

## **EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 09 DECEMBER 2005**

**05/1149/OL: PROPOSED OUTLINE RESIDENTIAL DEVELOPMENT OF  
8 SERVICED PLOTS  
AT VACANT LAND BETWEEN 8 & 12 CRAUFURDLAND ROAD,  
KILMARNOCK  
BY HAPPELL DEVELOPMENTS LTD**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 Outline planning consent is sought for residential development of 8 serviced plots. The developer has tentatively indicated that these will be detached two storey villas providing three or four bedroom accommodation. No details regarding the layout, size, height or design of the dwelling houses have been provided at this stage as these shall be submitted as part of any reserved matters application. The application site also includes provision for a parking lay-by onto Craufurdland Road.

#### **2. RECOMMENDATION**

**2.1 It is recommended that the application should be approved subject to the conditions indicated on the attached sheet.**

#### **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 this application. The consultation responses received raise no adverse comments and the concerns of the objector in relation to the loss of amenity open space and impact on residential amenity, whilst noted, are not considered significant enough to merit the refusal of this application

#### **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, it will not require to be referred to the Development Services Committee, as 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.**

## EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 09 DECEMBER 2005

**05/1149/OL: PROPOSED OUTLINE RESIDENTIAL DEVELOPMENT OF  
8 SERVICED PLOTS  
AT VACANT LAND BETWEEN 8 & 12 CRAUFURDLAND ROAD,  
KILMARNOCK  
BY HAPPELL DEVELOPMENTS LTD**

**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 an outline planning application which is to be considered by the Local Planning Committee under the scheme of delegation as it is subject to an objection.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site was formerly a children's play area and extends to approximately 0.49 acres of vacant grass land within the established Onthank Housing Estate. The site is surrounded to the south, east and west by local authority and ex-local authority two storey semi-detached and four-in-a-block flatted dwellings. To the north of the application site is the Wardneuk Housing Estate with two storey detached and semi detached dwellings and one-and-a-half storey semi detached villas.

2.2 **Proposed Development:** Outline planning consent is sought for residential development of 8 serviced plots. The developer has tentatively indicated that these will be detached two storey villas providing three or four bedroom accommodation. No details regarding the layout, size, height or design of the dwelling houses have been provided at this stage as these shall be submitted as part of any reserved matters application. The application site also includes provision for a parking lay-by onto Craufurdland Road.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no objections to the proposed development and have commented as follows:-

- ? The applicant will be responsible for constructing the lay-by.
- ? The lay-by and footway shall be constructed to an adoptable standard, will require roads construction consent and shall be constructed prior to the commencement of development on-site.

- ? Parking provision within the site will be determined upon the submission of reserved matters applications.

***The requirements of the Roads Division can be met by attaching suitably worded conditions to any grant of Planning Consent.***

3.2 Scottish Water have no objections to the proposed development and may review their consultation response upon submission of a full planning application.

***Noted.***

3.3 Transco have no objections to the proposed development.

***Noted.***

3.4 Power Systems have no objections in principle, subject to the applicant having due regard to any Scottish Power apparatus in the vicinity.

***Noted.***

3.5 Neighbourhood Services, Leisure have indicated that there is sufficient open space in the area between Craufurdland Road and Western Road. Older children could also play in the multi-sports arena opposite Onthank Primary School.

***Noted.***

3.6 North West Kilmarnock Community Council have not replied at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 There is 1 objector to the proposed development and the main grounds of objection are as follows.

4.2 The land in question was provided as recreational open space and used to have various recreational equipment such as swings and roundabouts. The land in question is not a gap site and should be regarded as open-space as defined in the East Ayrshire Local Plan and PAN (Planning Advice Note) 65.

***Noted. The application site was formerly public open space and no-longer has play equipment on-site. The land was marketed by East Ayrshire Council Economic Development section as it was surplus to requirements. This sale was approved by Policy and Resources Committee on 25 November 2004. The area of land is***

***not safeguarded open space under the terms of Policies TLR 8 & 9 of The Adopted East Ayrshire Local Plan (EALP). There is an area of safeguarded public open space 40 metres from the application site on Craufurdland Road/Western Road and it is considered that there is sufficient safeguarded open-space in the immediate locality.***

4.3 PAN 65 states that all areas of open space, regardless of ownership and accessibility, contribute to the amenity and character of the area and can be taken into account by Councils when assessing existing provision and determining future requirements.

