

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 08 DECEMBER 2006

**06/0827/FL: ERECTION OF WALL AT FRONT OF PROPERTY
AT 30 WITCHKNOWE ROAD, KILMARNOCK
BY MR AND MRS R LENNOX**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a wall around a play area. It will comprise of a facing brick base wall which will be 1 metre high and finished to a height of 2 metres with timber panelling and galvanised steel gates.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report, the application is considered to be in accordance with the terms of 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 stated in Section 6 there are material considerations relevant to the consideration of this proposal. However, the consultees have not raised any adverse comments and the design, height and siting of the wall is acceptable within the context of the residential 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 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.

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AT 30 WITCHKNOWE ROAD, KILMARNOCK
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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 because it is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The site was formerly owned and occupied by the Salvation Army and has recently been refurbished to accommodate a pre-school nursery. The site is bounded to the north, south and west by residential dwellings and to the south east by a Scout Hall. There is also a small shop nearby.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a wall around a play area. It will comprise of a facing brick base wall which will be 1 metre high and finished to a height of 2 metres with timber panelling and galvanised steel gates.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads Division have no adverse comments to make regarding the proposed development and confirm that suitable sightlines can be achieved.

Noted.

3.2 Bellfield Community Council has not responded to their consultation letter at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 There is one letter of objection and their grounds of objection are as follows:-

4.2 The boundary would be an obstruction to traffic when exiting from the adjacent car park.

The Council's Roads Division have undertaken measurements on site and have not raised any adverse comments regarding the wall.

4.3 The wall is out of character with the quiet residential area.

The design and height of the wall is in keeping with the residential area and is of a style often found in residential areas.

4.4 A wall this height will over power existing homes and their own garden boundaries.

It is considered that the proposed wall is in keeping with the surrounding residential properties and does not have an adverse impact on existing dwellings.

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 There are no strategic policies within the Ayrshire Joint Structure Plan which are particularly relevant to this proposal.

Adopted East Ayrshire Local Plan

5.3 Policy ENV 7 of the EALP is relevant and states that developers will be expected to comply fully with the Council's Design Guidance and advises that careful consideration should be given to the effect any changes will have on the property, on neighbouring properties and the surrounding area. Development that is out of scale and character with its surroundings can be detrimental to the appearance of the wider area.

The proposed wall is designed to be in keeping with the surrounding dwellings and will be constructed with materials which are acceptable within the context of the residential area. The proposed boundary treatment has no adverse impact on the existing street scene.

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 letter of objection received, detailed in Section 4 of the report.

Consultation Responses and Representations Received

6.2 The consultations and representations received are addressed in Sections 3 and 4 of the report. The Roads Division have offered no concerns regarding road safety. In terms of the concerns of the objector, these are not considered to be of sufficient weight to warrant a recommendation of refusal. The proposed boundary treatment is in keeping with the property and the residential area.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report, the application is considered to be in accordance with the terms of 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 stated in Section 6 there are material considerations relevant to the consideration of this proposal. However, the consultees have not raised any adverse comments and the design, height and siting of the wall is acceptable within the context of the residential area.

9. RECOMMENDATION

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

27 November 2006
(WH/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plan.
2. Statutory Letters/Certificates.
3. Consultation Replies.
4. Letters of Representation.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.

Anyone wishing to inspect the above papers please contact Willie Harris, Planning Officer, on 01563 576787.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 06/0827/FL

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|------------------------------|---|
| Site of Proposal: | 30 Witchknowe Road KILMARNOCK |
| Nature of Proposal: | Erection of Wall at Front of Property |
| Name & Address of Applicant: | Mr and Mrs R Lennox 30 Witchknowe Road, KILMARNOCK KA7 2DP |
| Name & Address of Agent: | Mr Robert Laing 25 Bellevue Crescent AYR KA7 2DP |

DPOs Reference: WH/MMM

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

1. Notwithstanding the plans hereby approved, the area between the footway and the wall shall be hard paved to avoid the overcarry of loose material onto the footway/roadway. Details of this hard paved area shall be submitted to and approved by the Planning Authority prior to the commencement of works on the wall on site and shall be implemented prior to the completion of the wall.

REASON In the interests of residential amenity and road safety.

2. Notwithstanding the plans hereby approved, a sample of the proposed facing brick shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented thereafter as approved.

REASON In the interests of visual amenity.

**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.**