

## **EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 30 JUNE 2005**

**05/0463/FL: PROPOSED ERECTION OF 16 FLATTED RESIDENTIAL UNITS  
WITH FORMATION OF ASSOCIATED CAR PARKING WITH DEMOLITION OF  
EXISTING FLATTED TENEMENT BUILDING  
AT 16-22 JAMES LITTLE STREET, KILMARNOCK  
BY G I PROPERTIES**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 Full planning permission is sought for the erection of 16 flatted units. The proposed development is of three storeys in height. Fifteen flats of two bedroom accommodation and one flat of four bedroomed accommodation are proposed. The proposed building is to be sited adjacent to the footway on James Little Street with 16 car parking spaces provided to rear which will be accessed through a pend. The proposed building is of a modern design with the use of a hipped roof to reduce the scale of the building in relation to the tenement building and the residential properties on the opposite side of James Little Street. The front elevation is punctuated with a varying fenestration arrangement comprising long linear windows, some with balconies and the use of square windows incorporating recessed balconies. A parapet upstand detail also punctuates the roof. Proposed external materials are the use of a red brick, cedar boarding, galvanised steel balconies, pre-finished zinc cladding and grey Spanish slate on the roof. A total of four 1280 litre communal bins are proposed to be sited below the pend.

#### **2. RECOMMENDATION**

2.1 It is recommended that the application should be approved subject to the conditions indicated on the attached sheet and that the issuing of the planning decision notice 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 matters detailed in Sections 5.7 and 7.2 of the report.

### **3. CONCLUSIONS**

3.1 As is indicated in Section 5 of the report the application is considered to be in accord 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 and they are generally supportive of the development. The consultation process has not raised any adverse comments. The development fails to meet the open space standards detailed in the EALP, however it is considered that a relaxation can be justified in this instance due to the location and nature of the proposal, which would secure the removal of a vacant site. Private open space has been provided where possible in the form of recessed balconies which will add to the vibrancy of the scheme and interest to the surrounding area. It is considered that the development is of an appropriate size, scale and design that is compatible with the character of the surrounding area. The development has been designed and sited to minimise its impact on the amenity of adjacent residential properties.

#### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards the application will not require to be referred to the Development Services Committee because there would be no significant breach of Council policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

**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, Development and Building Standards**

### 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 of area significance and accords with the East Ayrshire Local Plan.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is 0.11 hectares in area and comprises the site of a former car sales. The application site also includes a two storey building with a red sandstone frontage. The site has been vacant for approximately 1 year. The site is surrounded to the north by a building supplies depot and other commercial properties, to the south by James little Street and two storey modern flats and commercial properties, to the west by a three storey red sandstone tenement building with commercial/shops on ground floor and residential properties on the two upper floors and to the east by modern industrial units for small businesses.

2.2 **Proposed Development:** Full planning permission is sought for the erection of 16 flatted units. The proposed development is of three storeys in height. Fifteen flats of two bedroom accommodation and one flat of four bedroomed accommodation are proposed. The proposed building is to be sited adjacent to the footway on James Little Street with 16 car parking spaces provided to rear which will be accessed through a pend. The proposed building is of a modern design with the use of a hipped roof to reduce the scale of the building in relation to the tenement building and the residential properties on the opposite side of James Little Street. The front elevation is punctuated with a varying fenestration arrangement comprising long linear windows, some with balconies and the use of square windows incorporating recessed balconies. A parapet upstand detail also punctuates the roof. Proposed external materials

are the use of a red brick, cedar boarding, galvanised steel balconies, pre-finished zinc cladding and grey Spanish slate on the roof. A total of four 1280 litre communal bins are proposed to be sited below the pend.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division with regard to their traffic responsibilities have no objections to the proposed development.

In terms of their flooding responsibility, they have commented that the area falls within the historical flood plain of the River Irvine which is currently protected by flood defences for a 1 in 100 year event plus free board. The developer should be made aware of the contents of SPP7 specifically concerning land protected by existing flood prevention measures which reduce the probability of flooding but cannot eliminate it entirely and incorporate such measures in the design to minimise the effects of possible flooding.

***The applicant has been made aware of the above comments and advises that measures have been taken in the design to minimise the effects of flooding in the choice of materials in the ground floor construction and in its location. The development has a raised ground floor situated 400 mm above the adjacent footway. The construction of the ground floor and solum will be in masonry with a timber floating floor above.***

3.2 SEPA have no objection to the proposed development provided a risk assessment is submitted which should consider whether or not contaminants are entering or are likely to enter controlled waters and at what concentration and treating surface water from the site in accordance with the principles of Sustainable Urban Drainage Systems. They also request that any works carried out adhere to advice contained within Pollution Prevention Guidance Notes 6 'Working at Construction and Demolition Sites'.

