

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 08 DECEMBER 2006

**06/0636/FL: PROPOSED ERECTION OF 138 DWELLINGS
(SOCIAL HOUSING AND HOUSING FOR LOW-COST HOME
OWNERSHIP)
AT LONGPARK AVENUE, NORTHCRAIG ROAD AND KIRN ROAD,
KILMARNOCK
BY CCG HOMES/CUNNINGHAME HOUSING ASSOCIATION**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the erection of 138 dwellings. 84 dwellings are proposed for sale, whilst 54 units are proposed to provide rented accommodation by Cunninghame Housing Association. The units proposed for sale are located to the south and east of the application site whilst the proposed social housing is to be located primarily to the west and north of the application site. A total of 34 dwellings are proposed to be two storey terraced dwellings, while 4 dwellings are proposed to be single storey detached bungalows for the benefit of wheel chair users. The remaining 100 dwellings are two storey semi detached. Two large and one smaller centrally located areas of public open space overlooked by dwellings are proposed with a smaller area of open space at the junction of Campbeltown Drive and the proposed access into the development. The existing road layout is to be maintained and substantially re-used for the social and low cost housing.

2. RECOMMENDATION

2.1 It is recommended that the application should be approved subject to the conditions listed 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 of the report there are material considerations relevant to this application. The consultation responses received are detailed at Section 3 of the report, none of which indicate the proposed development should be refused. The comments of the objector, whilst noted, are not

considered of sufficient weight to justify the amendment or the refusal of the proposed development. The proposed development will bring both social housing and low cost private housing to an area where there is a substantial demand for such housing. It will bring new life to the area.

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 and that decision is based on the principle of the development, it will require to be referred to the Development Services Committee, as there would be 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 a larger scale residential development of area significance and is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises 5.17 hectares of vacant land which was recently cleared of derelict Council housing stock. Since demolition the area has been grassed. To the north of the application site is Campbeltown Drive with two storey semi-detached and terraced social housing beyond. To the south of the application site there are traditional one and a half storey semi-detached and terraced dwellings at William Street; Thomson Street; Orchard Street and Blair Street. To the east of the application site is Dean Street with a variety of traditional one and a half storey dwellings and two storey flatted dwellings, with 1970s four storey flats to the south-east of the application site. To the west of the application site is a modern housing development constructed by McLean Homes in the late 1980s, consisting of two storey detached, semi detached and terraced dwellings.

2.2 **Proposed Development:** Full planning consent is sought for the erection of 138 dwellings. 84 dwellings are proposed for sale, whilst 54 units are proposed to provide rented accommodation by Cunninghame Housing Association. The units proposed for sale are located to the south and east of the application site whilst the proposed social housing is to be located primarily to the west and north of the application site. A total of 34 dwellings are proposed to be two storey terraced dwellings, while 4 dwellings are proposed to be single storey detached bungalows for the benefit of wheel chair users. The remaining 100 dwellings are two storey semi detached. Two large and one smaller centrally located areas of public open space overlooked by dwellings are proposed with a smaller area of open space at the junction of Campbeltown Drive and the proposed access into the development. The

existing road layout is to be maintained and substantially re-used for the social and low cost housing.

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 that there is a low point adjacent to Plots 52; 59 and within road 5 which requires to be removed whilst the construction details of the proposed swales to the eastern boundary of the application site will require to be submitted to the Roads Division. In relation to the Transportation Assessment conducted relative to the proposed development it is concluded that the proposed development would not result in a significant adverse traffic impact on the local road network. The site is also in close proximity to both rail and bus public transport and within a reasonable walking distance of the town centre and hence is accessible by a range of travel modes. The Transportation Assessment recommends that a yellow box or keep clear markings be implemented at the Dean Street/Orchard Street junction and at the Campbelltown Drive/Western Road junction to aid right turning traffic at busy periods

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

3.2 Scotland Gas Networks have no adverse comments to make regarding the proposed development.

Noted.

3.3 Scottish Water have no objections to the proposed development and advise that planning approval will not guarantee a connection to their infrastructure until a satisfactory solution is identified.

