

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 20 AUGUST 2004

**04/0192/FL: PROPOSED RESIDENTIAL DEVELOPMENT OF 17 UNITS
AT LAND ADJACENT TO ARRAN AVENUE, KILMARNOCK
BY MRS L A BARNES
NOTIFICATION OF A PLANNING APPEAL**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of 17 dwellinghouses. There are eight terraced dwellings, four of which comprise 4-bedroom units, with the remaining four being 3-bedroomed. Two semi-detached dwellinghouses are proposed offering 3-bedrooms and seven detached dwellinghouses of 4-bedrooms. The terraced and semi-detached dwellinghouses are two and $\frac{3}{4}$ storeys in height while the detached dwellinghouses are two-storeys in height. The seventeen dwellinghouses will take access from Arran Avenue and will be sited around an access road and a Y shaped turning head. The proposed remote car parking for plots 7-13 consisting of a total of 12 car parking spaces is to be accessed from the turning head while a footpath from the turning head will give access to the proposed area of public open space and the existing housing development at Castle Drive. The plans indicate that the area of open space extends to a rectangular area of 307 square metres to the northern edge of the site. Three plots will have detached garages.

2. RECOMMENDATION

2.1 It is recommended that the Committee agree that the Council's position in the current appeal will be that the application should be refused for the reasons indicated on the attached sheet and that this report be forwarded to the Scottish Executive Inquiry Reporters Unit as comprising the Council's "Written Statement of Observations".

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report the application is considered to be contrary to the Adopted Local Plan. Therefore given the terms of Sections 25 and

37 of the Town and Country Plan (Scotland) Act 1997 the application should be refused unless material considerations indicate otherwise.

3.2 As indicated at Section 6 of the report there are material considerations relevant to this application and they are also not supportive of the application. The proposed housing layout fails to meet the criteria of the Roads Division and would have an adverse impact on road safety in terms of the unsatisfactory road layout, the lack of visitor parking, the width and siting of proposed dwellings and the disposal of surface water. The siting of the dwellinghouses adjacent to existing dwellinghouses on Castle Drive is unacceptable and would result in incongruous features that would seriously impair both the visual and residential amenity of these adjacent properties. The applicant has also failed to address measures regarding the displacement of additional surface water and the stability of the mineshaft. The proposed development also fails to provide a useable area of open space or play area and therefore this would leave a large area of existing and new housing with no open space provision. The present proposals are in conflict with the outline planning consent granted in March 2003 as the development of the site for residential purposes was considered acceptable provided a formal area of open space and play area was provided. The absence of such open space and the diminutive size of a number of the gardens also contribute to an over-development of the site.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standards it will not require to be referred to the Development Services Committee as there would be no significant breach of 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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NOTIFICATION OF A PLANNING APPEAL**

Report by Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to notify the Central Local Planning Committee of a planning appeal on the above application. This report assesses the application in order that the Committee can take a view on the merits of the proposed development that will then be submitted for consideration by the Scottish Executive Inquiry Reporters Unit in their determination of the appeal.

2. APPLICATION DETAILS

2.1 **Application History:** A full planning application was received for the above development on land adjacent to Arran Avenue, Kilmarnock on 01 March 2004. A letter sent to the applicant on 01 April 2004 requested amendments to the application in relation to concerns relative to surface water displacement within the site, the location of the proposed area of public open space, the majority of the plots failing to meet the minimum Council standard of private rear garden ground, the treatment of the site boundary and footpath on Western Road, the objection received from Scottish Water, the failure to include sufficient bin storage facilities in-line with the Council's recycling bins programme and a request for further information relating to the exact location of a mine shaft in the south-west corner of the site. The Division requested a meeting with the applicant to address the above matters. The applicant chose not to avail themselves of such a meeting.

2.2 Revised plans were again submitted later in June 2004 however the applicant failed to re-notify despite the number of houses increasing from 17 to 18 units. There were also changes relative to house types, alterations to the red line boundary and the reduction in size of the car parking area. The Roads Division concerns were still not met and the location of the proposed area of public open space remained unsatisfactory. The plans still failed to meet the

minimum private rear garden ground standards and the treatment of the site boundary and footpath on Western Road had not been provided. The requests for confirmation as to how the applicant intended to address the existing mine shaft and the displacement of surface water also remained unresolved issues at this time. These revised plans have not been considered as valid or capable of being incorporated into the Council's consideration of the application because neighbour notification has not been undertaken and the description of development has not been changed.