***The requirements of SEPA can be addressed by attaching appropriately worded conditions and notes to any grant of planning consent.***

3.3 East Ayrshire Council's Environmental Health and Waste Management have no objections provided that any site demolition works and construction activities do not cause any nuisance to nearby residents opposite or directly to the site from dust, smoke or noise; any potentially noisy activities should be restricted to normal dayshift operations. There are no specific concerns regarding contamination over this site however if issues arise during site development works they should be addressed and rectified. The 1280 litre communal bins are to be sited below the pend (total of 4). This arrangement

would be acceptable to Cleansing as the bins would be collected and returned by the refuse collectors.

***The requirements of Environmental Health can be addressed by attaching conditions to any grant of planning consent.***

3.4 Blackwater SCC (formerly Transco) have no adverse comments to make regarding the proposed development.

***Noted.***

3.5 Scottish Water and Piersland Bentinck Community Council have not responded to their consultation letter at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 No objections have been received to the proposed development.

#### **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 EALP (EALP).

##### Adopted Ayrshire Joint Structure Plan

5.2 The proposed development does not raise any issues of a strategic nature.

##### Adopted East Ayrshire Local Plan

5.3 Policies RES 4, RES 22, ENV 7 and TLR 5 are the relevant policies in the determination of this application.

5.4 Policy RES 4 encourages the sympathetic residential development of gap, infill or other redevelopment sites which are to be assessed against the following criteria:-

- i) Impact on the surrounding natural and built environment and adjacent uses;
- ii) Transportation and infrastructure implications;

- iii) Compatibility with surrounding densities and housing types; and
- iv) Compliance with the Council's Development Promotion and Design Guidance.

***The proposed development is considered to accord with Policy RES 4 as it is compatible with the surrounding mixed use area where residential, industrial and commercial uses are located in close proximity. The Roads Division and other consultees have not raised any adverse comments regarding the proposed development. The development has been assessed against the Design Guidance in Section 5.6 below and it is considered to be consistent with this Guidance.***

5.5 Policy RES 22 requires developers to observe the minimum standards for the provision of private open space. Flats require the provision of 25m<sup>2</sup> per bedroom.

***A limited amount of open space is proposed to the rear of the development totalling 110 square metres. However given that the site is brownfield and adjacent to Kilmarnock town centre boundary, it is considered that a reduced level of open space is appropriate in the circumstances. A number of the flats will have balconies which will provide useable open space for their exclusive use.***

5.6 Policy ENV 7 expects all developers to fully comply with the Council's Design Guidance. The Design Guidance requires that all development is based on good design practice and incorporates sensitive design features in-keeping with good design principles. Small scale residential development of infill or gap sites will require to reflect and respect the built form of the surrounding area and aim to integrate with existing surrounding land uses. House design shall recognise and reflect the scale, design features, rhythm of doors and windows, storey height, density and materials of surrounding buildings.

Furthermore the Design Guidance also states that new housing development should not result in an unacceptable invasion of privacy or overlooking of properties adjoining the site. The height and position of houses must not have an oppressive, overshadowing or visually intrusive impact on neighbouring properties.

***The proposed development is located in a mixed use area where there are commercial, industrial and residential uses alongside each other, located within both modern buildings and traditional red sandstone tenement buildings.***

***The proposed building is of modern design with the use of both modern materials such as cedar boarding, pre-finished zinc***

***cladding, galvanised steel balconies, red brick and grey slate. On the front elevation, measures have been taken to reduce the apparent scale in relation to the adjacent tenement and to the residential properties on the opposite side of James Little Street. This has been done by lowering the roof level with a parapet upstand detail at the west end of the building and by the introduction of two storey elements on the façade topped with recessed balconies. This will help to reduce any oppressive or visually intrusive impact on adjacent residential properties. A recessed balcony and roof has also been formed at the south east corner of the building adjacent to the industrial estate to reduce the apparent height in this area. Any overlooking issues to the adjacent flats within the tenement building have been reduced as any windows along the western elevation are restricted to ensuite bathroom windows which will use opaque glazing.***

***The proposed development is therefore considered to accord with Policy ENV 7 and the Design Guidance.***

5.7 The applicant has agreed to contribute to the Sports, Leisure and Recreational Fund in terms of Policy TLR 5 of the EALP. They have indicated that they would be prepared to contribute £8,000 which would amount to roughly 1% of the anticipated construction costs.

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

6.1 The principal material considerations relevant to the determination of the application are the consultation replies detailed in Section 3 of the report and the site's planning history.

