

## **EAST AYRSHIRE COUNCIL**

**NORTHERN LOCAL PLANNING COMMITTEE: 4 JUNE 2010**

**10/0251/PP: PROPOSED ERECTION OF 5 TERRACED DWELLINGS  
INCLUDING 8 CAR PARKING SPACES AND ASSOCIATED WORKS  
AT 62 INNELLAN DRIVE, KILMARNOCK  
BY MR MARTIN HANNAH**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 The proposal comprises the erection of five terraced two storey dwellings. The dwellings front onto Innellan Drive with eight parking spaces and landscaping provided to the front. The site will be bounded by a 1.8 metre high fence from the front building line to the rear incorporating the rear site boundary.

#### **2. RECOMMENDATION**

**2.1 It is recommended that the application be approved subject to 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 with the exception of the private open space requirements where there is a small shortfall in relation to 3 of the properties. The material considerations are generally supportive of the proposal with the exception of the private open space policy and the developer contributions policy in the Alteration to the East Ayrshire Local Plan. As noted at section 5 and section 6, a relaxation can be considered for this site in terms of open space. This is on the basis of the layout challenges presented by this location which are considered to be of greater importance to the overall site appearance than a small reduction in private open space. In terms of policy RES 29, this has been objected to through the Local Plan process and as such is considered to carry minimal weight.

## **CONTRARY DECISION NOTE**

Should the Committee agree that this application be refused contrary to the recommendation of the Head of Planning and Economic Development then the application will not require to be referred to Full Council as it would not 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 which is to be considered by the Northern Local Planning Committee under the scheme of delegation as the Council has an ownership interest in the land to which the application relates.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a flat area of vacant ground within a residential area which was formerly occupied by a community centre. The site is 1043 square metres in area and is bounded to the north by Innellan Drive and an area of grassed open space, to the south and west by dwellings and to the east by Dunoon Avenue and dwellings.

2.2 **Proposed Development:** The proposal comprises the erection of five terraced two storey dwellings. The dwellings front onto Innellan Drive with eight parking spaces and landscaping provided to the front. The site will be bounded by a 1.8 metre high fence from the front building line to the rear incorporating the rear site boundary.

#### 3. CONSULTATIONS RECEIVED

3.1 Roads and Transportation Service has no objections to the proposal subject to conditions regarding the dropping of the kerb line to allow vehicular access with the footway fronting the bays reinstated to full width. Parking bays will remain private and will not be adopted by the Roads Division.

***An appropriate condition can be attached to any grant of planning consent with regard to the footpath provision.***

#### 4. REPRESENTATIONS

4.1 No letters of representation have been received in connection with this application,

#### 5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 For the purposes of this application the development plan comprises the Adopted East Ayrshire Local Plan (EALP) (2003).

5.2 Policy RES 4 advises that the Council will positively encourage the residential development of sites not specifically safeguarded or identified for other purposes on the Local Plan maps and such developments will be assessed against a range of criteria.

***The proposed development is considered to be in compliance with the criteria as it meets the Roads Service standards, the Design Guidance and is commensurate with the uses and the densities and housing types surrounding the site.***

5.3 Policy RES 22 relates to the private open space standards for residential development and advises that a minimum of 70 square metres of private open space should be provided for each dwelling.

***The end terraced dwellings both meet and exceed the required criteria however the mid terraced dwellings fall short by approximately 10-15 square metres. In this instance it is considered that the residential layout of Innellan Drive makes achieving this standard difficult given the large front gardens and open space prior to the front building line. This has the effect of pushing the dwellings nearer to the rear of the plots with subsequent issues for private open space. Given that the layout of the surrounding area is maintained by this scheme and that the shortfall is to the three mid terraced properties, a small relaxation could be justified.***

5.4 Policy TLR 5 relates to the provision of developer contributions to enhance the provision of leisure, recreational and sporting facilities in the area.

***The developer has advised that they will not contribute under this policy for reasons including the high price of the land and engineering works that are now required which were not apparent at the time of agreement to purchase the ground.***

5.5 Policy ENV 7 relates to the Councils Design Guidance and expects developers to fully comply with the relevant criteria. Developments which do not meet the required design standards will require to be fully justified and may not be supported by the Council.

***The development is considered to meet with the Councils Design Guidance in this instance given the layout, design and materials of the proposal.***

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

6.1 The principle material considerations relevant to the determination of this application are the Alteration to the East Ayrshire Local Plan, consultation responses and the impact on the amenity of the area.

### Alteration to the East Ayrshire Local Plan

6.2 Policy RES 3 advises that the Council will positively encourage the residential development of sites not specifically safeguarded or identified for other purposes on the Local Plan maps and such developments will be assessed against a range of criteria.

***The proposed development is considered to be in compliance with the criteria as it meets the Roads Service's standards, the Design Guidance and is commensurate with the uses and the densities and housing types surrounding the site.***

6.3 Policy RES 26 relates to the private open space standards for residential development and advises that a minimum of 70 square metres of private open space should be provided for each dwelling.

