

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 14 SEPTEMBER 2006

**06/0364/FL: PROPOSED ERECTION OF FOUR ONE BED FLATS WITH
PARKING
AT LAND ADJACENT TO 27 CARMEL AVENUE
KILMARNOCK KA1 2NY
BY ALEX GORMAN**

**SUPPLEMENTARY REPORT –
APPLICATION PREVIOUSLY CONSIDERED BY CENTRAL LOCAL
PLANNING COMMITTEE 02 JUNE 2006**

1. APPLICATION HISTORY

1.1 The application was previously considered by the Central Local Planning Committee on 02 June 2006. The Committee agreed to continue consideration of the application as the applicant produced amended plans at the Committee indicating a revised parking layout associated with the proposed development.

2. CONSULTATIONS AND ISSUES RAISED

2.1 Both the Council's Roads and Transportation Division and Bonnyton Community Council have been consulted on the amended proposals.

2.2 East Ayrshire Council Roads and Transportation Division has confirmed that the revised proposed site layout now meets their requirements.

Noted.

2.3 Bonnyton Community Council have lodged a further objection to the amended parking layout on the following grounds:

1. It would set an undesirable precedent.
2. Loss of amenity to neighbouring property.
3. Lack of amenity.
4. Road safety – in view of the close proximity of some of the parking spaces to the junction of Carmel Avenue and Annanhill Avenue.
5. Water and Sewerage pipes in this area are unable to cope at present and any further dwellings would exacerbate this problem.

The concerns of the Community Council in relation to points 1-3 and 5 above have previously been raised by them and are addressed in Section 3.4 of the original report. With regard to their concerns about parking spaces at the junction of Carmel Avenue and Annanhill Avenue, this concern has not been supported by the Roads Division.

3. REPRESENTATIONS

3.1 All neighbours and all previous objectors were re-notified of the proposed changes. There are no additional objectors to the proposed development. There are still 3 objectors to the proposed development including one from Bonnyton Community Council. Their grounds of objection are detailed in Section 2.3 of this report and Section's 3.4 and 4 of the original report.

4. FINANCIAL AND LEGAL IMPLICATIONS

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

5. CONCLUSION

5.1 Although the revised parking layout is now acceptable to the Roads Division, concerns with regard to the loss of amenity to the adjacent property and the area as a whole are still considered to be material in the determination of this application. The proposed development would be out of character with the area as a characteristic of this area is the large garden plots, which contribute significantly to the amenity of the area. The development of this garden area would set an unacceptable precedent for the development of other corner garden plots which could have a detrimental affect on the amenity of this area.

5.2 Furthermore, due to the close proximity of the new build to the property at 25/27 Carmel Avenue there would be created an unaccepted overlooking to their rear garden ground and an unacceptable impact in terms of visual intrusion and the overbearing nature of the proposal.

5.3 Members are advised to determine the application as presented in the main report to the local Planning Committee on 02 June 2006 (copy of report attached) and as supplemented by the details in Section 2.1 and Sections 5.1 and 5.2 of this report.

6. RECOMMENDATION

6.1 It is recommended that the application be refused for the reasons indicated on the revised TP24 attached.

CONTRARY DECISION NOTICE

Should the Committee agree that the application be approved 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

05 September 2006
(PC/RH)

FV/DVM

List of background papers

1. Application Form and Plans.
2. Consultation Responses.
3. Statutory Notices/Certificates.
4. Adopted East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan.
6. Report to Central Local Planning Committee: 02 June 2006.

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

06/0258/FL

Site of Proposal: Street	Land Adjacent to 27 Carmel Ave KILMARNOCK KA1 2JG
Nature of Proposal:	Proposed Erection of 4 one bed flats with parking
Name & Address of Applicant:	Mr Alex Gorman 2 Cairns Terrace KILMARNOCK KA1 2JG

DPOs Reference: WH/RH

The above FULL application should be refused for the following reasons:-

1. The proposed development is contrary to Policy RES4 and RES5 of the Adopted East Ayrshire Local Plan as it would have a detrimental impact on the general character of the surrounding established residential area and the adjacent properties.
2. The proposed development is contrary to Policy ENV 7 of the Adopted East Ayrshire Local Plan as it fails to comply with East Ayrshire Council's Design Guidance in that it would be out of character with the setting of neighbouring properties and create an unacceptable level of overlooking and loss of privacy to the rear garden of 25/27 Carmel Avenue.
3. The proposed development would have a visually intrusive impact on the amenity of the adjacent residential properties by reason of its close proximity, overbearing nature and overlooking of such properties.
4. The proposed development would set an unacceptable precedent for similar developments on corner garden plots which could be detrimental to the character and amenity of the wider residential area.