The applicant has submitted a planning application (06/0888/FL) for a detention basin outwith this application site at land adjacent Dean Street/Kilmarnock Water for the use of the proposed development to meet the requirements of Scottish Water for new housing developments to utilise a sustainable urban drainage (SUDS) system. An appropriately worded note and condition can be attached to any grant of planning consent to ensure that the proposed development under consideration is serviced by an acceptable Sustainable Urban Drainage System (SUDS).

3.4 The Scottish Environment Protection Agency (SEPA) has no adverse comments although have advised that all foul drainage arrangements must be connected to the foul sewer in accordance with Scottish Water requirements and surface water should be treated by way of a suitably designed SUDS system. All waste materials generated by the development that require to be removed shall be removed by licensed waste carriers.

The requirements of SEPA can be addressed by attaching suitably worded conditions and notes to any grant of planning consent. See the response to Scottish Water's consultation above.

3.5 East Ayrshire Council's Environmental Health and Waste Management Division have no objections to the proposals, however they have advised that hours of construction should be limited and drainage should be completed to the satisfaction of SEPA.

The requirements of Environmental Health can be addressed by means of suitably worded conditions and notes attached to any grant of Planning Consent.

3.6 East Ayrshire Council's Outdoor Amenities Services have no objection to the application although they have requested that the open space within the development be appropriately landscaped with low ground shrubs and extra heavy standard trees and should include play equipment for toddlers and juniors as well as seating.

The requirements of the Outdoor Amenities Section can be addressed by means of suitably worded conditions attached to any grant of planning consent. The developer has advised, in writing, that they are willing to provide such play facilities within the open space area.

3.7 North West Kilmarnock Community Council have not responded to their consultation letter at the time of writing this report.

Noted.

4. REPRESENTATIONS

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

4.2 An objection was received on the basis that Council Housing was being built adjacent to the objectors' dwelling rather than private housing. They are very conscious on a security level as they have had property and cars broken into and using it as an access.

The proposed dwellings adjacent to the Parklands Estate to the west of the application site are to be socially rented dwellings provided by Cunninghame Housing Association. A letter to the objector advising of this was sent by this Division and has, to date, received no response. The proposed tenure of the dwellings is not a material consideration in the determination of the application. Notwithstanding this the proposed housing will provide greater security to adjacent existing housing than the

present situation and should remove to some extent security problems experienced by the objector.

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 RES4; RES19; RES20; RES22; TLR5 and ENV7 of the Adopted EALP are specifically relevant in the consideration of this application.

5.4 Policy RES4 states that, within Settlement Boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites, including those sites created through the large scale demolition of existing housing, not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed against a set of four stated criteria, as follows:

- (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.

It is considered that the proposed development accords with Policy RES4 as the area is predominantly residential in nature and the density and storey heights of the proposed dwellings are in keeping with the dwellings in the immediate vicinity. East Ayrshire Council's Roads and Transportation Division has no adverse comments in relation to the proposed development and there are no other adverse comments from the consultees. The proposed development accords with the Council's Design Guidance and is addressed in Sections 5.9 below.

5.5 Policy RES19 requires all housing developers to provide areas of recreational and amenity open space in their developments to the indicative basic standards set out in Schedule 3 of the Local Plan. The policy states also that the precise type, size, location and design of the open space required is dependent on the extent of existing open space provision in the vicinity and the recreational and amenity needs of the wider area.

The proposed development meets the Council's minimum public open space standards.

5.6 Policy RES20 states that, in formulating their development proposals, developers should ensure that the provision of open space should meet seven stated criteria, as follows:

- (i) that areas of open space are of a size and configuration that is easily maintainable. The policy advocates that larger areas of well located, consolidated open space should be provided in preference to a series of smaller, individual areas scattered throughout the proposed development site;
- (ii) that proposed areas of open space link, wherever possible, with other areas of adjacent existing open space;
- (iii) that the proposed areas of open space are safe and secure, overlooked if possible by adjacent properties;
- (iv) that play areas, kick about areas and games pitches are provided as required by the Council's Head of Leisure Services;
- (v) that play equipment and facilities for the disabled and those with special needs are provided as considered appropriate;
- (vi) that areas of open space are attractively planted and, where appropriate, use plant species to encourage wildlife; and
- (vii) that all open spaces are provided, as appropriate, with footpaths for both access and leisure walking, linking with adjacent open spaces wherever possible.