***Noted. The application site is in close proximity to existing safeguarded public open space and as such it is considered that the area of safeguarded open space is sufficient to meet the needs of the immediate locality.***

4.4 An article in the Sunday Times recently recommended a national minimum standard in relation to open space standards around all new housing developments whilst growing concerns have been expressed that the reclamation of playing fields and common ground for development is depriving Scotland of genuine open space

***Noted. The Adopted EALP (Schedule 3) requires a minimum 300 square metres standard of public open space for new housing developments per 10 dwellings for all developments exceeding 30 dwellings. The development would not exceed this threshold. As indicated at section 4.2 above, the application site is not safeguarded open space and it is considered there is sufficient existing open space to meet the needs of the immediate locality.***

4.5 The Chartered Housing Institute of Scotland was quoted in this article as stating there is currently a lot of emphasis on improving the condition of housing in Scotland but the benefit will be lost if people do not have a decent environment around their home.

***Noted. It is considered that the proposed residential development is acceptable within this established residential area and will not lead to a reduction in existing residential and visual amenity.***

4.6 The national playing field association of Scotland is quoted recently as indicating their concerns in relation to land used for casual community use now being sold off.

***Noted. The sale of the application site was approved by Policy and Resources Committee on 25 November 2004 and that is not an issue in terms of this proposal.***

4.7 The Scottish Executive are quoted, from a news release of 19 July 2005 concerning the research of quality open spaces, as stating that the

research recommends the presumption against the disposal of and redevelopment of publicly owned open space to limit disposals that are not fully compliant with the Councils open space strategy.

***Noted. The sale of the land as indicated above was approved by the Policy and Resources Committee prior to this news release being issued by the Scottish Executive. Furthermore the document, entitled Minimum Standards for Open Space, is largely intended to provide guidance for open space provision within new residential developments. Within the Adopted EALP there is already such a provision in Schedule 3, as indicated at 4.4 above.***

4.8 PAN 65 (Section 12) indicates the social value of open space in reducing crime and the fear of crime whilst Section 44 indicates that a number of Planning Applications have been called in by The Scottish Executive where Planning Authorities have been minded to grant consent for development on open space in their ownership despite being contrary to a recently adopted Local Plan.

***Noted. The proposals are not considered to be contrary to the policies of The Adopted EALP as the area of open space is not safeguarded. Furthermore it is considered that there is sufficient safeguarded open space within the immediate vicinity of the application site.***

4.9 It is stated in Section 6 of the Local Plan that the Council is committed to improving the quality of life for residents and will provide an adequate supply of housing land and associated ancillary facilities and services to meet anticipated demand, the granting of planning consent would break the Council's essential requirement that there should be open space provision, for the benefit of all age groups within housing developments

***Section 6 of the Adopted EALP is in relation to new housing developments whilst it is considered there is sufficient open space within the immediate vicinity. As such the application should be considered with regards to Policy RES4 of The Adopted EALP as addressed at Section 5.4 below.***

4.10 How can open space which was deemed to be of value to the community at the time of the original development now improve the quality of life of the local residents by its removal?

***Noted. It is considered there is sufficient open space within the immediate vicinity to compensate for the limited impact the proposed development would have, if approved, on the availability of open space. As stated at 4.2 above there is an area of safeguarded public open space a mere 40 metres from the application site.***

4.11 There are gap sites available within the immediate vicinity which could provide alternatives to the removal of open space whilst the housing requirement for East Ayrshire of 1636 houses in the period 2005-2010 can be met within the identified sites within the local plan. The application site is not identified in the local plan and is therefore unnecessary to meet current housing needs.

***Noted. It is the case that the Council requires to identify housing sites to fulfil its obligations under the terms of The Approved Ayrshire Joint Structure Plan, Planning Advice Note (PAN) 38 and Scottish Planning Policy (SPP) 3. This site is not identified as a Housing Opportunity site within the EALP. However, in terms of Policy RES4 the Council will encourage sympathetic residential development of non-safeguarded gap sites.***

4.12 The proposals do not comply with the environmental strategic aim to maximise the re-use of urban land and buildings and minimise the development of green field sites.