2.3 On 24 June 2004 the Scottish Executive Inquiry Reporters Unit advised that the applicant was appealing on the basis of non-determination of the application. As the statutory neighbour notification process had not been carried out in relation to the revised proposals submitted on 11 June, the appeal was delayed and is now being processed on the basis of 17 units. This proposal comprises the amended submission lodged in April 2004 and is in accordance with the description of proposed development. It is presented to Committee as the last revision subject to the statutory neighbour notification process, submitted on 16 April 2004. The implication of this appeal against non-determination is that the Council can no longer proceed to determine this application although the Committee can however express a view on the proposal that will be presented to the Scottish Executive Inquiry Reporters Unit.

2.4 **Site Description:** The application site extends to 1.24 acres in area and is a vacant grassed area which rises in level to the middle of the site, falling in height towards the houses on Castle Drive. The site is surrounded to the west, east and south by dwellinghouses, to the north by the Western Road and then an open space area. The application site was an open space area for the houses built in the late 1980's and 1990's to the north-east of the site.

2.5 **Proposed Development:** Full planning permission is sought for the erection of 17 dwellinghouses. There are eight terraced dwellings, four of which comprise 4-bedroom units, with the remaining four being 3-bedroomed. Two semi-detached dwellinghouses are proposed offering 3-bedrooms and seven detached dwellinghouses of 4-bedrooms. The terraced and semi-detached dwellinghouses are two and $\frac{3}{4}$ storeys in height while the detached dwellinghouses are two-storeys in height. The seventeen dwellinghouses will take access from Arran Avenue and will be sited around an access road and a Y shaped turning head. The proposed remote car parking for plots 7-13 consisting of a total of 12 car parking spaces is to be accessed from the turning head while a footpath from the turning head will give access to the proposed area of public open space and the existing housing development at Castle Drive. The plans indicate that the area of open space extends to a rectangular area of 307 square metres to the northern edge of the site. Three plots will have detached garages.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has recommended refusal of the application for the following reasons:-

- The road layout design does not conform to the standards indicated in the East Ayrshire Council Roads Division Guide as a roundel is required at the end of the proposed access road for this type of development. A hammerhead is not acceptable in terms of the Roads Development Guide, as there are often cars parked in the hammerhead and cars using the access road would have nowhere to turn and would have to reverse back on the access road.
- The application site does not connect to an existing public road. The section of Arran Avenue from the junction of Manor Avenue to the application site should be constructed to an adoptable standard.
- No visitor car parking is proposed and all driveways should be 5.5 metres wide to accommodate visitor car parking.
- Where driveway access is proposed between adjoining dwellings the spacing between buildings should be 6 metres minimum (3 metres on each side of the property).
- Details of the disposal of road surface water is not indicated. This must be discharged into a system to be adopted by Scottish Water and include a SUDS system with an overflow facility to ensure that the road drainage works in all conditions.
- The structural stability of the mineshaft adjacent to the site is unknown and could affect the road structure; details of any stabilisation of the shaft should be produced.

The proposed development does not meet the requirements of the Roads Division. As many of the matters raised by the Roads Division involve fundamental details regarding the development, it would not be appropriate to address their concerns by merely attaching conditions to any grant of planning consent. It is considered that the revised details are so significant to the acceptability of the overall scheme that they would have been required to be provided prior to Members making a decision on the proposal. As the applicant has chosen to appeal it is not now possible to require these changes and the application needs to be

determined as it stands. In this respect the recommendation of refusal from the Roads Division is a prime consideration.

3.2 Scottish Water have objected and advised that as the proposed development drains to the public sewer system, the cost of providing infrastructure to serve the development is outwith their “reasonable cost” obligations in terms of the Sewerage (Scotland) Act 1968. Scottish Water would remove its objections if the applicant bears the cost of the increase in capacity of Scottish Water’s existing infrastructure to accommodate their development and/or promotes a scheme that does not compromise the quality and availability of discharge from the existing sewerage system and is in terms satisfactory to Scottish Water. Furthermore objection is offered as the site lies within the raw water catchment for Amlaird Water Treatment Works and the impact may be such that it would prejudice Scottish Water’s ability to supply potable water. If the developer can satisfy Scottish Water that there is no significant impact then they will consider withdrawing the objection.

