

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 1 APRIL 2011

**10/0881/PPP: THE ERECTION OF TWO PROPERTIES AT BRIDGEHOUSE COURT, TREESWOODHEAD ROAD, KILMARNOCK
BY MR DAVID HOLLAND**

Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/caseFile.do?category=application&caseNo=10/0881/PP>

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposal involves the erection of two houses in principle; therefore there are no detailed drawings. If Members choose to grant consent for this application, such details would be applied for separately under a further application.

2. RECOMMENDATION

2.1 It is recommended that the application be approved with conditions.

3. CONCLUSIONS

3.1 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.

3.2 As detailed previously in this report the proposal is considered to be in compliance with the applicable policies in the Development Plan. The material considerations are generally supportive of the proposal with the exception of the body of objections received. The objectors' main concerns centre around the principle of development of this site adjacent to Bridgehouse Court, however, residential development in this area would be acceptable in planning terms.

CONTRARY DECISION NOTE

Should the Committee agree that this application be refused on the basis of the principle of the development, contrary to the recommendation of the Head of Planning and Economic Development, the application will require to be

referred to Council as that would be a significant departure from Council Policy.

Alan Neish
Head of Planning and Economic Development

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 Economic Development

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for planning permission in principle which is to be considered by the Northern Local Planning Committee under the scheme of delegation as the application has attracted more than 10 objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site sits adjacent to Bridgehouse Court, Shortlees. The site covers 2,800 sq m, and is bounded to the south by the dual carriageway A77, and by fields to the north and east and, beyond that, Shortlees and Bellfield residential housing estates to the south of Kilmarnock.

2.2 Bridgehouse Court was a former farm, redeveloped to provide a combination of two and one storey buildings in a traditional courtyard setting, incorporating a farmhouse, steadings and outbuildings. It is constructed in painted render and finished in slate. Bridgehouse Court is now a development of residential properties within a courtyard setting. The application site sits to the east of this development, and the proposed residential properties would be serviced from Treeswoodhead Road.

2.3 **Proposed Development:** The proposal involves the erection of two houses in principle; therefore there are no detailed drawings. If Members choose to grant consent for this application, such details would be applied for separately under a further application.

3. CONSULTATIONS RECEIVED

3.1 East Ayrshire Council's Roads and Transportation Service has no objections, commenting that Bridgehouse Court currently serves 11 properties. Further development of the site will therefore require the existing private access to be upgraded to a road which will require Road Construction Consent.

This can be covered by a planning condition to secure an adoptable standard road, prior to the commencement of development if consent is granted.

3.2 Shortlees Community Council are not currently in operation and it was not therefore possible to consult them on this application.

3.3 East Ayrshire Council's Environmental Health Service have advised that they have no objections to planning permission in principle being granted however they would recommend that a condition be incorporated into any consent which requires the further details application to include noise mitigation measures noting the proximity of the application site to the A77.

Noted. Should Members choose to grant consent this matter can be conditioned to ensure that the further details application includes noise mitigation measures.

4. REPRESENTATIONS

4.1 A petition on behalf of 16 individuals plus one other objector from a single party, all from neighbouring properties have raised a number of objections in connection with this application, details of which are summarised below.

4.2 The access road is private and may not be of the standard required to take vehicles bringing in construction materials etc, or heavy plant. Repairs to the road are made by the adjacent householders, and the residents pay for the upkeep. Similarly, the common areas may be damaged during construction.

The matter of ownership of the private road is not a material planning consideration, as the applicant does not propose to make any physical changes to it. The Council's Roads and Transportation Service has assessed the application and has no objections to make as detailed in Section 3.1 of this report, subject to the road being constructed to adoptable standard. As per the communal area, any damage to areas not owned by the applicant would be a private legal matter, and is outwith the remit of planning legislation.

4.3 This proposal is in an area known to experience localised flooding.

The site is not within any of the recognised flood risk areas; however, the ground conditions were marshy on inspection. The site rises to the west towards Bridgehouse Court; however, the drainage of the site suitable for development would be a matter the applicant would require to satisfy himself about.

4.4 There may not be enough capacity for sewerage in the vicinity.

This is matter for the applicant to come to agreement on with either the public sewerage provider or through the utilisation of a private sewerage supply. Such detailed matters would be covered under a detailed application, should Members decide to grant consent for the principle of this development.

4.5 This land was previously farmed, would permission for a change of use not be required?

The process of the current application would be sufficient to determine if residential development was acceptable in planning terms for this site.

4.6 There are children living in Bridgehouse Court who could be at risk of injury from a building site. This could also attract vandals.

It would be the developer's responsibility to ensure that any construction area was secure in terms of health and safety, if planning permission is granted.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Policy RES1 relates to the principle of residential development and 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 sites identified will be specifically reserved for residential development at the indicative capacities indicated, with development taking place in line with any phasing programme described in the plan, or such other programming as may be agreed for the sites in question."