The proposed areas of public open space are well located within the development and are generally overlooked by adjacent properties providing a secure environment. It is considered that the overall proposal meets with the provisions of policy RES 20.

5.7 Policy RES22 requires all developers to observe the minimum standards for the provision of private open space in terms of a minimum 100 square metres for detached and semi-detached dwellings and 70 square metres for terraced dwellings.

The proposed development accords with Policy RES22.

5.8 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 confirmed that they are not willing to contribute towards the Sports, Leisure and Recreational Fund.

5.9 Policy ENV7 of the EALP is relevant and advises that all developers will be expected to fully comply with the Council's Design Guidance for new residential development. It states that house types must reflect and respect the built form of the surrounding area by reflecting the existing buildings in terms of design, storey height, scale, density and external finishes. In general, housing layouts shall include a variety of house types of differing sizes suitable for a wide range of households. Furthermore, the Design Guidance also states that any new housing development shall not result in unacceptable overlooking or have a visually intrusive impact on residential amenity.

It is considered that the proposed development is in keeping with the surrounding dwellings in terms of density; storey heights; design and external finishes. It is not considered that any of the proposed dwellings would lead to an unacceptable overlooking or overbearing aspect with regard to any of the adjacent residential dwellings.

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 and the letters of objection addressed in Section 4 of this report.

Consultation Responses and Representations Received

6.2 The consultations and representations received are addressed in Sections 3 and 4 of the report, none of which, it is considered, indicate that the application should be refused. The objection relative to the proposed tenure of the dwellings is not a material consideration in the determination of this application. However, in terms of the objection regarding security, it is considered that the proposed development will offer greater security to the objectors' rear boundary than is offered at present.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

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 of the report there are material considerations relevant to this application. The consultation responses received are detailed at Section 3 of the report, none of which indicate the proposed development should be refused. The comments of the objector, whilst noted, are not considered of sufficient weight to justify the amendment or the refusal of the proposed development. The proposed development will bring both social housing and low cost private housing to an area where there is a substantial demand for such housing. It will bring new life to the area.

9. RECOMMENDATION

9.1 It is recommended that the application should be approved subject to the conditions listed 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 and that decision is based on the principle of the development, it will require to be referred to the Development Services Committee, as there would be significant breach of Council Policy.

Alan Neish
Head of Planning, Development and Building Standards

29 November 2006
(BD/MMM/RH)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letters of Objection
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.

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

06/0636/FL

Site of Proposal: Longpark Avenue/Northcraig Road and
Kirn Road
KILMARNOCK
KA3 1JT

Nature of Proposal: Proposed Erection of 138 Houses Social
Housing and Low Cost Home Ownership

Name & Address of Applicant: CCG Homes and Cunninghame Housing
Association
82-84 Glasgow Street
ARDROSSAN
KA22 8EH

Name & Address of Agent: Grant Murray Architects
30 Bell Street
GLASGOW
G1 1LG

DPOs Reference: BD/MMM/RH

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 received on 17 July 2006 and the amended site plan and section plan received by the Planning Authority on 22 November 2006.

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 dwellings and the road/driveway surfaces shall be submitted to and approved by the Planning Authority in writing prior to the commencement of development on site and implemented as approved thereafter.

REASON In the interests of visual amenity.

3. During the period of construction works 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 public and road safety.

4. Notwithstanding the approved plans a landscaping scheme shall be submitted to and approved by the Planning Authority in writing prior to the commencement of development on site and implemented as approved during the first available planting season.

REASON In the interests of visual and residential amenity.

5. Notwithstanding the approved plans details of a maintenance agreement for the play equipment and all other areas of public open space and landscaping shall be submitted to and approved by the Planning Authority in writing prior to the commencement of development on site and implemented as approved thereafter.

REASON To ensure the future maintenance of all open areas, landscaping and play area to the satisfaction of the Planning Authority.

6. Notwithstanding the approved plans a phasing plan for the completion of all roads off site garage accesses and footpaths to final wearing surface, street lighting and street signs within the application site shall be submitted to and approved by the Planning Authority prior to the commencement of development on site. The approved phasing plan shall thereafter be adhered to at all times.