Noted.

3.3 Transco and Powersystems have no adverse comments to make regarding the proposed development although they recommend early contact with their offices.

Noted.

3.4 Environmental Health and Waste Management Services have no objections in principle but have advised that construction works should be carried out in such a manner as will not give rise to nuisance. Suitable accommodation should be provided for recycling bins at each house and Service records indicate a pit shaft in the extreme south west site corner that will require to be checked and addressed by the applicant.

Noted. These are matters that have been passed to the applicant (see para 2.1).

3.5 The Outdoor Services Division have no objections although ask that any maintenance or Community Service Account held land which may be damaged by this application, should be reinstated to the satisfaction of the Outdoor Amenities Manager or his nominee.

Noted.

3.6 Southcraigs Dean Community Council have not responded to their consultation at the time of writing this report.

Noted.

3.7 Scottish Environment Protection Agency (SEPA) have not objected although they advise that all foul drainage should be connected to the public sewer with written assurance being provided by Scottish Water that the additional flow arising from this development will not cause or contribute to the premature operation consented storm overflows. Surface water should be treated in accordance with SUDS principles and in accordance with the Council's responsibilities in respect of the National Waste Strategy Local Area Waste Plan, suitable provision should be made with regard to space for waste storage at individual properties and the development as a whole.

Noted. The applicant has been made aware of these matters (see para 2.1).

4. REPRESENTATIONS

4.1 There are six objections to the above application, one of which is from Scottish Water and is detailed in Section 3.2 of this report. The remaining issues are as follows:-

4.2 Strong objection is offered to the type and style of housing which adjoins residential neighbouring properties that are bungalows. The proposed five "villa style" properties back onto and overlook these houses and gardens. Plots 4 and 5 will invade residents' privacy and Plots 1, 2 and 3 will deprive neighbouring properties of natural light.

Noted.

4.3 No objection would be offered to bungalows which would be in keeping with existing properties and it appears that previous concerns noted and accepted by conditions have been ignored by the developer. No objection would also be offered to the dwellinghouse such as proposed at Plot 6 which would relate to Castle Drive as the semi-detached villas would border only Western Road as per Castle Drive where the builder of this site observed such protocol and erected a bungalow at No. 4 because it overlooked and adjoined a bungalow at 28 Manor Avenue.

Noted.

4.4 The rear garden of 37 Castle Drive constantly floods and nothing is seemingly done to prevent this.

The developer was asked to clarify this matter although has not to date provided any details.

4.5 A proposed play area at the rear of the gardens would not be acceptable.

This Division has already advised the applicant that the area of open space is not sufficient and should be centrally located within the site. The applicant has also not proposed a play area which is contrary to Policy RES 2 of the EALP. It is also worth noting that the outline planning permission (ref: 02/0802/OL) contained a condition requiring a play area of at least 300 square metres and the provision of play equipment. Whilst this application is seeking full planning permission rather than reserved matters consent, this does not warrant the deletion of a play area.

4.6 Previous planning permission was subject to a coal report being carried out which it is not considered was conclusive.

This report has been requested from the applicant but has not been forthcoming.

4.7 Paddle Homes were previously the subject of a BBC television programme in the Port Talbot area of Wales. This programme stated that neighbours did not receive the correct appropriate notification and the properties did not meet the Building Standards.

This is not a material planning consideration in the determination of this application.

4.8 The extension of Arran Avenue into the development would pass the western corner of the property at 2 Manor Avenue where there is a garage that requires access. There are also trees on their property where it looks like a corner of the southernmost villa or its rear garden wall will be sited and furthermore part of the grassed area of Arran Avenue that is to be paved is within the ownership of 2 Manor Avenue.

The applicant was asked to clarify this issue although has not to date provided a response.

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 are 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 (EALP).