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 02 JUNE 2006

**06/0364/FL: PROPOSED CONSTRUCTION OF FOUR ONE BED FLATS
WITH PARKING AT LAND ADJACENT TO 27 CARMEL AVENUE,
KILMARNOCK
BY ALEX GORMAN**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a two storey block of 4 flats of 1 bedroom accommodation. The proposed external finishes include modern grey concrete roof tiles and roughcast render walls. The front elevation of the flats faces onto Annanhill Avenue. The proposed building is situated on the same building line as No 59/61 Annanhill Avenue and is set back slightly from No25/27 Carmel Avenue. Two car parking spaces are proposed from Annanhill Avenue and three car parking spaces off Carmel Avenue.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.

3. CONCLUSIONS

3.1 As is indicated at Section 5 of the report, the application is considered to be contrary to 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 refused 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 Council's Roads Division have raised concerns regarding parking provision for the adjacent residential properties. Concerns with regard to the loss of amenity to the adjacent property and the area as a whole are considered to be material in the determination of this application. It is considered that the proposed development would be out of character with the area, as a characteristic of this area is the large garden plots, which contribute significantly to the amenity

of the area. The development of this garden area would set an unacceptable precedent for the development of other corner garden plots which could have a detrimental affect on the amenity of this area.

3.3 Furthermore, due to the close proximity of the new build to the property at 25/27 Carmel Avenue there would be created an unacceptable overlooking to their rear garden ground and an unacceptable impact in terms of visual intrusion and the overbearing nature of the proposal.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved 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.

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 30 JUNE 2006

**06/0364/FL: CONSTRUCTION OF FOUR ONE-BED FLATS WITH
PARKING
AT LAND ADJACENT 27 CARMEL AVENUE KILMARNOCK
BY MR ALEX GORMAN**

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 and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site extends to approximately 540sq.m in area, and is garden area associated with the adjacent semi detached traditional two storey flatted dwelling house at 61 Annanhill Avenue and 25-27 Carmel Avenue. The area of land is currently used as garden ground however, it is overgrown. The site is bounded on each aspect by a 1 metre high open boarded timber fence and contains two garden sheds hedging and a slide. The site is surrounded on each of its boundaries by residential properties. The immediate residential area is characterised by traditional two storey flatted properties with large open garden plots.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a two storey block of 4 flats of 1 bedroom accommodation. The proposed external finishes include modern grey concrete roof tiles and roughcast render walls. The front elevation of the flats faces onto Annanhill Avenue. The proposed building is situated on the same building line as No 59/61 Annanhill Avenue and is set back slightly from No25/27 Carmel Avenue. Two car parking spaces are proposed from Annanhill Avenue and three car parking spaces off Carmel Avenue.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have confirmed that the proposed site layout cannot meet their parking

requirements due to existing parking being removed from 59-61 Annanhill Avenue and 25 and 27 Carmel Avenue.

The proposed development cannot meet the roads requirements.

3.2 Scottish Water have advised that the developer should consider utilising a Sustainable Urban Drainage System (SUDS) in the surface water drainage design. Scottish Water will not adopt surface water drainage systems that require the flows to be pumped.

The requirements of Scottish Water with regard to the surface water drainage design can be addressed by attaching a condition and notes to any grant of planning permission.

3.3 Scottish Power Energy Networks and Scotland Gas Networks have no adverse comments to make regarding the proposed development.

Noted.

3.4 Bonnyton Community Council object to the development on the following grounds:

- It would set an undesirable precedent.
- Loss of amenity to neighbouring property.
- Lack of amenity.
- Water and Sewerage pipes in this area are unable to cope at present and any further dwellings would exacerbate this problem.

The concerns of the Community Council with regard to amenity are addressed in Section 5.3, 5.4 and 5.5 of the report. With regard to water and sewerage provision, Scottish Water have indicated that a Sustainable Urban Drainage System should be utilised regarding the disposal of surface water and have not raised any objections.

4. REPRESENTATIONS

4.1 There are three letters of objection to the proposed development including one from Bonnyton Community Council which is detailed in Section 3.4 of the report. The grounds of objection are:-

4.2 The construction of these flats will lead to a density of houses totally out of character with neighbouring properties in the area. This is an unacceptable backland development.

This is addressed in section 5.4 of the report.

4.3 The development has insufficient parking and cause significant access and traffic management problems.

The Roads Division have confirmed that insufficient parking has been provided for the adjacent residential properties.

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.

Although the proposed flatted dwellinghouse would be constructed using materials which match that of the surrounding properties, the siting of this development would upset and be prejudicial to the streetscape and the proposal is therefore contrary to Policy Res 4. The proposed development cannot meet the parking requirements of the Roads Division.

