series of smaller, individual areas scattered throughout the proposed development site;*
- (ii) *the proposed areas of open space are safe and secure, overlooked if possible by adjacent properties;*
- (iii) *play equipment and facilities for the disabled and those with special needs are provided as considered appropriate;*

- (iv) *areas of open space are attractively planted and where appropriate, use plant species to encourage wildlife; and*
- (v) *all open spaces are provided, as appropriate, with footpaths for both access and leisure walking, linking with adjacent open spaces wherever possible.*

The applicant has included areas of public open space as part of the proposals. Should the application be approved, a condition can be included on the planning permission requiring the submission to the Planning Authority for approval, of the details of the landscaping and planting schemes associated with the development before any work starts on site. A further condition can be included on the planning permission requiring the applicant to submit to the Planning Authority for approval, details of a maintenance regime in respect of the landscaping and planting.

6.6 Policy RES 21 is also of relevance. Policy RES 21 states that:-

All developers will require to observe the minimum private open space criteria and standards of provision detailed in Schedule 4 of the Local Plan. The private open space provision within the proposed development meets with the requirements of Schedule 4 of the Local Plan. It is therefore considered that the proposal accords with the provisions of Policy RES 21 of the EALP.

6.7 Policy TLR5, which provides that developers of sites of 4 or more dwellings will be requested to make a payment of 1% of construction costs to the Social, Leisure and Recreation Fund, is also of relevance.

A written request has been made to the applicant in respect of a payment to the Social, Leisure and Recreation Fund. No reply has been received at the time of writing.

Planning History

6.8 The site has been the subject of several previous applications for planning permission as follows:-

(i) CD/91/315: Full planning permission was granted on 10 April 1992 for the erection of 43 houses on a larger site which includes the site of this current application.

This permission was not implemented and expired on 10 April 1997.

(ii) 99/0308/FL: Full planning permission was refused on 1 July 1999 for the erection of a detached bungalow on the site.

That proposal involved the erection of one house on a site which formed part of the northern part of the site of this application. The application was refused as it was considered that approval in the absence of an approved scheme for the comprehensive development of the site would be premature and result in the piecemeal development of the site.

(iii) 99/0491/FL: Full planning permission was refused on 17 December 1999 for the erection of 20 dwellinghouses on a larger site which comprised part of the site of this current application.

This proposal related to a more linear development of the site and would have consisted of 22 separate access onto Mauchline Road. The application was refused as the “proposed linear layout does not readily enable the comprehensive development of the site and is unsatisfactory in the context of visual amenity and its relationship to the existing road pattern”. A subsequent appeal against this decision was dismissed. It is considered that this current application addresses the reasons for the refusal of the two previous applications, given that this layout enables the future development of the remainder of the site and that only two accesses are proposed onto Mauchline Road.

(iv) 00/0737/FL: Full planning permission was granted on 2 March 2001 for the erection of 20 dwellinghouses on Phase 1 of the development which lies immediately to the north of the application site.

Work has since commenced on this phase and several of the dwellings are now occupied.

(v) Enforcement Activity

At the time of writing this report and as referred to in Paragraph 2.4 above, development has commenced on a number of the houses in advance of the grant of any planning consent. Given the scale and impact of this breach of planning control, an enforcement notice and a stop notice have been served preventing any works before issue of a planning consent.

National Planning Policy Guidelines

6.9 NPPG 7 on Planning and Flooding indicates that the susceptibility of land to flooding is a material consideration in the assessment of development proposals. The Planning Authority’s responsibility is to have regard to the risk of flooding in determining the planning application. This does not affect the liability position of developers or owners. Planning Authorities should avoid any indication that their approval of the application implies any absence of flood risk.

SEPA has previously indicated that the Flood Study submitted as part of the approval of Phase 1, in respect of the entire site, is satisfactory.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. Legal implications may arise should the developer agree to contribute to the Social, Leisure and Recreation Fund. As referred to above, a stop notice is currently in effect with regard to the development of this proposal.