***Noted. The application site is within an established residential area, within the settlement boundary of Kilmarnock and, not being a green field site, minimises development of same.***

## **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).

### Approved Ayrshire Joint Structure Plan (AJSP)

5.2 The proposed development does not raise any strategic issues in terms of the AJSP.

### Adopted East Ayrshire Local Plan (EALP)

5.3 Policies RES 4, TLR 5, TLR8 and TLR9 of the Adopted EALP are specifically relevant in the consideration of this application.

5.4 Policy RES 4 of the EALP is relevant and states that the Council will positively encourage the sympathetic residential development of gap and infill sites. 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.

***The application site is within an established residential area and East Ayrshire Council Roads & Transportation Division, Transco and Scottish Water have no adverse comments on the proposed development. The application is in outline only and as such no design and layout details have been submitted at this stage.***

5.5 Policy TLR5 requests all potential developers of residential sites comprising four or more houses enter into a Section 75 Agreement for contributions towards the provision of appropriate leisure and recreational facilities within the area to which the development relates.

***The applicant has been requested to make a contribution towards the Sports, Leisure and Recreational Fund and has declined to make a contribution.***

5.6 Policy TLR8 presumes against development on 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. However, certain types of development on existing areas of maintained amenity or recreational open space will be considered appropriate, as follows:-

- (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.

***In terms of this policy, the application site does not constitute a safeguarded area of public and private recreational or amenity open space as identified on the Local Plan maps. Being an area of land previously developed for amenity purposes, the application site also cannot be classed as other undeveloped land within settlement boundaries which contributes to the setting, character and appearance of the settlement. Development of the site for alternative purposes is therefore considered to be in accord with this particular policy.***

5.7 Policy TLR9 of the EALP is also relevant and permits the development of private and public recreational or amenity open space in exceptional circumstances, where:

- (i) alternative provision of equal community benefit and accessibility can be made available within close proximity to the site; or
- (ii) There is a clear, long term excess of pitches, playing fields and amenity open space in the wider area.

***It is considered that due to the close proximity of existing safeguarded public open space on Craufurdland Road/Western Road, 40 metres from the application site, the proposal would not be detrimental to the amenity of other residential properties in the area and would not lead to a significant loss of public open space within the area.***

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

6.1 The principal material considerations relevant to the determination of the application are the consultation responses received which are addressed in Section 3 of this report, the letter of objection addressed in Section 4 of this report and the planning history of the site.

### Consultation Responses and Representations Received

6.2 The consultations and representation received are addressed in Sections 3 and 4 of the report. It is not considered that these indicate that the application should be refused. The objectors' concerns relating to the loss of an area of open space, a site not identified for residential development in the Adopted EALP and the impact on their residential amenity, are not of such significant weight as to justify a recommendation of refusal. The proposed development, whilst in outline only at this stage, is within an established residential area and there is a large area of safeguarded open space within 40 metres of the application site. Therefore it is considered that there is sufficient open space within the immediate vicinity.

### Planning History

6.3 05/0739/OL: Proposed outline residential development of 8 serviced plots. This application was withdrawn by the applicant as they required to alter the red line application site to include alterations to the public footway to accommodate an on-street parking layby as requested by the Roads and Transportation Division.

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

7.1 There are financial and legal implications for the Council in the determination of this application as the application site is currently owned by the Council.

## **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 this application. The consultation responses received raise no adverse comments and the concerns of the objector in relation to the loss of amenity open space and impact on residential amenity, whilst noted, are not considered significant enough to merit the refusal of this application.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application should be approved subject to the conditions indicated on the attached sheet.**

### **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, it will not require to be referred to the Development Services Committee, as there would be no significant breach of Council Policy.

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

02 December 2005  
(BD/SA/MMM/RH)

FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letter of objection.
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.
7. Application No: 05/0739/OL.
8. PAN 38 Housing Land.
9. PAN 65 Planning and Open Space.
10. SPP3 Planning for Housing.