5.2 Policies **RES 4**, **RES 22**, **RES 19**, **TLR 8**, **TLR 9** and **TLR 5** of EALP are specifically relevant in the consideration of this application.

5.3 Policy **RES 4** encourages 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 safeguard or identified for particular development purposes on the Local Plan maps. Developments will 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.
- (iv) Compliance with the Council's Development Promotion and Design Guidance.

- (i) ***It is considered that the proposed development fails to comply with the above policy, as the proposed residential development will have an adverse impact on the adjacent dwellinghouses located on Castle Drive.***

The dwellinghouse proposed on Plot 6 is only 1 metre away from the rear garden boundary of the dwellinghouses on Castle Drive. It is considered that the close proximity of these elevations will have an overbearing aspect relative to the adjacent dwellinghouse. The dwellinghouse on this site also has an extensive long elevation that will add to the bulk and scale of the dwellinghouse.

- (ii) ***The layout of the proposed development also fails to meet the standards of the Roads Division and could have adverse impact on the road safety of the future occupiers and visitors to the residential development.***

- (iii) The general design of the houses is considered acceptable, however the density of the development is excessive as a number of the housing plots fail to meet the minimum open space requirement in terms of Policy RES 22.***
- (iv) The development has been assessed against the Council's Design Guidance in terms of Policy ENV 7 and this is addressed in Section 5.9.***

5.4 **Policy RES 19** states that the Council will require all housing developers to provide areas of recreational and amenity open space as an integral part of their development proposals and to make provision for the future maintenance of these areas, once formed, to the satisfaction of the Council. Developers will be expected to pay due regard to the indicative basic standards set out in Schedule 3 of the Local Plan in preparing their proposals, although the precise type, size, location and design of the open space will be dependent on the extent of existing open space provision in the vicinity and recreational and amenity needs of the wider area. Prospective developers are advised to consult fully with the Council's Head of Leisure Services in this regard, prior to formulating their development proposals.

The application site was previously intended to provide recreational/ open space for the housing development to the north east, however it has never been used formally for recreational open space purposes and is subject of only very limited maintenance. East Ayrshire Council Outdoor Services have advised under the previous planning application ref: 03/0370/FL that they maintain this site and it receives only 2 cuts per year due to what is believed to be unopened mine workings under the site. Outline planning consent for residential development was granted on 21 March 2003 by the Central Local Planning Committee on this site. The development of the site for residential purposes was only considered acceptable provided a formal area of open space incorporating a play area was integrated as part of the housing development. This would result in the incorporation of a useable area of open space.

A condition also formed part of the outline planning consent requiring an area of open space including a play area of at least 300 square metres in area and including the provision of play equipment. This condition was not appealed by the applicant.

The present application under consideration does not include the incorporation of a play area within the proposals and the proposal is therefore contrary to the terms of this policy.

5.5 **Policy RES 22** indicates that all developers will require to observe the minimum private open space criteria and standards detailed in Schedule 4 of the Local Plan. The standards quoted may however, be relaxed at the discretion of the Council in respect of the conversion of existing properties to flats where the case for such a relaxation can be fully justified by the developer and where considered appropriate by the Planning Authority.

The proposed development fails to meet the criteria of Policy RES 22 as eleven of the seventeen dwellinghouses have less than the minimum of 100 square metres of rear garden for detached/semi-detached dwellings or 70m² for terraced houses. Some of the terraced houses, being themselves only 4.4 metres wide, have secluded rear gardens of only 44m². There is no justification to relax the above standards in this instance as the site is surrounded by other properties which have sufficient gardens providing for the amenity of residents.

5.6 **Policy TLR8** advises there will be a presumption against development on those safeguarded areas of public and private recreational or amenity open space as identified on the Local Plan maps and on other undeveloped land within settlement boundaries which contributes to the setting, character and appearance of the settlement concerned. The following types of development on existing areas of maintained amenity or recreational open space will however be considered appropriate, subject to compliance with all appropriate Council Development and Promotion and Design Guidance:

- (i) Laying out of new playing fields, bowling greens, putting greens
- (ii) Creation of all weather sports facilities
- (iii) Creation of new children's play areas and
- (iv) Development of pavilions or other ancillary facilities to serve any existing or proposed outdoor sport and recreational activities in the area.