### Consultations Responses

6.2 It is considered that the consultation responses are supportive of the development and have not raised any issues that would warrant refusal of this application.

### Planning History

6.3 05/0012/FL: Proposed erection of 16 flatted residential units and formation of associated car parking. This application was for the same site and was withdrawn by the applicant following discussions with this Division.

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

7.1 There are no financial implications for the Council in the determination of this application.

7.2 Legal implications would arise from the Council entering into a Legal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant. The Section 75 would facilitate a contribution being made in order to address identified deficiencies in the provision of leisure and recreational facilities in the area.

## **8. CONCLUSIONS**

8.1 As is indicated in Section 5 of the report the application is considered to be in accord 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 and they are generally supportive of the development. The consultation process has not raised any adverse comments. The development fails to meet the open space standards detailed in the EALP, however it is considered that a relaxation can be justified in this instance due to the location and nature of the proposal, which would secure the removal of a vacant site. Private open space has been provided where possible in the form of recessed balconies which will add to the vibrancy of the scheme and interest to the surrounding area. It is considered that the development is of an appropriate size, scale and design that is compatible with the character of the surrounding area. The development has been designed and sited to minimise its impact on the amenity of adjacent residential properties.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application should be approved subject to the conditions indicated on the attached sheet and that the issuing of the planning decision notice 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 matters detailed in Sections 5.7 and 7.2 of the report.**

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards the application will not require to be referred to the Development Services Committee because there would be no significant breach of Council policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

20 June 2005  
(PC/MMM)

FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted East Ayrshire Local Plan.
6. Planning Application No: 05/0012/FL.

Anyone wishing to inspect the above papers please contact Pamela Clifford on 01563 576798.

***Implementation Officer: Dave Morris***

050463FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0463/FL

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Site of Proposal: 16-22 James Little Street  
KILMARNOCK KA1 4AT

Nature of Proposal: Proposed Erection of 16 Flatted Residential  
Units with a Formation of Associated Car  
Parking with Demolition of Existing Flatted  
Tenement Building

Name & Address of Applicant: G1 Properties Ltd  
Per Gibb Architects  
5-6 Park Terrace  
GLASGOW G3 6BY

Name & Address of Agent: Gibb Architects  
5-6 Park Terrace  
GLASGOW G3 6BY

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DPOs Reference: PC/MMM

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

1. The proposed development shall be carried out in accordance with the application form and plans received on 22 April 2005 as amended by existing and proposed site plan received on 25 May 2005 and the proposed ground floor plan, proposed elevations received on 16 June 2005.

REASON To ensure that development is carried out in accordance with the approved details.

2. Notwithstanding the submitted plans, details and samples of all external materials to be used in the construction of the building, road, car parking surface and footways shall be submitted to and approved by the Planning Authority in writing prior to the commencement of development on site and implemented thereafter as approved.

REASON In the interests of visual amenity.

3. Notwithstanding the submitted plans, details of the landscaping of open space areas and the maintenance arrangements shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented within the next planting season following the occupation of the first flat.

REASON In the interests of visual and residential amenity and to ensure the future maintenance of the landscape area.

4. During the period of construction works, the developer of the site shall ensure that adequate and continuing measures are taken such that roads and footpaths adjoining the site are maintained free from mud and other material carried from the site by construction and any other vehicles.

REASON In the interests of public and road safety.

5. No site clearance, preparation works or external construction works, shall take place on site before 08:00 hours and after 17:00 hours on Monday to Friday, before 8:00 hours and after 13:00 hours on Saturday, nor at any time on a Sunday.

REASON In the interests of residential amenity.

6. The proposed car parking spaces shall be formed prior to the occupation of the first flat.

REASON In the interests of road safety and residential amenity.

7. Prior to the commencement of development on site, details of the Sustainable Urban Drainage system and its maintenance following installation shall be submitted to and approved in writing by the Planning Authority. The Sustainable Urban Drainage System shall thereafter be formed and maintained on site in accordance with the approved details prior to the occupation of any flats.

REASON To ensure adequate drainage is provided.

8. Notwithstanding the submitted plans details of the treatment of the boundary of the site to the north, west and east shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented on site prior to the occupation of any flats.

REASON In the interests of residential and visual amenity.

NOTES:-

1. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.
2. SEPA's Pollution Prevention Guidance Note 6 "Working at Construction and Demolition Sites" should be followed and copies of this document are available at [www.sepa.org.uk / guidance/ppg/ppg06.pdf](http://www.sepa.org.uk/guidance/ppg/ppg06.pdf).
3. Early contact should be made with Scottish Water, 35 Glenburn Road, Prestwick regarding water and public sewerage connection.
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 arrangements 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.
5. SUDS shall be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.

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