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

***Implementation Officer: Dave Morris***

051149OLCraufurdlanRoadOnthankKilmarnockSA

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/1149/OL

---

Site of Proposal: Land Between Nos 8 and 12 Craufurdland  
Road  
KILMARNOCK  
KA3 2HT

Nature of Proposal: Proposed Outline Residential Development  
of 8 Serviced Plots

Name & Address of Applicant: Happell Developments Ltd  
72 Whittingehame Drive  
GLASGOW  
G12 0YQ

Name & Address of Agent:

---

DPOs Reference: BD/MMM

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

1. Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the under mentioned matters hereby reserved.

- (i) The layout of the site;
- (ii) The size, height, design and external appearance of the proposed dwellinghouses;
- (iii) The means of drainage and sewage disposal;
- (iv) Details of the access arrangements;
- (v) The provision for open space and associated maintenance arrangements;
- (vi) The provision for car parking;
- (vii) The boundary walls/fences to be erected;
- (viii) The landscaping of the site and associated maintenance arrangements;
- (ix) Existing and finished site levels/floor levels.

REASON The approval is in outline only.

2. The details to be submitted under Conditions 1(i) and (ii) above shall take cognisance of the layout and build form of the existing surrounding residential properties.

REASON In the interests of visual amenity.

3. Before any work commences on site, details of a Sustainable Urban Drainage System and its maintenance following installation, shall be submitted to and approved by the Planning Authority in writing. The Sustainable Urban Drainage System shall thereafter be installed on site prior to the occupation of any of the dwellinghouses.

REASON To ensure that adequate drainage is provided.

4. Details to be submitted under Condition 1(iv) above shall include the construction of a layby and footway to adoptable standard which shall be maintained and included in the layout details of any future housing development and constructed prior to the commencement of development on site.

REASON In the interests of road safety and residential amenity.

5. No construction work, site clearance or preparation works shall take place before 08:00 hours and after 18:00 hours on Mondays to Fridays, 09:00 hours to 1:00 pm on Saturdays, nor at any time on Sundays.

REASON In the interests of residential amenity.

6. The development hereby approved shall be undertaken without detriment to neighbouring residential properties by reason of noise, dust or general disturbance.

REASON In the interests of amenity and to prevent such established amenity being adversely affected.

7. The developer of the site shall ensure that adequate and continuing measures are taken to ensure 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.