5.7 **Policy TLR9** advises that the development of both private and public recreational or amenity open space for purposes other than those described in Policy TLR8 above, will be permitted only in exceptional circumstances where:

- (i) The retention or enhancement of the facilities can best be achieved by the redevelopment of part of the site and where the development would not adversely affect the overall sporting, recreational and amenity value of the site itself; or
- (ii) Alternative provision of equal community benefit and accessibility can be made available within close proximity to the site; or

- (iii) There is clear, long-term excess of pitches, playing fields and amenity open space in the wider area.

The proposed development is considered to conflict with Policies TLR 8 and TLR 9. The application site as existing makes a valuable contribution in visual and functional amenity terms to the surrounding area. The development proposed does not comply with the criteria specified in Policy TLR 8 and the circumstances do not meet the provisions of Policy TLR 9.

5.8 **Policy TLR 5** advises that the Council will, subject to the necessary finance being available, improve and enhance the provision of leisure, recreational and sporting facilities in the area settlements and throughout the rural area. In this regard, the Council will request all potential developers of residential sites comprising four or more houses, to enter into Section 75 agreement with the Authority for contributions towards the provision of appropriate leisure and recreational facilities within the area to which the development relates. Contributions will be at a level to be agreed by the Council, based on the expected number of houses and the level of need in a particular area for particular facilities.

The applicants have been contacted but have not indicated whether they are prepared to contribute to the Sports, Recreational and Leisure Fund in terms of the above policy.

5.9 **Policy ENV 7** requires developers to comply with the Council's Design Guidance in order to ensure that house design of infill sites recognises and reflects the scale, design features, density and materials of surrounding buildings and reflects and respects the built form of the surrounding area so as to integrate with existing buildings. The height and position of houses should not have an oppressive, overshadowing or visually intrusive impact on neighbouring properties.

It is considered that the siting of the two dwellinghouses in Plots 6 and 7 would have an oppressive and overshadowing effect on the rear gardens of existing dwellinghouses on Castle Drive. This would have a visually intrusive impact on these dwellinghouses and therefore the proposed development is contrary to the Design Guidance and Policy ENV 7 of the EALP. The density of the development is also considered to be out of keeping with the area, as illustrated by the number of dwellinghouses that fail to meet the minimum open space requirement. The width of the proposed driveways is also as a consequence inadequate. The terraced townhouses being 2 ³/₄ storey are also out-of-keeping with

neighbouring properties however the Reporter to the Scottish Ministers did not object to such properties as detailed in Section 6.4 of this report at the time of the previous planning appeal.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultations and representations received which are detailed in Sections 3 and 4 of the report and the planning history of the site.

Consultations and Representations

6.2 The concerns of the Roads Division are material in the determination of this application and would warrant a recommendation of refusal as the proposed development would have a detrimental effect on road safety.

6.3 The concerns of the objectors are also noted and whilst some points are not material planning considerations, other comments are consistent with concerns held by this Division.

Planning History

6.4 Outline planning permission (02/0802/OL) for a residential development was granted on 21 March 2003 by the Central Local Planning Committee. A number of conditions were attached to this outline consent requiring the following details to be submitted at a reserved matters stage namely:-

- An area of open space incorporating a play area of at least 300 square metres and including play equipment.
- The existing pedestrian link to Western Road being maintained and included in the layout details of any future housing development
- Details of measures to prevent the displacement of surface water from within the perimeter of the site onto adjoining property both during and after the development has been completed on site.

6.5 A further full planning application (ref: 03/0370/FL) for 18 dwellinghouses was taken by the appellant to the Scottish Executive Inquiry Reporters Unit (SEIRU) upon the basis of non-determination by the Council. The development comprised ten 2 ¾ storey semi-detached (3 and 4 bedrooms) units and eight 2 storey detached (4 bedrooms) units. The appeal was refused by the SEIRU because the proposal was found to be inconsistent with the relevant provisions of

the Adopted EALP notably policies RES 4, RES 19 and RES 22 and there were no material considerations that justified an exception to these policy provisions. The Reporter to the SEIRU did not find the 2 ¾ storey dwellinghouses objectionable although noted they were not typical of the immediate area. The Reporter was not content with the road layout, the lack of visitor car parking, private open space and public open space (including the lack of a play area). The appeal was dismissed and the proposed development was not granted planning permission.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in determining this application.

