

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 14 NOVEMBER 2003

**03/0547/FL: PROPOSED HOUSING DEVELOPMENT AT ROBERT BURNS
AVENUE, DRONGAN**

APPLICATION BY G&S HOMES

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of ten dwellings comprising two detached units and eight semi-detached units, all of which are single storey. The external finishing materials are a grey render with a buff coloured facing brick and grey concrete interlocking roof tiles for the roof cladding.

1.2 It is proposed to take the access off the existing Robert Burns Avenue residential road and drainage is to be disposed of by way of a connection to the public sewer. The current planning application forms Phase 1 of a larger development of 29 no. dwellings in total to be developed over three phases. It is proposed to form a play area at the northern end of the site.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions listed 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 5.7 of this report.

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 raise any issues which would suggest the application should be refused planning permission.

3.2 The proposed residential development is on a site identified in the Local Plan for residential purposes. The plan does identify the whole site as being suitable for 12 units and the proposal is for an overall development of 29 units. This is significantly more than that identified by the plan however provided that all of the necessary infrastructure requirements are met and there is sufficient open amenity space, both private and public then it is considered acceptable to develop the site for more than the notional capacity indicated in the local plan.

3.3 The scale and design of the proposed units is in keeping with the surrounding built environment. The neighbouring housing development at Craufurd Drive is a modern development of mainly single storey units and the proposed development is of a similar style. The proposed development is considered to be in accordance with the development plan 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 in terms of principle, the application will require to be referred to the Development Services Committee because the principle of the development is in accordance with the East Ayrshire Local 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 G&S HOMES

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 because of the number of units involved.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located on the north edge of the settlement of Drongan. It comprises an area of meadowland which is slightly undulating in nature and has a gentle north/south gradient. The site has no significant features and the field in which it is located is bordered by wild hedgerows.

2.2 The site takes up part of a field that adjoins the recent housing development at Craufurd Drive. Further to the north lies agricultural land and Drongan Cemetery and the B730 road runs parallel on the east side of the site.

2.3 **Proposed Development:** Full planning permission is sought for the erection of ten dwellings comprising two detached units and eight semi-detached units, all of which are single storey. The external finishing materials are a grey render with a buff coloured facing brick and grey concrete interlocking roof tiles for the roof cladding.

2.4 It is proposed to take the access off the existing Robert Burns Avenue residential road and drainage is to be disposed of by way of a connection to the public sewer. The current planning application forms Phase 1 of a larger development of 29 no. dwellings in total to be developed over three phases. It is proposed to form a play area at the northern end of the site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has no objection to the proposed development subject to the imposition of conditions regarding internal roads construction; provision of visitor parking spaces and formation of visibility splays.

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

3.2 Scottish Water has advised that there is a public water main in the street adjacent to the proposed development and there is a public sewerage system to which a connection may be made and has stated that a totally separate drainage system of foul and surface water sewers will be required.

Noted.

3.3 The Scottish Environment Protection Agency has no objections in principle but states that the development must connect to the public sewer. The surface water drainage arrangements for the site have been agreed with the developer.

Noted.

3.4 Transco has requested that their information pack is passed to the developer prior to the commencement of works on site.

Noted and this can be copied to the developer.

3.5 Power Systems has no objection to the proposed development.

Noted.

3.6 Drongan, Rankinston and Stair Community Council had not responded at the time of writing this report.

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 in the structure plan which are especially relevant to the proposed development.

East Ayrshire Local Plan

5.3 The proposed residential development is for a site which has been identified in the local plan for this purpose. Policy RES1 is applicable and this states that the Council will encourage and support the residential development of those Development Opportunity sites identified for housing purposes on the individual Local Plan maps.

This site has been identified in the Local Plan for residential development and the proposal therefore complies with Policy RES1.

5.4 Policy RES19 states that the Council will require all housing developers to 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 current proposal is for Phase 1 only, for the erection of ten units. This phase does not make provision for open space, however, the developer has illustrated on the site plan that there is an intention to provide a public amenity area within the site to a level suitable for the whole residential development. It is therefore considered that the proposal currently under consideration does not breach the provisions of Policy RES19.

