

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 01 FEBRUARY 2008

**07/0896/FL: ERECTION OF 2NO. DETACHED VILLAS
AT: STRUTHERS AVENUE, CROOKEDHOLM
BY RESIDENCE SCOTLAND LTD.**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The current planning application proposes to erect two detached dwellinghouses with attached single garages. The proposed dwellinghouses are two storey, reaching a maximum height of 8.0 metres and measuring a maximum length of 10.3 metres by a maximum width of 9.8 metres. The proposed finished external materials are off white coloured dry dash render to the walls, grey coloured concrete roof tiles, buff facing brick base course and upvc windows and doors. The applicant proposes to erect a 0.9 metre high timber slatted fence on either side of the access from Struthers Avenue and a 1.8 metre high timber slatted fence around the perimeter of the remainder of the site.

2. RECOMMENDATION

2.1 It is recommended that this 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 formal agreement with the applicant regarding the voluntary financial contribution referred to in section 7.1 of the report.

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the report the application is considered to be in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 there are material considerations relevant to the application which are not considered to be significant enough to support the refusal of the application.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Economic Development it will not require to be referred to the Principal Planning Committee, as there would not be a significant breach of 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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AT: STRUTHERS AVENUE, CROOKEDHOLM
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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 a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as it is contrary to the Development Plan and is subject to more than 10 objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located on an area of vacant ground, located within a residential area, which takes access from Struthers Avenue in Crookedholm. The application site is bounded to the east by agricultural land, to the north by terraced dwellinghouses and to the south and east by semi detached dwellinghouses.

2.2 The application site was previously used for lock up garages and the floorbases of the garages are still evident on the site. At one point in time there is evidence provided by historic ordnance survey maps (dated 1967 – 1990) to indicate seventeen garages on the site. The garages have subsequently been demolished and the remaining application site is generally in poor condition, the fences around the perimeter of the site are in a state of disrepair and there is evidence of a burnt out motor vehicle and fly tipping at the site.

2.3 **Proposed Development:** The current planning application proposes to erect two detached dwellinghouses with attached single garages. The proposed dwellinghouses are two storey, reaching a maximum height of 8.0 metres and measuring a maximum length of 10.3 metres by a maximum width of 9.8 metres. The proposed finished external materials are off white coloured dry dash render to the walls, grey coloured concrete roof tiles, buff facing brick base course and upvc windows and doors. The applicant proposes to erect a 0.9 metre high timber slatted fence on either side of the access from Struthers Avenue and a 1.8 metre high timber slatted fence around the perimeter of the remainder of the site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Hurlford and Crookedholm Community Council have not responded to the consultation request.

Noted.

3.2 Scotland Gas Networks have not objected to the proposal.

Noted.

3.3 Scottish Water have not objected to the proposal.

Noted.

3.4 East Ayrshire Council Roads and Transportation Division have not objected to the proposal subject to the applicant providing a footway crossing at the entrance to the site.

Should planning permission be granted a condition could be added to the consent requiring the construction of the footway.

3.5 East Ayrshire Council Outdoor Services Department of Neighbourhood Services has not objected to the proposal and has requested the applicant to provide a voluntary financial contribution towards tree planting in Crookedholm Park.

The applicant has agreed to provide a voluntary financial contribution of £150 towards tree planting in the nearby local park.

3.6 East Ayrshire Council Property Services have no objections in principle to the application providing that it is acceptable to all relevant statutory requirements.

Noted.

3.7 East Ayrshire Council Legal, Procurement and Regulatory Services confirm that the proposal is subject to an ongoing disposal by the Council which is conditional on the prospective purchasers obtaining planning permission.

Noted.

3.8 East Ayrshire Council, Head of Homes Neighbourhood Services have not offered any objection to the application.

Noted.

3.9 East Ayrshire Council, Countryside Development Manager has no objection to the application and has confirmed that as well as not being a registered right of way the site is not identified as a potential core path or as a link to a wider network.

Noted.

4. REPRESENTATIONS

Eight (8) letters of objection from thirteen (13) objectors have been received in connection with the application. The points of objection are listed below:

4.1 The developer intends to close access to the field area and beyond which has been used for 50 years.

The Council's Countryside Development Manager has confirmed that there is no established right of way or right of access through the site to the field located to the west.

4.2 Struthers Avenue is a quiet avenue with cars parked on both sides of the road and only one way in and out. We feel it would cause severe disruption and put elderly residents and children in danger

The Council's Roads Division has not offered any objection to the application. However, in general terms any issues of traffic congestion in relation to the existing housing development would be a separate matter for the Council's Roads Division.

4.3 Apart from the disruption caused by continued movement of traffic, the proposal would lead to other problems such as drainage and parking.

