

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 04 JUNE 2004**

**04/0185/FL: PROPOSED ERECTION OF 2 NO FLATS WITH  
ASSOCIATED PARKING  
AT 32-36 OLD STREET, KILMARNOCK  
BY AMW PLUMBING**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 It is proposed to erect a two storey building comprising one 2 bedroom flat on each floor with 1 car parking space per flat and 2 visitor spaces. The building will have a hipped roof and be no higher than the neighbouring building at 38-40 Old Street. The upper flat will be accessed by an external stair to the rear elevation under which will be located the refuse cupboard. External materials will comprise on artificial slate roof and white smooth colour render with feature western red cedar cladding on the north elevation. The private garden area will extend to 101 square metres comprising of grounds and paved area and screened by a 1.8 metre high timber fence.

1.2 The applicant has submitted a supporting statement which explains the design ethos behind the scheme. They have explained that the car parking has been formed as proposed to maintain the street frontage. The building has been designed to keep the roofline at an equal height to the ridgeline of the adjacent property retaining the pitch of the adjacent roof. A feature window arrangement has been created to benefit from the aspect to Riccarton Parish Church and external materials are proposed that reflect traditional Scottish materials of slate, smooth white render and sash and case style windows.

**2. RECOMMENDATION**

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

**3. CONCLUSIONS**

3.1 As indicated at Section 5 of this 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 concerns of the objectors regarding road safety have not been echoed by the Roads Division. The design, layout and height of the proposed flats are considered compatible with the surrounding properties and will not have an adverse impact in terms of overlooking or be visually intrusive to adjacent properties. The proposed development will remove a derelict site which will greatly improve the general amenity of the area and replace a visual blight with an appropriate form of development in terms of design. The design will also complement the setting of the Riccarton Parish Church.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards the application will not require to be referred to the Development Services Committee because there would be no significant breach of 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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04/0185/FL: PROPOSED ERECTION OF 2 NO FLATS WITH  
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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 subject to an objection.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** This site extends to 0.025 hectares in area and is currently vacant ground. It is bound to the north and west by land associated with Bickets motor complex, to the east by Old Street, the junction of New Street and Riccarton Parish Church which is a B Listed Building and to the south by a traditional slate and render two storey building with a vacant commercial unit on the ground floor and the modern residential development at Moodie Court. The north and west boundaries are currently defined by a metre high metal palisade fence.

2.2 **Proposed Development:** It is proposed to erect a two storey building comprising one 2 bedroom flat on each floor with 1 car parking space per flat and 2 visitor spaces. The building will have a hipped roof and be no higher than the neighbouring building at 38-40 Old Street. The upper flat will be accessed by an external stair to the rear elevation under which will be located the refuse cupboard. External materials will comprise on artificial slate roof and white smooth colour render with feature western red cedar cladding on the north elevation. The private garden area will extend to 101 square metres comprising of grounds and paved area and screened by a 1.8 metre high timber fence.

2.3 The applicant has submitted a supporting statement which explains the design ethos behind the scheme. They have explained that the car parking has been formed as proposed to maintain the street frontage. The building has been designed to keep the roofline at an equal height to the ridgeline of the adjacent property retaining the pitch of the adjacent roof. A feature window arrangement has been created to benefit from the aspect to Riccarton Parish Church and external materials are proposed that reflect traditional

Scottish materials of slate, smooth white render and sash and case style windows.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Transco and Scottish Water have not objected to the application although both organisations have recommended early contact prior to commencing work on site.

***Noted. If members choose to grant consent, notes can be attached to advise the applicant.***

3.2 The Coal Authority and West of Scotland Archaeology Service have not replied to their consultations at the time of writing this report.

***Noted.***

3.3 East Ayrshire Council Roads and Transportation Division have no objections to the application although require the applicant to construct the access crossing to their specifications and obtain a road opening permit prior to starting work. They also state that the applicant must obtain advice from their Lighting Section regarding the relocation of the street lighting column. They have further advised that no building materials should be on the public footway.

***Noted. If members choose to grant consent, advisory notes can be attached to the decision advising contact with the Roads and Transportation Division. The storage of building materials can be controlled by condition.***

3.4 There is no Riccarton Community Council with whom to consult on this application.

***Noted.***

### 4. REPRESENTATIONS RECEIVED

One letter of representation has been received. The points raised are as follows:

4.1 Riccarton is an ancient hamlet that is desolate and forlorn in front of one of Kilmarnock's most imposing buildings which has recently had a lot of money spent on its upgrading. Successive Councils have ignored this area which goes back beyond associations with Wallace and Burns. It is not right that the street should be subject to such low grade development.

***Noted. The application has been amended since its original submission and whilst relatively modern in design, it now adopts traditional design features such as the fenestration arrangement, to provide a link and visual relationship to the adjoining building. It is considered that the use of the appropriate external materials will assist in achieving a quality development in an area where there is a range of design of development. This is currently a vacant site that at present adversely affects the visual amenity of the area. The design is a simple building using traditional materials to respect the Scottish vernacular.***

4.2 The access and egress to these flats are fundamentally dangerous against the traffic flow. Vehicles travelling from the southern end of Old Street will be on a blind corner at the Riccarton Inn and likely as not, to come facing the side of a reversing vehicle from the parking area. This is also dangerous as it butts directly onto two lanes of traffic coming from New Street. No doubt the cost of the relocation of a lamp post and BT junction box could be met by the developer but it is hardly likely that the road alignment would be covered by the proceeds of 2 flats.