8. CONCLUSIONS

8.1 As is indicated at Paragraph 5.2 of the report, the application is considered to be contrary to the Development Plan. Therefore, given the terms of Section 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at Paragraphs 6.2 to 6.12 of the report, there are material considerations relevant to the determination of this application.

8.2 Given the age of the Adopted Catrine and Sorn Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered as a prime material consideration. Whilst the proposal is contrary to the provisions of the Adopted Catrine and Sorn Local Plan, it is nevertheless in accordance with the policy provisions of the EALP.

8.3 The objections relating to traffic impact and mud being carried out onto the public road can be addressed by the inclusion of appropriate conditions on the planning permission should the application be approved.

8.4 The design and density of the proposed dwellinghouses are considered to be compatible with adjacent houses. The open space provision is also considered to be appropriate.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheets.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, and if that

decision is on the basis of the principle of residential use on the site, then the application would require to be referred to the Development Services Committee.

Alan Neish
Head of Planning and Building Control
22 May 2002
DS/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices and certificates.
3. Consultation responses.
4. Letters of objection and petition.
5. East Ayrshire Local Plan Finalised Version with Modifications.
6. Adopted Catrine/Sorn Local Plan.
7. NPPG 7: Planning and Flooding.
8. Planning applications CD/91/0315, 99/0308, 99/0491 & 00/0737/FL.
9. Approved Ayrshire Joint Structure Plan.
10. Approved Strathclyde Structure Plan.

Any person wishing to inspect the background papers listed above should contact Mr Derek Scott on 01563 55483.

Implementation Officer: Dave Morris

Location	Phase 2 Mauchline Road CATRINE
Nature of Proposal:	Proposed erection of 26 dwellinghouses
Name and Address of Applicant:	Hope Homes Scotland Ltd Watson Terrace DRONGAN
Name and Address of Agent	

DPO's Ref: Derek Scott]
PPO's Ref; []

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 and plans submitted on 25 January 2002 as revised by the amended site layout plan received by the Planning Authority on 7 May 2002.

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

2. All roads and footways within the site shall be constructed in accordance with the East Ayrshire Council Roads Development Guide 1996.

REASON – In the interests of public road safety.

3. There shall be no obstruction to visibility over 1 metre in height within a visibility splay of 4.5m by 35 metres at all road junctions within the site.

REASON – In the interests of public road safety.

4. The access to each plot shall be by means of a standard footway crossing constructed in accordance with the East Ayrshire Council Roads Development Guide 1996.

REASON – In the interests of public road safety.

5. All individual driveways within the site shall be suitably surfaced to ensure that no surface water discharges or loose material is carried out onto the public road.

REASON – In the interests of public road safety.

6. The gradient of each driveway shall not exceed 1:10

REASON – In the interests of public road safety.

7. The applicant shall take reasonable steps including the installation and effective use of a wheel washing facility within the site, to ensure that no mud or other debris is carried out from the site, onto the public road during the construction phase.

REASON – In the interests of public road safety.

8. Any detached garages to be erected within the site shall be set back a minimum of 6 metres from the rear of the footway.

REASON – In the interests of public road safety.

9. Any access gates shall open inwards only, away from the public road.

REASON – In the interests of public road safety.

10. Notwithstanding any specification on the approved plans or application form, two off road car parking spaces shall be provided for each two and three bedroomed dwelling and three off-road car parking spaces shall be provided for each four bedroomed dwelling, such provision to be made prior to the occupation of any of the dwellinghouses.

REASON – In the interests of public road safety.

11. Notwithstanding any specification on the approved plans or application form, eight visitor car parking spaces shall be provided within the site.

REASON – In the interests of public road safety.

12. No demolition, site clearance or building operations shall be commenced until chestnut pale fencing of a height not less than 1.2 metres has been erected around the trees shown on the approved plan reference number 00/09-01. The fencing shall enclose either:

(a) the area described by the limit of the spread of the branches of the tree;

or

(b) a radius of 5 metres from the trunk of the tree, whichever is the greater.

Such fencing shall be maintained during the course of construction, and no storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed.