REASON In the interests of residential amenity and road safety.

7. Notwithstanding the submitted plans, the exact location and form of all proposed traffic calming measures shall be submitted to and approved by the Planning Authority and implemented upon the road being completed to a final wearing surface.

REASON In the interests of road safety and residential amenity.

8. Notwithstanding the submitted plans, details of a yellow box or keep clear markings to be implemented at the Dean Street/Orchard Street junction and at the Campbeltown Drive/Western Road junction shall be submitted to and approved by the Planning Authority and implemented as approved prior to the commencement of any development on-site.

REASON In the interests of road safety.

9. Prior to the commencement of development on site, final details of the proposed 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 have been formed with all necessary consents in place, prior to the occupation of any dwellinghouse. The SUDS arrangement shall thereafter be maintained in accordance with the approved details.

REASON To ensure adequate drainage is provided.

10. Notwithstanding the approved plan details of the measures to be taken to remove the low points at Plots 52; 59 and within road 5 and full details of the proposed swales to the eastern boundary of the application site shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented as approved thereafter.

REASON To ensure adequate drainage is provided.

11. All site servicing and workers' vehicles shall be accommodated within the development site at all times throughout the period of construction unless otherwise agreed in writing in advance with the Planning Authority.

REASON In the interests of road safety and residential amenity.

12. Notwithstanding the approved plans details of the proposed bin storage facilities providing for three bins per dwelling shall be submitted to and approved by the Planning Authority in writing prior to the commencement of development on site and shall be implemented prior to the occupation of any dwellinghouses.

REASON To ensure adequate bin storage facilities in relation to the three bin re-cycling programme.

13. Notwithstanding the submitted plans, details of the design and construction of all boundary features, fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site and implemented as approved thereafter.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

14. No demolition or external construction work, site clearance or preparation works shall take place before 08:00 hours and after 18:00 hours on Mondays to Fridays and before 08:00 hours and after 13:00 hours on Saturdays, nor at any time on Sundays.

REASON In the interests of residential amenity.

15. Notwithstanding the submitted plans details of the proposed toddlers/juniors play equipment and the exact location of such play equipment shall be submitted to and approved by the Planning Authority, in writing, prior to the commencement of development on site, and implemented as approved thereafter within a timescale to be agreed by the Planning Authority as part of a phasing plan. Details to be submitted shall include the boundary treatment of the proposed play area; details of a self-closing gate and animal grid to the entrance of the play area.

REASON To ensure adequate play equipment is provided for the use of future occupants of the development.

16. All future occupants of the proposed dwellings shall be made fully aware of the location of the proposed play area prior to the purchase or leasing of any dwellinghouse. Details of how future occupants of the proposed dwellings are to be informed of these approved items shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented thereafter as approved.

REASON To ensure potential residents are fully aware of the location of the play equipment in the interests of residential amenity.

17. Notwithstanding the approved plans, details of existing and proposed ground levels of the application site and proposed finished floor levels shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented on site as approved thereafter.

REASON In the interests of visual and residential amenity.

18. No materials other than topsoil shall be brought onto the site for the purposes of infilling or upraising ground levels without the prior written consent of the Planning Authority.

REASON In order to control the development of the site and materials used in the making up of ground levels.

19. Any waste arising from the construction works shall be disposed of to the satisfaction of the Waste Management Authority and other than by means of burning.

REASON In the interests of residential amenity.

20. The turning area located within the south east corner of the site (rear of Plots 30-37) shall be provided with a final wearing surface to the satisfaction of the Planning Authority, details and the timing of which shall be submitted to and approved by the Planning Authority prior to the commencement of development.

REASON In the interests of residential amenity.

NOTES:-

1. The applicant should make early contact with Scotland Gas Networks as the development may affect their apparatus in the area. Scotland Gas Networks can be contact on 0141 418 4093.
2. The applicant should make early contact with East Ayrshire Council Roads and Transportation Division prior to the commencement of development on site to ascertain if any permits for road/footway works are required. East Ayrshire Council Roads and Transportation Division can be contacted on 01563 576310.
3. The applicant should make early contact with Scottish Water on 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 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. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.

**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.**