The consultation response received from Scottish Water does not indicate any adverse issues regarding the infrastructure required for the proposed development and has requested that any surface water from the site is treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual.

However, should planning consent be granted a note would be attached to any permission recommending the applicant to contact Scottish Water.

In terms of parking provision for the proposed development the Council's Roads Division has not objected to the application.

In addition should planning permission be granted the applicant will be advised to contact the Scottish Environment Protection Agency (SEPA).

4.4 We are objecting to the erection of 2 detached villas at the former garage site in Struthers Avenue as it will cause an invasion of privacy to our property at 15 Struthers Avenue.

Given that the proposed dwellinghouses are situated some 16 metres and 22 metres respectively from the property at 15 Struthers Avenue it is considered that no significant adverse affect on the privacy of this dwellinghouse would arise as a result of the proposal. In addition to the dwellinghouses and to screen the development, the applicant proposes the erection of a 1.8 metre high fence along the eastern boundary of the site. Furthermore should planning consent be granted a condition could be attached to any consent requiring the retention of the existing mature hedge which bounds the eastern side of the application site onto 15 Struthers Avenue to provide an additional effective screening barrier.

4.5 Intention of prohibiting all access to the proposed development area, either by pedestrians or motor vehicles.

Whilst it is acknowledged that the proposal would result in a loss of access to an area of vacant ground which is considered to be in poor condition, the application as proposed retains the existing vehicular and pedestrian access to the development site. In addition there is no existing registered public right of way located either within or adjacent to the application site.

4.6 Construction vehicles in constant operation would cause disruption in the village, especially to households near the site – muddy roads and noise and hazard to small children. Slip road into site is narrow for construction vehicles to access.

It is acknowledged that any construction works will result in additional noise levels and some disruption within the immediate area. However, given the relatively small scale of this proposal for two dwellinghouses and that any construction works will be of a temporary nature it is considered that the temporary nature of the affect on the residential amenity of the area does not merit refusal of the application.

Road safety issues are a matter for the Council's Roads and Transportation Division who have not objected to the application. In addition, the transfer of mud to adjoining roads can be addressed by conditions.

4.7 Possibility of housing displacement people or of housing undesirables is unacceptable to a small community.

The issue of housing tenure is not a material planning consideration in the determination of this application.

4.8 The proposed dwellinghouses will overlook my garden at 13 Struthers Avenue.

Given that the proposed dwellinghouses are situated some 22 metres and 25 metres respectively from the garden area at the property located at 13 Struthers Avenue it is considered that no significant adverse affect on the privacy of this dwellinghouse would arise as a result of the proposal. In addition to the dwellinghouses and to screen the development, the applicant proposes the erection of a 1.8 metre high fence along the eastern boundary of the site. Furthermore should planning consent be granted conditions could be attached to any consent requiring the retention of the existing mature hedge which bounds the eastern side of the application site to provide an additional effective screening barrier and, to ensure the provision and retention of the 1.8m high fence within the 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 and the Adopted East Ayrshire Local Plan (EALP).

Ayrshire Joint Structure Plan 2007 (AJSP)

5.2 It is considered that there are not any policies in the Approved Ayrshire Joint Structure Plan relevant to the determination of this planning application.

Adopted East Ayrshire Local Plan (EALP)

5.3 Policy RES4 states that within settlement boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites, including those sites created through the large scale demolition of existing housing, not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Development will be assessed against the following criteria:

- (i) impact on the surrounding natural and built environment and adjacent uses;

The application site was previously used as a garage area which housed up to 17 garages, indeed evidence of the floorbases of the garages remain on the site. The application site is generally in poor condition, the fences around the perimeter of the site are in a state of disrepair and there is evidence of a burnt out motor vehicle and fly tipping at the site.

Consequently it is considered that the proposal to erect two detached dwellinghouses will enhance the surrounding natural and built environment and will improve the residential amenity of the adjacent properties.

(ii) transportation and infrastructure implications;

The Council's Roads Division has not objected to the application and no other consultees have objected to the proposed development.

(iii) compatibility with surrounding densities and housing types;

It is considered that the size and scale of the proposed detached dwellinghouses are sympathetic to the adjacent house types and would not result in an adverse visual impact on the surrounding area. Adjacent existing house types include two storey semi detached dwellinghouses of a similar footprint to the dwellings proposed. The two storey terraced dwellinghouses located immediately adjacent to the north of the application site are of a similar scale particularly in terms of height to the proposed dwellinghouses.

(iv) compliance with the Council's Development Promotion and Design Guidance.

It is considered that the proposal meets with the Council's Design Guidance relating to new residential development in terms of privacy, overshadowing, house design and compatibility with the built form of the surrounding area.

5.4 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.

The proposal meets with the private open space standard as outlined in Schedule 4 of the Local Plan.