***The end terraced dwellings both meet and exceed the required criteria however the mid terraced dwellings fall short by approximately 10-15 square metres. In this instance it is considered that the residential layout of Innellan Drive makes achieving this standard difficult given the large front gardens and open space prior to the front building line. This has the effect of pushing the dwellings nearer to the rear of the plots with subsequent issues for private open space. Given that the layout of the surrounding area is maintained by this scheme and that the shortfall is to the three mid terraced properties, a small relaxation could be justified.***

6.4 Policy RES 29 relates to the provision of developer contributions towards the provision of new or expanded facilities, amenities or associated community initiatives.

***The developer has advised that they will not contribute under this policy for various reasons including the high price of the land and engineering works that are now required which were not apparent at the time of agreement to purchase the ground.***

6.5 Policy ENV 9 relates to the Councils Design Guidance and expects developers to fully comply with the relevant criteria. Developments which do not meet the required design standards will require to be fully justified and may not be supported by the Council.

***The development is considered to meet with the Councils Design Guidance in this instance given the layout, design and materials of the proposal.***

### Consultation Responses

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

### Impact on the amenity of the area

6.7 The proposal will not adversely affect the amenity of the surrounding area as it is a residential development set within a residential area and offers no significant impact to neighbouring properties.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial implications for the Council relative to this application. In terms of legal implications, whilst the Council has a ground ownership interest, there is no requirement to refer the application to the Scottish Government under Circular 3/2009 "Notification of Planning Applications" should Members choose to grant consent.

## **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 with the exception of the private open space requirements where there is a small shortfall in relation to 3 of the properties. The material considerations are generally supportive of the proposal with the exception of the private open space policy and the developer contributions policy in the Alteration to the East Ayrshire Local Plan. As noted at section 5 and section 6, a relaxation can be considered for this site in terms of open space. This is on the basis of the layout challenges presented by this location which are considered to be of greater importance to the overall site appearance than a small reduction in private open space. In terms of policy RES 29, this has been objected to through the Local Plan process and as such is considered to carry minimal weight.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to conditions.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that this application be refused contrary to the recommendation of the Head of Planning and Economic Development then the application will not require to be referred to Full Council as it would not be a significant departure from Council Policy.

**Alan Neish**  
**Head of Planning and Economic Development**

**25 May 2010**

**FV/DVM**

### **LIST OF BACKGROUND PAPERS**

1. Application forms and plans
2. Statutory Notices and Certificates
3. Adopted East Ayrshire Local Plan
4. Alteration to the East Ayrshire Local Plan with Modifications
5. Consultation responses

Anyone wishing to inspect the above papers should contact David Wilson, Acting Senior Planning Officer on 01563 576779.

**East Ayrshire Council**

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

**Application No: 10/0251/PP**

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|                                |  |
|--------------------------------|--|
| Location                       | 62 Innellan Drive Kilmarnock   |
| Nature of Proposal:            | Proposed terrace of dwellings (5 No.) 2 storey including 8 No. car spaces and associated works |
| Name and Address of Applicant: | Mr Martin Hannah<br>Kilnview<br>Draffen Mount<br>Stewarton<br>East Ayrshire<br>KA4 5LG         |
| Name and Address of Agent      | ARM Architects<br>2A Berkeley Street<br>Charing Cross<br>Glasgow                               |

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Officer's Ref: David Wilson

The above Planning Permission application should be approved subject to the following conditions:

1. Notwithstanding the plans hereby approved, details and a sample of all external materials shall be submitted for the written approval of the Planning Authority prior to any development commencing on site and shall be implemented on site as approved thereafter.

Reason: To ensure that all external materials are compatible with the character and appearance of the area in the interests of visual amenity.

2. Notwithstanding the plans hereby approved, details of the height, materials and colour of all boundary treatments shall be submitted to and approved by the Planning Authority in writing prior to the commencement of development and shall be constructed in accordance with such details thereafter and be completed prior to the occupation of the first dwellinghouse.

Reason: In the interests of visual amenity and to maintain the character and setting of the area.

3. Notwithstanding the plans and details hereby approved and prior to the occupation of the first dwelling, the footway fronting the site shall be re-kerbed and overlaid with bituminous material, to East Ayrshire Councils Roads and Transportation Service standards, to a width of two metres from the edge of the site to the public road.

Reason: In the interests of road safety

4. Notwithstanding the plans and details hereby approved, further details of the proposed landscaping within the site, including its maintenance, shall be submitted for the written approval of the Planning Authority prior to the commencement of development and shall thereafter be implemented as approved on site prior to the occupation of the first dwelling or at the next available planting season thereafter, whichever is the sooner.

Reason: In the interests of visual amenity.

5. No construction work, site clearance or preparation works shall take place before 08:00 hours and after 18:00 hours Monday to Friday, 08:00 hours and after 13:00 hours on Saturday and at no time on a Sunday.

Reason: In the interests of residential amenity.

