

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 12 SEPTEMBER 2003**

**03/0220/FL: PROPOSED PRIVATE RESIDENTIAL DEVELOPMENT  
COMPRISING 46 NO. DETACHED DWELLINGS  
WEST OF ARRAN DRIVE, AUCHINLECK**

**APPLICATION BY MEICHAN AND COX (BUILDING CONTRACTORS)**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the erection of 46 detached dwellinghouses on the site which has been identified for residential development in the adopted local plan. It is proposed to take vehicular access off a bellmouth which has been formed between No 116 and No 118 Arran Drive.

1.2 The proposed development of 46 units comprises five house types, two of which are single storey bungalows (of which there are fifteen units). The remaining units are a mix of two storey villas of both three and four bedroom units. All of the plots have a reasonable curtilage and have communal access to a play area which is centrally located with pedestrian access to either side of the development. A retention basin for the collection of surface waters is proposed in the southwest corner of the site and this will also form a public amenity area. A 15 metre wide tree belt of indigenous species is to be planted along the northern and western boundaries of the site.

1.3 Reconstituted stone and dry dash render is proposed for the external wall finish with smooth grey and red concrete roof tiles to compliment the appropriate wall finish. A 1.8 metres high vertically boarded and stained screen fence is proposed for the boundaries of the individual plots.

**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 a Section 75 Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 regarding the matters indicated within Section 7.1 of the 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 have been adequately addressed or are not of sufficient weight to merit refusal of the application.

3.2 Full planning permission is being sought for a residential development of 46 units on land which has been allocated in the statutory local plan. Albeit that the number proposed is significantly more than what the land was identified for, it has been demonstrated that the site can comfortably accommodate the additional units whilst providing dwellings with adequate gardens, public open space and a 15 metre wide tree belt to the rural boundary. All of the units proposed are detached and of a design and materials which are considered acceptable in this location.

3.3 The Roads and Transportation Division has advised that they are generally satisfied with the proposed road structure which will be adoptable and drainage has been sufficiently addressed to the satisfaction of Scottish Water. A tree belt is proposed to reduce the impact of the development as seen from the A76 and maintained public open space located centrally within the development will enhance it as a place to live.

#### **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 the principle of the development, the application will require to be referred to the Development Services Committee because this would 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 MEICHAN AND COX (BUILDING CONTRACTORS)**

**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 the proposed development is of area significance and is the subject of objections.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The site is currently unused agricultural land on the edge of the settlement of Auchinleck. Overlooking the A76 it has a north-westerly slope and is sandwiched between the single storey houses on Arran Drive and the rear of the houses on Mauchline Road which form the edge of the village. The site is highly visible from the A76 on the approach into Auchinleck from the west. The site extends to 3.23 hectares.

2.2 **Proposed Development:** Full planning permission is sought for the erection of 46 detached dwellinghouses on the site which has been identified for residential development in the adopted local plan. It is proposed to take vehicular access off a bellmouth which has been formed between No 116 and No 118 Arran Drive.

2.3 The proposed development of 46 units comprises five house types, two of which are single storey bungalows (of which there are fifteen units). The remaining units are a mix of two storey villas of both three and four bedroom units. All of the plots have a reasonable curtilage and have communal access to a play area which is centrally located with pedestrian access to either side of the development. A retention basin for the collection of surface waters is proposed in the southwest corner of the site and this will also form a public amenity area. A 15 metre wide tree belt of indigenous species is to be planted along the northern and western boundaries of the site.

2.4 Reconstituted stone and dry dash render is proposed for the external wall finish with smooth grey and red concrete roof tiles to compliment the appropriate wall finish. A 1.8 metres high vertically boarded and stained screen fence is proposed for the boundaries of the individual plots.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has no objection to the proposed development subject to conditions regarding visibility splays, parking standards, location of private garages, surfacing of private driveways etc. The site will require to be served by internal roads which comply with the Roads Development Guide and will require Construction Consent. A road bond must be submitted by the developer prior to commencing building work on the site.

***Conditions can be attached to any consent granted for the proposed development to meet the requirements of the Roads Division. The applicant is aware of the requirements regarding Construction Consent and the provision of a road bond. The applicant is prepared to enter into a Section 75 Agreement to secure the provision and maintenance of appropriate sightlines at the proposed junction of the site access with Arran Drive.***

3.2 Scottish Water has advised that there is a public sewerage system to which a connection may be made for foul drainage only which requires to be kept separate from surface water. They have however objected to the application due to the cost of providing infrastructure to serve the development which is outwith Scottish Water's reasonable cost obligations. They would remove their objection if the applicant bears the cost of the increase in capacity or if they promote a scheme that does not compromise the quality and quantity of discharge from the existing sewerage system.