The site itself, and the surrounding area, is designated as Housing Opportunity site 321H in the East Ayrshire Local Plan 2010. The overall criteria for this larger site state that appropriate measures are to be taken to mitigate the impact of traffic noise from the A77, with associated landscape screening of the site; submission of a Transport Assessment; and preparation of a Masterplan for residential development.

In this instance, however, the smaller application site comprises a single field within this larger residential development opportunity site. This current application would not result in an overall significant impact on the viability of the larger 321H site. Matters such as traffic noise, roads issues, landscaping and design layout issues, could be covered at the detailed planning stage, should Members decide to grant consent. As detailed in Section 3.3 of

this report, the Council's Environmental Health Service have no objections subject to conditions being incorporated relative to traffic noise which would be in-keeping with the provisions of the Development Opportunity Site classification.

5.2 As this application seeks planning permission in principle, details concerning the layout, private garden ground and design and how these relate to the surrounding area, including the neighbouring courtyard development, would be assessed against the relevant local plan policies, at the detailed application stage, should Members choose to grant permission in principle for this application.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principle material considerations relevant to the determination of this application are the consultation responses, letters of objection, supporting statements, the impact on the amenity of the area and the planning history.

Consultation Responses

6.2 No issues have been raised in the consultation process which warrant refusal of the application.

Letters of objection

6.3 The pertinent issues raised by the objectors relate to the principle of the development in this location. The site, however, is allocated within the Local Plan for housing and therefore, in overall planning terms, the use is acceptable. The other concerns of the objectors relate to private legal matters that are not within the remit of planning legislation.

Impact on the amenity of the area

6.4 The proposal will have a limited effect on amenity as the adjacent area has benefited from residential development at Bridgehouse Court. An additional two dwellings will have a limited impact in terms of visual and residential amenity. As this application is in principle however, if planning consent is granted in principle by Members, matters of amenity will be further considered during the assessment of detailed applications which will seek to address layout, design, overlooking boundary treatment and traffic noise from the A77.

Planning History

6.5 There is no outstanding planning history for the site.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council relative to this application.

8. CONCLUSIONS

8.1 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.

8.2 As detailed previously in this report the proposal is considered to be in compliance with the applicable policies in the Development Plan. The material considerations are generally supportive of the proposal with the exception of the body of objections received. The objectors' main concerns centre around the principle of development of this site adjacent to Bridgehouse Court, however, residential development in this area would be acceptable in planning terms.

9. RECOMMENDATION

9.1 It is recommended that the application be approved with conditions.

CONTRARY DECISION NOTE

Should the Committee agree that this application be refused on the basis of the principle of the development, contrary to the recommendation of the Head of Planning and Economic Development, the application will require to be referred to Council as that would be a significant departure from Council Policy.

Alan Neish
Head of Planning and Economic Development

FV/DVM

23 March 2011

LIST OF BACKGROUND PAPERS

1. Application forms and plans
2. Statutory Notices and Certificates
3. East Ayrshire Local Plan
4. Letters of objection
5. Consultation responses

Anyone wishing to inspect the above papers should contact Marion Fergusson, Senior Planning Officer on 01563 576797.

Implementation Officer: Hugh Melvin

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 10/0881/PPP

Location	Land Adjacent Bridgehouse Court Treeswoodhead Road Shortlees
Nature of Proposal:	The erection of two properties
Name and Address of Applicant:	Mr David Holland Kilmore Farm Dalrymple Ayr KA6 7HU
Name and Address of Agent	

Officer's Ref: Marion Fergusson
01563 576769

The above Planning Permission in Principle Application should be Approved subject to the following Conditions

1. Prior to the commencement of development, the further approval of the Planning Authority shall be obtained in respect of the following matters hereby reserved.

- (a) The layout of the site
- (b) The size, height, design and external appearance of the proposed dwellinghouses;
- (c) The means of drainage and sewage disposal including the provision of a Sustainable Urban Drainage System;
- (d) Details of the access arrangements;
- (e) The provision for private open space to East Ayrshire Council's local plan standards;
- (f) The provision for car parking and turning within the site;
- (g) The boundary walls/fences to be erected;
- (h) The landscaping and screening of the site;
- (i) Existing and finished site level/floor levels; and
- (j) The provision of bin storage and refuse collection.

REASON: The approval is in principle only.

2. No construction work, site clearance or preparation works shall take place before 08:00 hours and after 17:00 hours Monday to Friday, before or after 08:00 hours and after 13:00 hours on Saturday and at no time on a Sunday.

REASON: In the interests of residential amenity.

3. A road of adoptable standard shall be provided to the site from Treeswoodhead Road, prior to the commencement of works on the site.

REASON: In the interest of servicing the development.

4. Notwithstanding Condition No. 1 above, the further application(s) to be submitted for the approval of the Planning Authority shall include full details and specifications of noise mitigation measures which are to be incorporated into the design and layout of the two residential properties in order to address traffic noise from the A77. Prior to the occupation of these dwellinghouses, all approved noise mitigation measures shall be implemented no site and shall be maintained thereafter.