***Noted. These concerns were forwarded to the Council's Roads and Transportation Division who responded and advised that further to their consultation response detailed in Section 3.3 of this report, the access arrangements for the dwellings are the same as those being provided for other private accesses in residential areas. They meet the requirements of the Roads and Transportation Division and it is not therefore considered that the access will create a road safety hazard.***

## **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

5.1 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning application 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.

### Approved Ayrshire Joint Structure Plan (AJSP)

5.2 There are no strategic issues relative to this application that would require assessment under the AJSP.

### Approved East Ayrshire Local Plan (EALP)

5.3 Policy RES 4 is relevant to the assessment of this application. Within settlement boundaries the sympathetic residential development of infill sites not specifically identified for particular development purposes on the Local Plan maps will be assessed against the following criteria:-

- (i) Transportation and infrastructure implications.
- (ii) Compatibility with surrounding densities and housing types, and
- (iii) Compliance with the Council's Development Promotion and Design Guidance.

***The proposed development is considered to be compatible with the surrounding housing area. The proposed access is considered acceptable by the Roads Division.***

5.4 Policy RES22 requires all developers to observe the minimum standard for the provision of private open space.

***Noted. This standard is met by the proposals which provide 101 square metres of private open space which is secluded in nature.***

#### East Ayrshire Council Design Guidance

5.5 Policy ENV 5 requires developers to comply fully with the Council's Design Guidance whereby the layout and house type for proposed individual residential development of gap sites shall recognise and reflect the scale, design features, rhythm of doors and windows, storey height, density and materials of surrounding buildings. New housing development should not result in an unacceptable invasion of privacy or overlooking of properties adjoining the site. The minimum distance between windows of habitable rooms in facing houses should not be less than 18 metres. The height and position of houses must not have an oppressive, overshadowing or visually intrusive impact on neighbouring properties.

***The proposed flats have been designed and sited to minimise their impact on adjacent houses. It is considered that the flats will not have an oppressive and overshadowing effect and the properties do not overlook any houses.***

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

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

#### Consultation Responses and Letter of Representation

6.2 None of the statutory consultees have raised any negative issues which would materially affect the determination of this application. The concerns of the objector regarding the standard of development and the access arrangements have been addressed and these concerns are not echoed by either this Division or the Roads and Transportation Division.

## Planning History

6.3 There is no relevant planning history to this application site.

## **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 indicated at Section 5 of this 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 concerns of the objectors regarding road safety have not been echoed by the Roads Division. The design, layout and height of the proposed flats are considered compatible with the surrounding properties and will not have an adverse impact in terms of overlooking or be visually intrusive to adjacent properties. The proposed development will remove a derelict site which will greatly improve the general amenity of the area and replace a visual blight with an appropriate form of development in terms of design. The design will also complement the setting of the Riccarton Parish Church.

## **9. RECOMENDATION**

**9.1 It is recommended that the application is approved subject to the conditions indicated on the enclosed 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 the application will not require to be referred to the Development Services Committee because there would be no significant breach of policy.

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

26 May 2004  
(FMF/RB/MMM)

FV/DVM

**LIST OF BACKGROUND PAPERS**

1. Application Forms and Plans.
2. Statutory Notices/Certificates.
3. Letters of representation.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted East Ayrshire Local Plan.
6. Planning Application No: 03/0523/FL.

Anyone wishing to inspect the above background papers should contact Fiona Finlay on (01563) 576768.

***Implementation Officer: Dave Morris***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 04/0185/FL

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Site of Proposal: 32-36 Old Street  
KILMARNOCK

Nature of Proposal: Proposed Erection of 2 No. Flats with  
Associated Parking

Name & Address of Applicant: AMW Plumbing  
18-20 Lindsay Street  
KILMARNOCK  
KA1 2BB

Name & Address of Agent: Munro Architects  
3 Portland Road  
KILMARNOCK  
KA1 2BT

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DPOs Reference: FMF/RB

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

1. The proposed development shall be carried out in accordance with the application form and plans submitted on 10 February 2004 and the amended plans received 15 May 2004.

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

2. No construction work, site clearance or preparation works shall take place before 08.00 hours and after 17.00 hours Mondays to Saturdays nor at any time on Sundays.

REASON In the interests of residential amenity.

3. Notwithstanding the submitted plans, details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved in writing by the Planning Authority before any development commences on the site and shall thereafter be implemented on site as approved prior to the occupation of any of the flats.

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

4. Prior to any work commencing on site, details and samples of external materials shall be submitted to and approved by the Planning Authority and shall include a good quality artificial slate. The external materials shall be used on site thereafter in accordance with the approved details.

REASON In the interest of visual amenity.

5. All building materials shall be stored within the application site at all times during the construction period and at no time shall materials be stored on the public highway.

REASON In the interests of road safety.

#### NOTES

1. Prior to the commencement of any works on site for the development hereby approved, the applicant should satisfy himself/herself as to the suitability of the site for construction purposes.
2. The applicant shall make early contact with Scottish Water, 35 Glenburn Road, Prestwick, KA9 2NS regarding connection to the public sewerage system and relative levels shall be such as will allow the development to be contacted at an acceptable gradient.
3. Prior to any development commencing on site, the developer is strongly advised to make early contact with Transco on 0141 418 4093 to discuss any effect on Transco's equipment as a result of the development.
4. Early contact with East Ayrshire Council's Roads and Transportation Division shall be made regarding consents required for access and relocation of the street lighting column. Contact shall be with Roads and Transportation Division at Greenholm Street, Kilmarnock or on (01563) 576310.

**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.**