***The developer has proposed a drainage scheme to address this and further information has been provided to Scottish Water. Scottish Water has now confirmed in writing that the applicant's proposals regarding drainage of the site are acceptable.***

3.3 The Scottish Environment Protection Agency has no objection to the proposed development but has stated that a method of Sustainable Urban Drainage systems should be installed to treat and minimise the amount of water leaving the site.

***Noted and a method of SUDs has been proposed.***

3.4 West of Scotland Archaeology Service has advised there are no known archaeological issues raised by the application.

***Noted.***

3.5 Scottish Power has no objection to the proposed development.

***Noted.***

3.6 Transco has requested that its information pack be passed to the developer.

***The information pack has been forwarded to the applicant.***

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

***Noted.***

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

***Noted.***

#### **4. REPRESENTATIONS**

4.1 Three letters of representation have been received regarding the proposed development. The points of objection are summarised as follows:

4.2 The proposed development will result in a decrease in the value of property on Mauchline Road.

***The alleged impact on property values is not a valid ground of objection or a material planning consideration in the determination of this application.***

4.3 The two storey houses will look right into the rear of property on Mauchline Road so taking away privacy.

***The impacts in terms of how the proposed development affects the residential amenity, privacy and daylighting of existing houses are material considerations. In this respect, the proposed development requires to be compliant with the Council's Design Guidance. The houses on the east side of the site which back onto Arran Drive are all single storey and do not therefore raise any concerns of***

***overlooking. Albeit that the two storey houses which back onto Mauchline Road are approximately 10 metres from the rear boundary they do meet the required minimum distance of 18metres from the rear wall and any windows of the existing houses, as stipulated in the Design Guidance. The two storey units are no more than 8 metres in height so the 10metre rear garden length will mean that there should not be any overshadowing onto the gardens of properties on Mauchline Road.***

4.4 Building the houses will ruin the peace and quiet and limit sunshine in gardens of properties on Mauchline Road.

***See response to 4.2 above.***

4.5 The objectors raise concerns at the amount of traffic and noise the development will generate.

***The proposed development will inevitably create an increase in traffic volumes within this vicinity. However, the Roads and Transportation Division has no objection to the proposal and is not of the view that the proposal will have any significant detrimental impact on traffic movements. It is accepted that during construction there will be additional noise but this is not an issue which would carry any weight in the determination of the application, especially as it would be temporary only. In order to minimise impact on existing residential properties a condition can be attached to any consent granted for the proposed development to restrict hours of construction on site.***

4.6 Concerns are raised that the site's drainage will affect existing gardens which are currently dry and free from flooding.

***The drainage of the site will include the provision of a Sustainable Urban Drainage system to allow the collection, attenuation and dispersal of surface waters from the site in order to address any issues of potential surface water run off incidents associated with the development 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 East Ayrshire Local Plan (2003).

### East Ayrshire Local Plan

5.2 Policy RES1 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.

***The proposed residential development is on a site which has been allocated in the local plan as being suitable for around 25 houses. Albeit that the proposed development is significantly more than this it is considered that where the site layout complies with the relevant standards regarding private amenity space, public open space and general residential amenity, then a deviation from the number of houses identified is considered to be acceptable. The number allocated through the Local Plan process is an indicative figure that may vary upon the circumstances of each application.***

5.3 Policy RES19 requires that all housing developers provide areas of recreational and amenity open space as an integral part of the development proposal. This is to be in accordance with Schedule 3 of the Local Plan which stipulates a requirement of 300sqm per ten units where the development is of 30 units or more.

***The site layout as proposed includes an area of public amenity space which is integral to the development and meets the provision requirements set out in Schedule 3. It is intended to equip this area with children's play facilities and to install a litter bin and seat for the use of the wider community. It is considered that the proposed development complies with the provisions of Policy RES19.***

5.4 Policy RES20 requires that developers ensure areas of open space are of a size and configuration which is easily maintainable and that there are secure linkages between the areas.

***It is proposed to provide a pedestrian route with appropriate lighting through the central core of the development where it passes through the play area. The developer has been made aware of the need to secure future maintenance and management of the public areas.***

5.5 Policy RES22 states a requirement for individual dwellinghouses to have a minimum amount of private open space as set out in Schedule 4 of the Local Plan. For detached dwellings as proposed the requirement is 100sqm.

***The plot sizes as proposed are of varying size but each plot does meet the required minimum and hence the proposed development is in compliance with the policy.***

5.6 Policy ENV7 requires that developers comply fully with the relevant Design Guidance relating to the particular type of development.