REASON – To ensure that the existing mature trees adjacent to the site are protected during the construction phase.

13. A landscaping scheme including details for the treatment and maintenance of the boundary of the site and areas of public open space shall be submitted to and approved by the Planning Authority prior to commencement of any development. The landscaping shall be implemented not later than the next appropriate planting season after the development has been carried out. The landscaping shall be maintained in accordance with the approved maintenance regime at all times thereafter. Any trees removed without consent of the Planning Authority or seriously damaged at any time thereafter shall be replaced by trees of similar size or species as may be agreed in writing with the Planning Authority.

REASON – To ensure that adequate landscaping is provided to an adequate standard, and that it is subsequently maintained, in the interests of residential and visual amenity.

14. Before any work commences on site, details of a fence or other suitable means of enclosure to be erected along the site's boundaries with the Burn O' Need and the proposed phase three of the development, shall be submitted to and approved by the Planning Authority. The approved means of enclosure shall be erected prior to the occupation of any of the dwellinghouses. (The means of enclosure on the site's boundary with phase three shall be erected for a temporary period until such time as the development of phase three is commenced).

REASON – In the interest of residential amenity and public safety.

15. Notwithstanding any specification on the approved plans or application form, and before any work is commenced on site, samples of all external construction materials to be used shall be submitted to and approved by the Planning Authority.

REASON – In the interest of visual amenity

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any other order or enactment replacing this, all detached garages erected within the site shall have pitched roofs and shall be externally constructed in materials to match the dwellinghouses to which they relate.

REASON – In the interest of visual amenity

17. Notwithstanding any specification on the approved plans or application form and before any work commences on site, details of the height, location and construction of all fences, walls and other means of enclosure shall be submitted to and approved by the Planning Authority.

REASON – In the interest of visual amenity

18. Any screen fencing to be erected shall not project forward beyond the front building line of any of the dwellinghouses.

REASON – In the interest of visual amenity

19. During the construction of the dwellinghouses, no building or other operations shall take place on the site outwith the hours of 08:00 to 19:00 Monday to Saturday and at any time on a Sunday.

REASON – In the interest of residential amenity.

20. The temporary car parking located generally on Plot 14 shall be retained within the site until work is commenced on the construction of the dwellinghouse on that plot. Development shall not commence on Plot 14 until the substantial completion of the dwellinghouses on Plots 15 to 24 and 41 to 55.

REASON – To ensure adequate car parking is provided for site workers in the interests of public road safety

21. Notwithstanding the details shown on the approved plans, the boundary of the site to Mauchline Road shall comprise an extension of the wall and footway feature approved further to the planning consent for Phase 1 of the overall development.

REASON – In the interests of visual amenity and public road safety.

22. Details of how the site shall be served by a sustainable urban drainage system shall be submitted to and approved by the Planning Authority. The details as agreed shall be implemented on site before erection of any of the dwellinghouses.

REASON – To ensure that adequate drainage is provided.

❖ NOTES TO APPLICANT

- (1) The applicant is advised to contact the Scottish Water, 35 Glenburn Road, Prestwick, KA9 2NS, with regard to water and drainage provision.
- (2) The applicant is advised to contact SEPA, 2 Alloway Place, Ayr, with regard to drainage provision.

- (3) All drainage shall comply with the requirements of the Scottish Water and the Scottish Environment Protection Agency.
- (4) The applicant is advised to contact Transco, Plant Location Protection, 95 Kilbirnie Street, Glasgow, G5 8JD, with regard to the protection of Transco apparatus.
- (5) The applicant is advised to contact the Coal Authority, 200 Lichfield Lane, Mansfield, Nottinghamshire, NG18 4RG, with regard to minerals within the site.
- (6) The applicant is advised to contact East Ayrshire Council Roads and Transportation Division, Greenholm Street, Kilmarnock, KA1 4DR, with regard to securing necessary consents.
- (7) The applicant is advised to contact East Ayrshire Council Roads and Transportation Division, Flooding Section, Greenholm Street, Kilmarnock, KA1 4DR, with regard to possible flooding on the site.

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AGENDA