#### Reason for the Decision

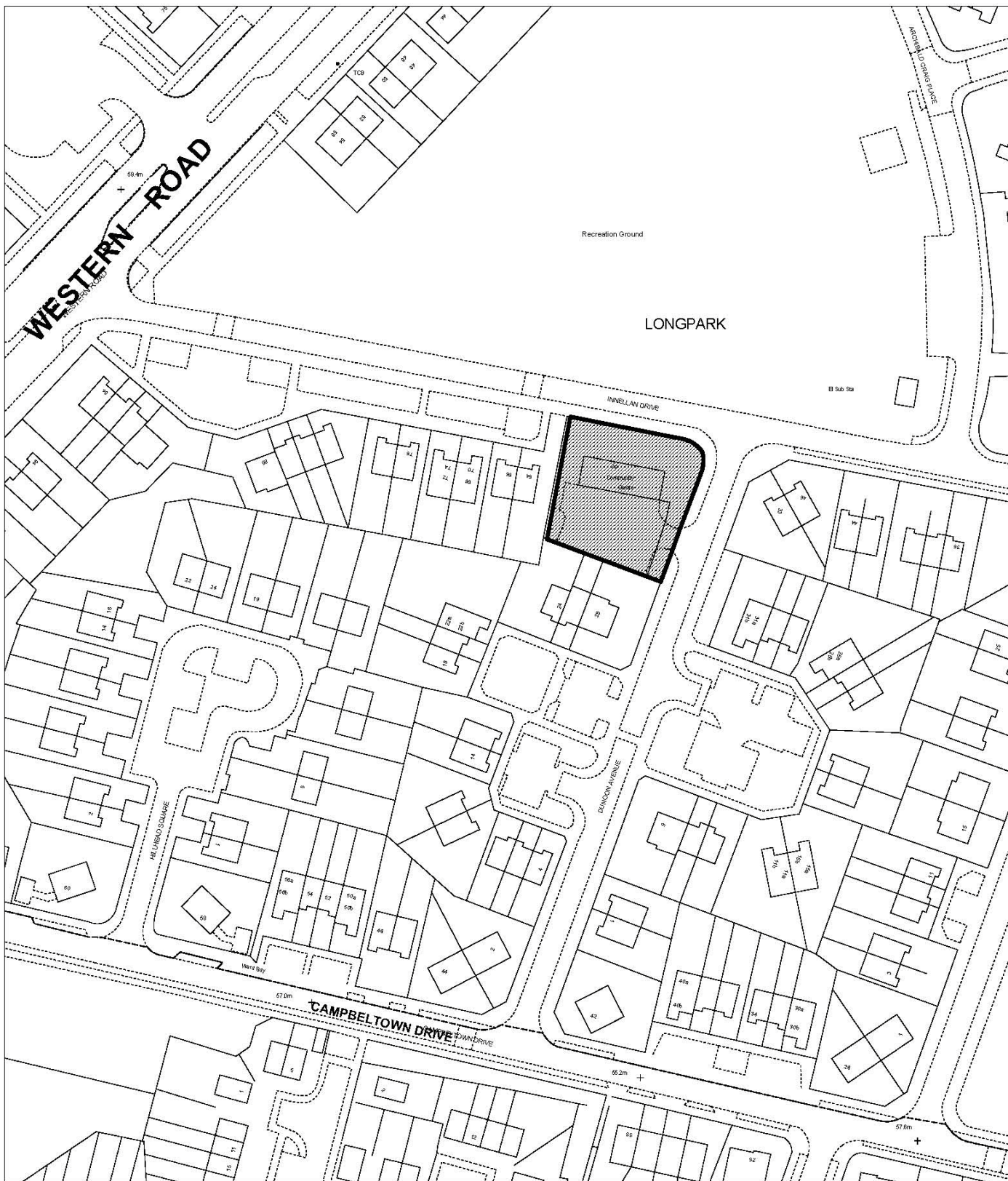
The proposed development complies with the Development Plan with the exception of a minor departure in terms of private open space. There are no material considerations that would suggest a refusal of the application would be appropriate


**proposed development at innellan drive, kilmarnock, for hlm scotland ltd**



|                 |                |   |         |          |  |
|-----------------|----------------|---|---------|----------|--|
| housing mix     |                |   |         |          |  |
| A               | 4 apt 5p house | 2 |         |          |  |
| B               | 3 apt 4p house | 3 |         |          |  |
| total           |                |   | 5 units |          |  |
| site area       |                |   |         | 1,043 M2 |  |
| private parking |                |   | 100%    | 5 spaces |  |
| visitor parking |                |   | 66%     | 3 spaces |  |

- 3 bin stores - 900 x 600 x 3
- 1000 timber fence
- 1000 timber gate
- 800 timber divisional fence
- 500 timber gate



|   |   |
|---|---|
| <p>Title/Location    <b>Innellan Drive,</b><br/><b>Kilmarnock</b><br/><b>Application No. 10/0251/PP</b></p> | <p>East Ayrshire Council<br/>Planning &amp; Economic<br/>Development Division.<br/>6 Croft Street<br/>Kilmarnock KA1 1JB</p>  |
| <p>Key</p>               | <p>Tel: (01563) 576790    Fax: (01563) 576774<br/>E-Mail : <a href="mailto:Planning@east-ayrshire.gov.uk">Planning@east-ayrshire.gov.uk</a><br/><b>Com Date: 4/6/2010    Checked By</b></p> |

