

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 10 NOVEMBER 2006

**06/0755/FL: PROPOSED DWELLINGHOUSE
AT LAND ADJACENT TO 23 CAIRNS TERRACE, KILMARNOCK
BY MR NEIL CUTHBERT**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a two- storey 2 bedroom dwelling which would result in the formation of a terrace of 3 dwellings. The design and finishes of the proposed dwelling are in-keeping with the adjoining dwellings. The proposed external finishes include white dry dash render and brown facing brick base course and concrete roof tiles. The proposals provide parking provision for three cars, providing parking provision for the proposed dwelling house and the existing dwelling at 23 Cairns Terrace.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As is indicated at Section 5 of the report, the application is considered to accord with the Adopted Local 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 the proposed development. The requirements of SEPA The East Ayrshire Council Roads and Transportation Division; Scottish Water and Network Rail can be addressed by attaching suitably worded conditions and notes to any grant of planning consent. Whilst the comments of the objector and Community Council are noted it is not considered that their comments are of sufficient weight to justify a recommendation of refusal. It is considered that the proposed development is in-keeping with the surrounding residential locality and would not result in a loss of residential amenity to existing dwellings.

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 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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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 objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site extends to approximately 0.018 hectares in area, and is currently utilised as garden ground associated with the adjacent semi detached modern two storey dwelling house at 23 Cairns Terrace. The area of land is currently overgrown and in a poor condition. The site is accessed via an existing driveway from Cairns Terrace and is surrounded to the north, south and west by residential properties. Immediately to the east of the application site is the Kilmarnock-Troon railway line. The ground levels alter considerably from the existing dwelling house to the east of the application site toward the railway line and to the south east of the application site adjacent 1a Irvine Road.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a two- storey 2 bedroom dwelling which would result in the formation of a terrace of 3 dwellings. The design and finishes of the proposed dwelling are in-keeping with the adjoining dwellings. The proposed external finishes include white dry dash render and brown facing brick base course and concrete roof tiles. The proposals provide parking provision for three cars, providing parking provision for the proposed dwelling house and the existing dwelling at 23 Cairns Terrace.

3. CONSULTATIONS AND ISSUES RAISED

3.1 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.

3.2 East Ayrshire Council's Roads and Transportation Division has no objections but they advise that dropped kerbs will be required over the frontage of the application site and a road opening permit required for such works. They also require the proposed driveway to be hard paved for a minimum distance of two metres from the rear of the footway to prevent over-carry of loose materials onto the public road. A row of edging kerbs to delineate the private garden ground from the public road is required, whilst the proposed car parking spaces must be delineated to provide 2 parking spaces for the existing dwelling at 23 Cairns Terrace. The hammerhead turning area must also be kept clear at all times.

The requirements of the Roads Division can be addressed by attaching suitably worded conditions and notes to any grant of planning consent.

3.3 Scottish Water has no objections to the proposed development although have advised that this does not guarantee a connection to Scottish Water's infrastructure. They also advise that surface water will require to be discharged to a SUDS system.

The requirements of Scottish Water can be addressed by attaching suitably worded conditions and notes to any grant of planning consent.

3.4 Scotland Gas Networks have no objections to the proposed development.

Noted.

3.5 Network Rail has no objections to the proposed development although has advised that the developer has been contacted by Network Rail with regard to their requirements for construction works on or near operational land.

Noted.

3.6 Bonnyton Community Council object to the proposed development as the development would be detrimental to the established residential amenity of the area, detrimental to visual amenity; result in overshadowing to the rear of 23 and 21 Cairns Terrace; lead to insufficient space between the proposed building and the railway line and would set an undesirable precedent.