5.5 Policy RES22 states that all developers will require to observe the minimum private open space criteria and standards detailed in Schedule 4 of the Local Plan.

Schedule 4 states that detached and semi-detached units should have a minimum of 100 m². All of the plots on Phase 1 meet this standard and therefore the proposal complies with Policy RES22.

5.6 Policy ENV7 states that all developers will be expected to comply fully with the Council's existing and emerging Design Guidance and Policy documents relating to and advising on the particular type of development proposed. Design Guidance 2 relates to New Residential Development and is therefore applicable to the proposed development.

The requirement for public and private amenity space is met by the proposed development and it is considered to be acceptable in terms of the infrastructure and transportation requirements as confirmed by the relevant technical consultees. It is considered that the proposed units are of an acceptable scale and design and that the external finishing materials are appropriate to the area. It is therefore considered that the proposal complies with Policy ENV7.

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

The developer has confirmed in writing an agreement to make a contribution to the Council's Sports, Leisure and Recreation Fund. This will be a sum of £100 per unit as and when each house is completed. This sum is approximately one third of that requested in terms of the operation of the SLRF. Nevertheless, it is considered that, given the voluntary nature of payments to the fund, this contribution should be welcomed as being within the spirit of Policy TLR5.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses.

Consultations Responses

6.2 None of the consultation responses have raised any concerns which would indicate the recommendation should be one of refusal.

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 securing of a financial

contribution to the Sports, Leisure and Recreation Fund by means of a Section 75 Agreement.

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 raise any issues which would suggest the application should be refused planning permission.

8.2 The proposed residential development is on a site identified in the Local Plan for residential purposes. The plan does identify the whole site as being suitable for 12 units and the proposal is for an overall development of 29 units. This is significantly more than that identified by the plan however provided that all of the necessary infrastructure requirements are met and there is sufficient open amenity space, both private and public then it is considered acceptable to develop the site for more than the notional capacity indicated in the local plan.

8.3 The scale and design of the proposed units is in keeping with the surrounding built environment. The neighbouring housing development at Craufurd Drive is a modern development of mainly single storey units and the proposed development is of a similar style. The proposed development is considered to be in accordance with the development plan 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, 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 5.7 of this 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 in terms of principle, the application will require to be referred to the Development Services

Committee because the principle of the development is in accordance with the East Ayrshire Local Plan.

Alan Neish
Head of Planning and Building Control

29 October 2003
NM/NM/SMB
FV/DVM

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).

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: 03/0547/FL

Location	Robert Burns Avenue DRONGAN KA6 7DZ
Nature of Proposal:	Proposed housing development
Name and Address of Applicant:	G & S Homes 63 Montgomerie Street TARBOLTON KA5 5QD
Name and Address of Agent	Lawrence McPherson Associates The Atrium 6 New Road AYR KA8 8EX

DPO's Ref: Nicola Monroe
PPO's Ref: Hugh Melvin

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

1. The full planning permission relates to Plots 1-10 (inclusive) only and there shall be no works constituting the commencement of development on any other land shown on the site plan other than that outlined in red on the approved plan.

REASON – The permission relates to Phase 1 of the development only.

2. Prior to the occupation of the houses on Plots 1, 2, 3 and 4 a 2metre high vertically boarded screen fence shall be erected along the boundary as marked in green on the plans hereby approved and shall be retained in perpetuity to the satisfaction of the Planning Authority.

REASON – In the interests of safeguarding residential amenity.

3. 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.

4. Prior to the occupation of the first dwellinghouse to be completed visibility splays of 2.5m by 35m shall be formed and maintained at each of the proposed road junctions with no object greater than one metre in height allowed within the splay areas formed.

REASON – In the interests of road safety.

5. 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.

6. 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.

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

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

8. 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.

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

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.

10. 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.

11. Notwithstanding the approved plans, two off road car parking spaces shall be provided and thereafter maintained within each plot.

REASON – To ensure that adequate car parking provision is available in relation to the approved development and thereby to secure the interests of road safety and 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 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.

**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.**