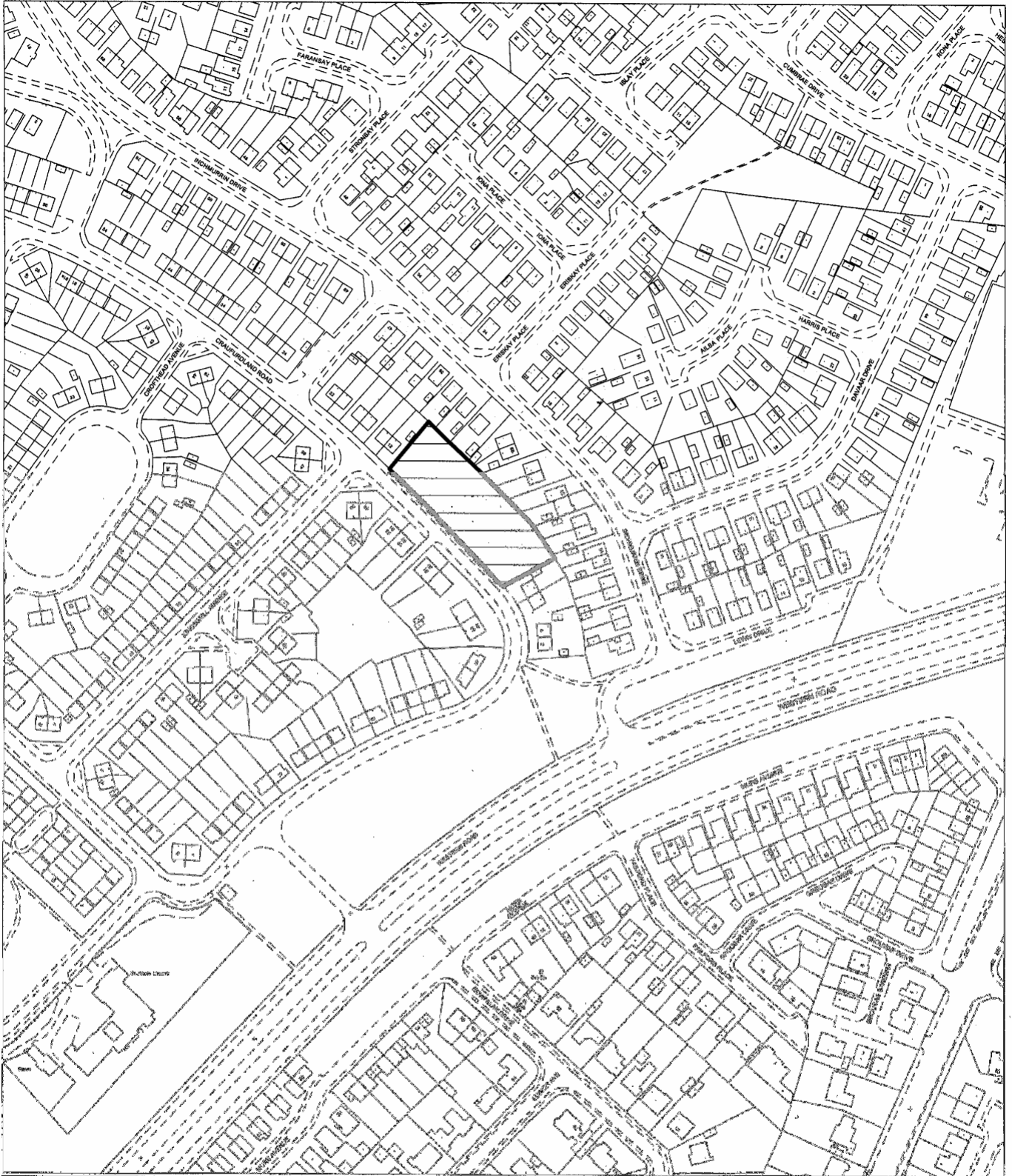
REASON In the interests of road safety and the amenity of the area.


8. Details to be submitted under Condition 1(ii) above shall include a minimum 1 metre gable to boundary distance on each plot and shall allow for house locations to respect the existing building line on Craufurdland Road.

REASON In the interests of visual amenity.

## NOTES:-

1. Prior to the commencement of development on site, the developer should satisfy him as to the suitability of the site for construction purposes.
2. The developer shall make early contact with Scottish Gas Networks (0141 418 4093) to arrange an on-site meeting, prior to the commencement of works on site.
3. The applicant should make early contact with Scottish Water (0845 601 8855). The applicant should ensure that prior to development commencing on site, they have secured agreement from Scottish Water regarding the suitability of all proposed drainage connections and the suitability of the existing infrastructure to accommodate such connection.
4. The developer shall make early contact with the Scottish Environment Protection Agency and Scottish Water to confirm their request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.
5. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements 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.
6. The applicant should make early contact with East Ayrshire Council's Roads and Transportation Division (01563 576310) prior to the commencement of development on site to ascertain if any permits for road/footway works are required.
7. The applicant shall have due regard to any Scottish Power apparatus in the vicinity.



<p>Title/Location    <b>Land Between 8 &amp; 12 Craufurdland Rd</b>  <b>Kilmarnock</b>  Application No. 05/1149/OL</p>	<p>East Ayrshire Council  Planning, Development  &amp; Building Standards Division.  6 Croft Street  Kilmarnock KA1 1JB</p>
<p>Key</p> <div style="display: flex; align-items: center;">  <p><b>Application Site</b></p> </div>	<p>Tel: (01563) 576790    Fax: (01563) 576774  E-Mail : <a href="mailto:Planning@east-ayrshire.gov.uk">Planning@east-ayrshire.gov.uk</a>  Com Date: 9/12/2005    Checked By <i>BSO 29/11</i></p>



This map is reproduced from the Ordnance Survey masterfile with permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. East Ayrshire Council. 10028369.