The proposed development is considered to be complimentary in terms of its design and external finishes, closely matching the existing dwellings in the vicinity. It is not considered that an additional dwelling of a similar design to the existing dwellings would lead to a reduction in residential amenity within an established residential area. With regards to overshadowing of the rear gardens of 21/23 Cairns Terrace, the two-storey element of the proposed development extends only 1.2 metres from the rear elevation of the existing dwellings at 21/23 Cairns Terrace. The single storey rear extension extends approximately 3.4 metres from the rear of the proposed dwelling. It should be noted that the dwelling at 21 Cairns Terrace has a single storey extension of a similar size and height to that included as part of the proposed development. It is considered that the two storey element of the proposed extension, which projects beyond the rear of the existing dwellings by 1.2 metres, would have virtually no impact by way of overshadowing to the rear gardens of the existing dwellings whilst it is considered that the single storey portion of the proposed development (3.7 metres) is of the same height as the neighbouring extension at 21 Cairns Terrace. It is considered that the height and length of the single storey portion of the development would not result in a significant degree of overshadowing that would create a loss of amenity to the adjoining dwellings. With regards to the Community Council's concerns relative to the proximity of the railway line, it should be noted that Network Rail have no objections to the proposed development. With regard to precedent, each application is determined on its own merits and it is not considered that the proposed development will set an unacceptable precedent.

4. REPRESENTATIONS

- 4.1 There are two objections to the proposed development, one from Bonnyton Community Council, which is detailed in Section 3.6 of the report, and one from a third party on the following grounds:
- 4.2 They object as their house is currently semi-detached and not terraced as is proposed. They believe the value of their house would reduce by between £5000 and £10,000.

Property values are not a material consideration in the determination of this planning application. The proposed dwelling is compatible with the surrounding properties.

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 (1999) and the Adopted East Ayrshire Local Plan (EALP).

Approved Ayrshire Joint Structure Plan (AJSP)

5.2 There are no policies in the Ayrshire Joint Structure Plan that are particularly applicable to this proposal.

Adopted East Ayrshire Local Plan (EALP)

5.3 Policy RES 4 is relevant and encourages sympathetic residential development of gap, infill or other redevelopment sites subject to an assessment of the proposal against the surrounding natural and built environment and adjacent uses, transportation and infrastructure implications and in terms of compatibility with surrounding densities and housing types and compliance with the Council's Design Guidance.

As noted at 3.6 above it is considered that the proposed development is in keeping with the surrounding built environment in terms of its design and external finishes, closely matching the existing dwellings in the vicinity.

5.4 Policy RES 5 is relevant and advises that the Council will be supportive of the sub-division of existing house curtilages for the development of dwelling houses subject to the following criteria being met:

- (i) The proposal is fully in-keeping with the existing residential character and appearance of the area within which it is located;
- (ii) The proposal meets all the design requirements of the Council and does not create unacceptable damage to the amenity of surrounding properties; and
- (iii) Acceptable levels of privacy are maintained to neighbouring properties and to the new housing development.

As noted above at 3.6 it is considered that the proposed development is considered to be in keeping with the residential character of the area in terms of the design and external finishes, and does not impinge on the residential amenity of the locality.

5.5 Policy ENV 7 states that all developers will be expected to comply fully with the Council's Design Guidance and Policy documents relating to and advising on the particular development proposed. Developments which do not meet the required design standards detailed in these documents will require to be fully justified and may not be supported by the Council. Individual houses and house design for infill or gap sites should recognise and reflect the scale, design features, and rhythm of doors, windows, storey height, density and materials of surrounding buildings. The height and position of the house should not have an oppressive, overshadowing or visually intrusive impact on neighbouring properties. Front building lines should respect and reflect those of adjacent properties.

The proposed development is in keeping with the surrounding built environment in terms of its design and external finishes, closely matching the existing dwellings in the vicinity.

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 letter of objection addressed at Section 3.6 of this report.

Consultations and Representations

6.2 The consultations and representations received are addressed in Sections 3 and 4 of the report. The concerns of the Community Council are not considered sufficient to justify a recommendation of refusal. It is not considered that the dwelling will have an adverse impact on the amenity of the neighbouring residential dwellings.

Planning History

6.3 98/0664/FL Proposed two storey extension to dwelling at 23 Cairns Terrace, Kilmarnock - approved under delegated powers on 05 November 1998.