***The proposed development meets the standards as set out in Design Guidance 2: New Residential Development and hence is compliant with policy.***

5.7 Policy TLR5 states the Council's intention to improve and enhance the provision of leisure, recreational and sporting facilities in the area. In order to do this it is requested that developers make a contribution equivalent to 1% of the cost of construction on a per unit basis.

***The Council has received the developer's written agreement to make such a contribution to the Sport, Leisure and Recreation Fund.***

## **6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS**

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

### Consultations Responses

6.2 There are no consultation responses that would indicate that the application should be refused.

### Representations

6.3 It is considered that the representations received can either be addressed through the imposition of appropriate conditions in any consent granted for the proposed development or are not valid or of sufficient weight to merit refusal of the application.

## **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 under the Town and Country Planning (Scotland) Act 1997 to secure the contribution to the Sports, Leisure and Recreation Fund and the

requisite visibility sightlines at the junction of the proposed site access with Arran drive.

## **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 have been adequately addressed or are not of sufficient weight to merit refusal of the application.

8.2 Full planning permission is being sought for a residential development of 46 units on land which has been allocated in the statutory local plan. Albeit that the number proposed is significantly more than what the land was identified for, it has been demonstrated that the site can comfortably accommodate the additional units whilst providing dwellings with adequate gardens, public open space and a 15 metre wide tree belt to the rural boundary. All of the units proposed are detached and of a design and materials which are considered acceptable in this location.

8.3 The Roads and Transportation Division has advised that they are generally satisfied with the proposed road structure which will be adoptable and drainage has been sufficiently addressed to the satisfaction of Scottish Water. A tree belt is proposed to reduce the impact of the development as seen from the A76 and maintained public open space located centrally within the development will enhance it as a place to live.

## **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 a Section 75 Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 regarding the matters 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 in terms of the

principle of the development, the application will require to be referred to the Development Services Committee because this would represent a significant departure from the development plan.

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

26 August 2003  
NM/NM  
FV/DVM

### **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)

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: 03/0220/FL

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Location	Land to West of Arran Drive AUCHINLECK KA18 2LX
Nature of Proposal:	Proposed private residential development comprising 46 no. detached dwellings
Name and Address of Applicant:	Meichan and Cox 4 Fowler Crescent FALKIRK FK
Name and Address of Agent	Mitchell Field Design Partnership 1 Glenbervie Glenbervie Business Park LARBERT FK9 4RB

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

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

1. The landscaping, open space, and equipped play area proposed in accordance with the approved plans shall be laid out simultaneously with the development hereby approved. The landscaping shall be managed and maintained for the first three years at the developers' expense and thereafter responsibility for maintenance shall pass to the Factoring Management Company as detailed in a letter from the agent on 07 August 2003.

REASON – In the interests of the visual amenity of the site.

2. Surface water drainage shall be dealt with by way of Sustainable Urban Drainage systems by a method which is found to be acceptable to Scottish Water. The developer shall undertake to ensure a programme for the future management and maintenance of the scheme to be adopted prior to the occupation of the first dwellinghouse to be completed.

REASON – To ensure safe and adequate drainage of the site in the interests of public health and safety.

3. Notwithstanding the approved plans, visibility splays of 4.5m by 35m shall be provided at the junction of the site access with Arran Drive and there shall be no obstruction to visibility greater than 1 metre in height allowed within these areas.

REASON – To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.

4. Notwithstanding the approved plans visibility splay areas of 2.5m by 35m shall be provided at all internal road junctions and 15m forward visibility at all speed bends within the development site.

REASON – To ensure a safe road layout within the site.

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

REASON – In the interests of road and public safety.

6. Prior to the occupation of the each dwellinghouse the access driveway shall be surfaced in bituminous material or a similar hard surface for the first 2 metres from the rear of the footway.

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

7. Each driveway shall be formed to a minimum length of 4.8m and no less than 2.5m in width.

REASON – To ensure a sufficient driveway for each plot in the interests of road safety.

8. Any gates to be installed shall open inwards away from the public road.

REASON – In the interests of public and road safety.

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

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

10. Construction works within the development site shall be confined between 0800 and 1800 hours Mondays to Fridays, and between 0800 and 1200 hours on Saturdays. No construction works shall take place on Sundays.

REASON – In the interests 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 residential roads and footpaths, street lighting etc. The Division can be contacted on Tel 01563 555330.
2. The applicant is advised to make early contact with The Scottish Environment Protection Agency, 31 Miller Road, Ayr KA7 2AX, Tel 01292 294000, regarding the drainage of the site.
3. The applicant is advised to make early contact with Scottish Water, 35 Glenburn Road, Prestwick Tel 0845 6018855, regarding 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 third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.

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