8. CONCLUSIONS

8.1 As indicated at Section 5 of the report the application is considered to be contrary to the Adopted Local Plan. Therefore given the terms of Sections 25 and 37 of the Town and Country Plan (Scotland) Act 1997 the application should be refused unless material considerations indicate otherwise.

8.2 As indicated at Section 6 of the report there are material considerations relevant to this application and they are also not supportive of the application. The proposed housing layout fails to meet the criteria of the Roads Division and would have an adverse impact on road safety in terms of the unsatisfactory road layout, the lack of visitor parking, the width and siting of proposed dwellings and the disposal of surface water. The siting of the dwellinghouses adjacent to existing dwellinghouses on Castle Drive is unacceptable and would result in incongruous features that would seriously impair both the visual and residential amenity of these adjacent properties. The applicant has also failed to address measures regarding the displacement of additional surface water and the stability of the mineshaft. The proposed development also fails to provide a useable area of open space or play area and therefore this would leave a large area of existing and new housing with no open space provision. The present proposals are in conflict with the outline planning consent granted in March 2003 as the development of the site for residential purposes was considered acceptable provided a formal area of open space and play area was provided. The absence of such open space and the diminutive size of a number of the gardens also contribute to an over-development of the site.

9. RECOMMENDATION

9.1 It is recommended that the Committee agree that the Council's position in the current appeal will be that the application should be refused for the reasons indicated on the attached sheet and that this report be forwarded to the Scottish Executive Inquiry Reporters Unit as comprising the Council's "Written Statement of Observations".

CONTRARY DECISION NOTE

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

Alan Neish
Head of Planning, Development and Building Standards

11 August 2004
(FMF/BD/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans
2. Statutory Notices and certificates
3. Consultation responses
4. Adopted East Ayrshire Local Plan
5. Approved Ayrshire Joint Structure Plan
6. Planning Application no: 02/0802/OL;
03/0370/FL including planning appeal.

Anyone wishing to inspect the above papers please contact Barry Douglas on 01563 576770.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/0192/FL

Site of Proposal: Vacant Ground Adjacent Arran Avenue
Kilmarnock

Nature of Proposal: Proposed Residential Development of
17 Units

Name & Address of Applicant: Mrs L A Barnes
Old Hall House
Pleasington
Blackburn BB2 6RJ

Name & Address of Agent:

DPOs Reference: FMF/MMM

The above full application should be refused on the following grounds:

1. The proposed development is contrary to Policies RES 4 and ENV 7 of the Adopted East Ayrshire Local Plan and would by reason of the siting and location of the dwellinghouses have a detrimental impact on the residential and visual amenity of the adjacent existing dwellinghouses on Castle Drive.
2. The proposed development is contrary to Policy RES 4 of the Adopted East Ayrshire Local Plan as the proposed development would be detrimental to road safety by reason of road layout, lack of visitor car parking provision, and width and location of the driveways.
3. The proposed development is contrary to Policies RES 22 and RES 4 of the Adopted East Ayrshire Local Plan in that the application has not met the minimum private open space standards. Consequently the garden space provided is not of a type and size appropriate to the general area within which it is proposed and does not meet the standards required by the Council under the terms of this policy.

4. The type and number of dwellings proposed exceeds that which can be accommodated within the site whilst maintaining levels of private open space compatible with Council Policy and providing an appropriate level of residential amenity.
5. The proposal constitutes an over-development of the site to the detriment of residential amenity and would set a precedent for further such over development elsewhere in the immediate vicinity.
6. The proposed development fails to provide a play area with play equipment and therefore is contrary to Policies RES 19 and TLR 8 and TLR 9 of the Adopted East Ayrshire Local Plan which would leave a large residential development without such facilities to the detriment of residential amenity.
7. The proposed development fails to confirm how it could provide a satisfactory waste management system for the residential dwellinghouses in accordance with the Council's 3-bin recyclable waste storage system at each dwellinghouse; 3 x 240 litre wheeled bins and one 55 litre box being the requirement.

**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.**