6.4 03/0523/FL Proposed residential development of 5 dwellings at Cairns Terrace/ Irvine Road, Kilmarnock withdrawn 10 April 2006. This application involved an access through the application site under consideration.

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 at Section 5 of the report, the application is considered to accord with the Adopted Local 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 the proposed development. The requirements of SEPA The East Ayrshire Council Roads and Transportation Division; Scottish Water and Network Rail can be addressed by attaching suitably worded conditions and notes to any grant of planning consent. Whilst the comments of the objector and Community Council are noted it is not considered that their comments are of sufficient weight to justify a recommendation of refusal. It is considered that the proposed development is in-keeping with the surrounding residential locality and would not result in a loss of residential amenity to existing dwellings.

9. RECOMMENDATION

9.1 It is recommended that the application be 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 as there would be no significant breach of Council policy.

Alan Neish
Head of Planning, Development and Building Standards

31 October 2006
(BD/RH)
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Consultation Responses.
3. Statutory Notices/Certificates.
4. Letter of Objection.
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.
7. Planning Application Reference Nos. 98/0664/FL; 03/0523/FL.

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

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0755/FL

Site of Proposal:	Land Adjacent to 23 Cairns Terrace KILMARNOCK KA1 2JG
Nature of Proposal:	Proposed Dwellinghouse
Name & Address of Applicant:	Mr Neil Cuthbert 2 Milton Drive KILMARNOCK KA3 7HZ
Name & Address of Agent:	Munro Architects 23 Portland Road KILMARNOCK KA1 2BT

DPOs Reference: BD/RH

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

1. Notwithstanding the approved plans details of the method of ground levelling works including the formation of any such retaining walls to the eastern boundary of the 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 In the interests of residential amenity

2. Notwithstanding the submitted plans, details and samples of all external materials shall be submitted to and approved by the Planning Authority before any development commences on the site and shall be implemented on site as approved thereafter.

REASON In the interests of visual amenity.

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

REASON In the interests of residential amenity.

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

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

5. The developer of this site shall ensure that during the development phase, adequate and continuing measures are taken to ensure that roads and footpaths adjoining the site are maintained free from mud and other materials carried from the site.

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

6. Notwithstanding the submitted plans, the boundary of the development site onto the footway shall be clearly defined by a change of surface material or the installation of a row of edging kerbs, details of which shall be submitted to and approved in writing by the Planning Authority before any development commences on site and shall be implemented on site prior to the occupation of the dwelling.

REASON To delineate private garden ground from the public footway.

7. Notwithstanding the submitted plans, the driveways will require to be paved for a minimum distance of 2 metres from the boundary with the public footway prior to the occupation of the proposed dwelling.

REASON To avoid overcarry of loose material onto the public road/footway in the interests of road safety.

8. Notwithstanding the approved plans the proposed car parking spaces shall be delineated to provide two vehicle parking spaces for the sole use of the existing property at 23 Cairns Terrace, Kilmarnock, and one vehicle parking space for the sole use of the proposed development. The parking area shall be formed and brought into use prior to the occupation of the proposed dwelling.

REASON In the interests of road safety and residential amenity.

9. Prior to the commencement of development on site, details of a 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 thereafter be formed and maintained on site in accordance with the approved details prior to the occupation of any of the residential units.

REASON To ensure that adequate drainage is provided.

NOTES:-

1. The applicant shall make early contact with Scottish Water as the applicant must make a separate application to Developer Services for permission to connect to the public sewage system. Scottish Water can be contacted on 0845 601 8855.

2. The applicant shall make early contact with East Ayrshire Council's Roads and Transportation Division in relation to any road occupation permits or appropriate consents which may be required in relation to the proposed development. The Roads and Transportation Division can be contacted on 01563 576310.

3. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.

4. 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 contacted on 0141 418 4093.

5. The applicant shall make early contact with Network rail with regard to their requirements for construction work on or near the adjacent railway line. Network Rail can be contacted on 0141 555 4617.

6. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific arrangements 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.

7. SUDS shall be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.

**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.**