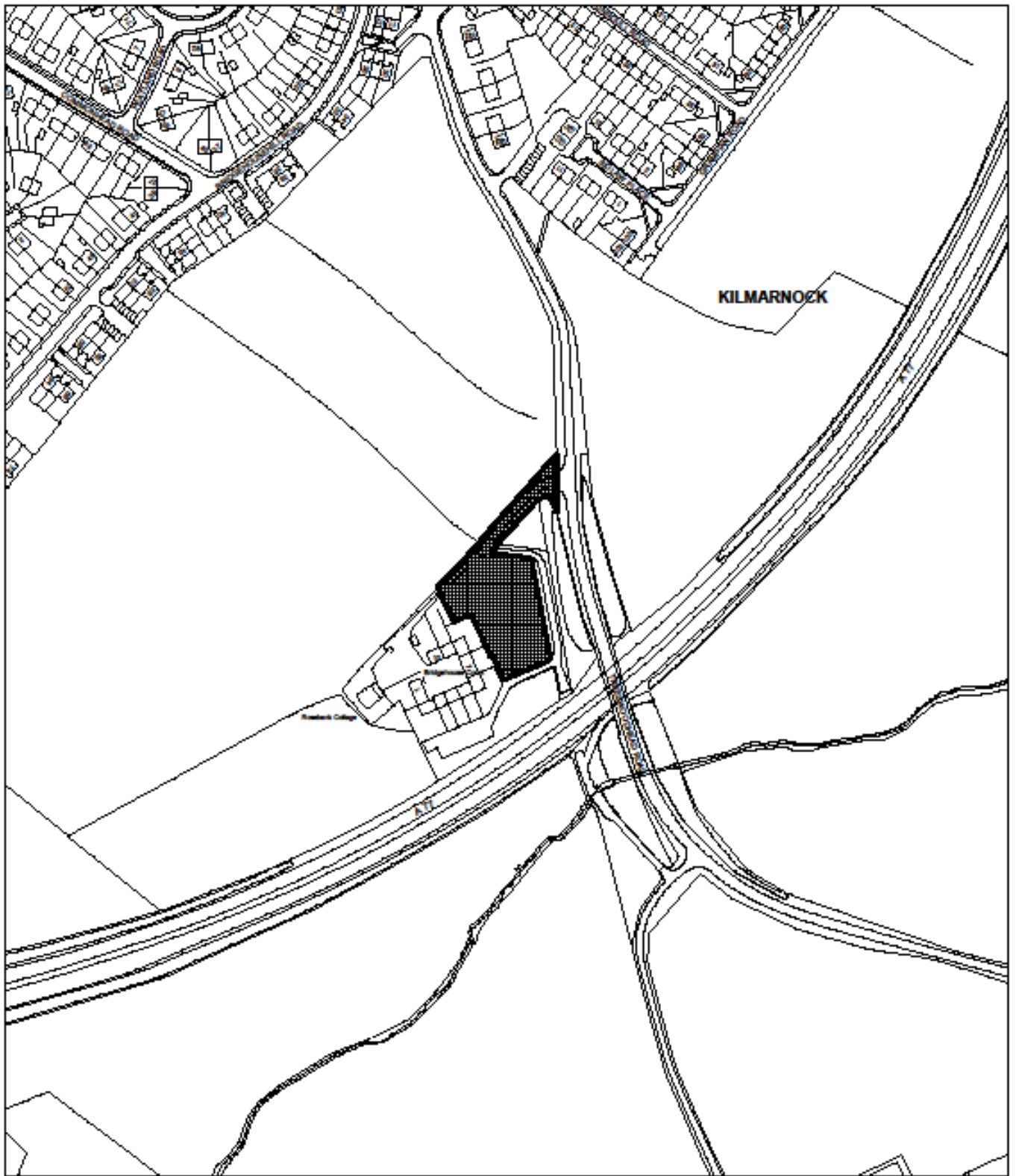
REASON: In the interests of residential amenity.



Advisory Notes

1. The applicant is strongly recommended to make early contact with the Council's Roads and Transportation Service on 01563 576310 to discuss the terms of Condition 3 and to discuss whether any statutory consents are required prior to any work commencing on site.

Reason for the Decision

The application is considered to be in accordance with the development plan and there are no material considerations that would warrant refusal of the application.



<p>Title/Location</p> <p>Land Adj Bridgehouse Court, Treeswood Rd</p> <p>Shortlees, Kilmarnock</p> <p>Application No. 10/0881/PPP</p>	<p>East Ayrshire Council</p> <p>Department of Neighbourhood Services Planning & Economic Development Service. 6 Croft Street Kilmarnock KA1 1JB</p> <p>Tel: (01563) 576790 Fax: (01563) 576774 E-Mail : Planning@east-ayrshire.gov.uk</p> <p>Com Date: 1/4/2011</p> <div style="text-align: right;">  </div>
<p>Key</p> <div style="display: flex; align-items: center;">  <p>Application Site</p> </div>	

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