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.

The application site lies within an area which is characterised by residential properties with large open garden plots and in particular the site is one of four large corner garden plots which

are at the convergence of Carmel Avenue and Annanhill Avenue. This contributes significantly to the visual and residential amenity of this area which together create a large open aspect. Any development of this site would be therefore contrary to Policy RES 5 as it would erode the residential character of the area, create unacceptable damage to the amenity of the surrounding properties and present a possible basis for similar developments at the other three corners of the intersection. A significant level of privacy would be lost by 25/27 Carmel Ave as a result of overlooking into their private garden ground by first floor windows in close proximity and the proposed building would be unduly overbearing relative to adjacent properties.

5.5 Policy ENV7 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 or infill of gap sites should recognise and reflect the scale, design features and rhythm of doors, windows, storey height density and materials of surrounding buildings. New housing should not result in an unacceptable invasion of privacy or overlooking of properties adjoining the site. The height and position of the development should not have an oppressive, overshadowing or visually intrusive impact on neighbouring properties.

Whilst the height, design and materials of the development are in keeping with the surrounding properties, it is considered that this development would have a visually intrusive impact on adjacent properties and create an overlooking issue with first floor windows in close proximity to the rear garden of 25/27 Carmel Avenue. The proposed new build is only 4 metres from the boundary with 25/27 Carmel Avenue. Therefore the proposed development is contrary to Policy ENV7 of the Adopted East Ayrshire Local Plan.

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 sites planning history.

Consultations Received

6.2 Other than the response from the Community Council, the consultations do not indicate that refusal would be appropriate. The comments of the Bonnyton Community Council have been assessed in Section 3 of the report and refer to impacts that would indeed be to the detriment of the adjacent properties and the wider area. It is considered that

the proposed development would lead to an unacceptable loss of amenity to the neighbouring property and the area as a whole. It would also set an unacceptable precedent for other similar developments in the immediate area which would be further detrimental to its amenity.

Planning History

6.3 05/0208/FL: Construction of 2 dwellinghouses at 27 Carmel Avenue, Kilmarnock. The same site as the present application under consideration. The application was withdrawn on 20 June 2005.

06/0291/FL- Erection of 2 No. 2 bedroom flats at Annanhill Avenue Kilmarnock approved on 03 June 2005. This involved the erection of 2 flats in a gap site between 49 and 51 Annanhill Avenue.

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 be contrary to 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 refused 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 Council's Roads Division have raised concerns regarding parking provision for the adjacent residential properties. Concerns with regard to the loss of amenity to the adjacent property and the area as a whole are considered to be material in the determination of this application. It is considered that the proposed development would be out of character with the area, as a characteristic of this area is the large garden plots, which contribute significantly to the amenity of the area. The development of this garden area would set an unacceptable precedent for the development of other corner garden plots which could have a detrimental affect on the amenity of this area.

8.3 Furthermore, due to the close proximity of the new build to the property at 25/27 Carmel Avenue there would be created an unacceptable overlooking to their rear garden ground and an unacceptable impact in terms of visual intrusion and the overbearing nature of the proposal.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved 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

21 June 2006
WH/RH

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Consultation Responses.
3. Statutory Notices/Certificates.
4. Adopted East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan.
6. Planning Application No: 05/0208/FL and 06/0291/FL

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

06/0364/FL

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Nature of Proposal:	Proposed Erection of 4 one bed flats with parking
Name & Address of Applicant:	Mr Alex Gorman 2 Cairns Terrace KILMARNOCK KA1 2JG
Name & Address of Agent:	

DPOs Reference: WH/RH

The above FULL application should be refused for the following reasons:-

1. The proposed development is contrary to Policy RES4 and RES5 of the Adopted East Ayrshire Local Plan as it would have a detrimental impact on the general character of the surrounding established residential area and the adjacent properties.
2. The proposed development is contrary to Policy ENV 7 of the Adopted East Ayrshire Local Plan as it fails to comply with East Ayrshire Council's Design Guidance in that it would be out of character with the setting of neighbouring properties and create an unacceptable level of overlooking and loss of privacy to the rear garden of 25/27 Carmel Avenue.
3. The proposed development would have a visually intrusive impact on the amenity of the adjacent residential properties by reason of its close proximity, overbearing nature and overlooking of such properties.

4. The proposed development would set an unacceptable precedent for similar developments on corner garden plots which could be detrimental to the character and amenity of the wider residential area.

5. The proposed development would have a detrimental impact on the adjacent residential properties as insufficient appropriate car parking would be provided, which would have a detrimental impact on the adjacent area.

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