5.5 Policy ENV 7 states that all developers will be expected to comply fully with the Council's emerging Design Guidance and Policy documents relating to and advising on the particular type of development proposed. Developments which do not meet the required design standards detailed in these documents will require to be fully justified and may not be supported by the Council.

In this instance the relevant Design Guidance is New Residential Development (2).

In terms of design, scale and materials it is considered that the proposed development accords with the Design Guidance as it is sympathetic to nearby residential properties. The proposed dwellinghouses do not adversely affect the visual amenity of the surrounding area or significantly adversely affect the privacy or residential amenity of adjacent properties.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultations responses

6.2 The consultation responses are detailed in Section 3 of this report, none of the consultees object to the proposal.

Representations received

6.3 Representations from 13 objectors have been received in connection with the application raising issues regarding the loss of access to an adjacent field, increased parking and traffic volumes and the loss of privacy to the residential properties. However it is considered that the objections raised do not merit refusal of the application, nor do they represent a substantial body of objections.

Planning History

6.4 Planning application 07/0645/FL for the erection of two dwellinghouses was withdrawn by the applicant on 29 August 2007.

Impact on Amenity

6.5 Taking into account that the application site was previously used to accommodate garages and the poor landscaped condition of the site, it is considered that the proposal to erect two dwellinghouses would result in a significant enhancement to the residential amenity of the area.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are financial and legal implications for the Council in the determination of this application as the Council is the owner of the land and the applicant has agreed to make a voluntary financial contribution of £150 towards tree planting in Crookedholm Park which will require a formal agreement to be entered into between the Council and the applicant.

8. CONCLUSIONS

8.1 As is indicated in Section 5 of the report the application is considered to be in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6 there are material considerations relevant to the application which are not considered to be significant enough to support the refusal of the application.

9. RECOMMENDATION

9.1 It is recommended that this 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 formal agreement with the applicant regarding the voluntary financial contribution referred to in 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 Economic Development it will not require to be referred to the Principal Planning Committee, as there would not be a significant breach of Council Policy.

Alan Neish
Head of Planning and Economic Development

25 January 2008
JL/RH

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Consultation Responses.
3. Letters of Objection.
4. Adopted East Ayrshire Local Plan (2003).
5. Statutory Notices and Certificates.
6. Relevant Planning applications:
07/0645/FL

Anyone wishing to inspect the above papers please contact Jane Little, Planning Officer, on 01563 576768.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 07/0896/FL

Site of Proposal: Struthers Avenue
Crookedholm
Kilmarnock

Nature of Proposal: Erection of 2 No. Detached Private Villas

Name & Address of Applicant: Residence Scotland Ltd.
19 Tarbolton Road
Dundonald
KA2 9HQ

DPOs Reference: JL/RH

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

1. Notwithstanding the plans hereby approved, details and samples of all proposed external materials shall be submitted to and approved by the Planning Authority before the development commences on the site and shall thereafter be implemented on site as approved.

REASON In the interests of visual amenity

2. No construction works, site clearance or preparation works shall take place before 08:00am or after 05:00pm Monday to Friday, before 08:00am or after 01:00pm on Saturday or at any time on a Sunday.

REASON In the interests of the residential amenity of the area.

3. The developer shall ensure that during the development phase, adequate and continuing measures are taken to ensure that roads and footpaths adjoining the site are maintained free from mud and other materials carried from the site.

REASON In the interests of the amenity of the area and road safety.

4. Prior to the occupation of the dwellinghouses a footway crossing to the satisfaction of the Planning Authority shall be formed at the entrance to the site.

REASON In the interests of road safety

5. Notwithstanding the plans hereby approved the mature hedge indicated in blue on the approved drawing SP_01 Revision A shall be retained and maintained at its existing height.

REASON In order to further protect the residential amenity of the adjoining property.

6. Prior to the occupation of either dwellinghouse, the 1.8m high timber fence shown on drawing no: F-1.8 received on the 18th September 2007, shall be erected and thereafter be retained and maintained in accordance with the approved details.

REASON In the interests of the amenity of the surrounding area.

Notes To Applicant

1. The applicant will require to obtain a road opening permit from the Roads Division prior to commencement of the footway crossing.

2. Any maintenance or Community Service Account held land which may be damaged by this development shall be reinstated to the satisfaction of the Council's Outdoor Amenities Manager.

3. The applicant is advised to contact Scottish Water on 0845 601 8855 prior to commencing any work on the site, in order to ascertain the presence of any apparatus.

4. The applicant is advised to contact the Scottish Environment Protection Agency on 01355 574 200.

5. The applicant is advised to contact Scottish Gas on 0141 418 4093 prior to commencing any work on the site, in order to ascertain the presence of any apparatus.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**