

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 19 MAY 2006

**06/0220/FL: PROPOSED ADDITION OF 7 LOCK UP GARAGES, ONE EACH AT PLOTS 1, 2, 4, 6, 8, 9 AND 10, PLOT BOUNDARY REPOSITIONING AND THE REPOSITIONING OF THE DWELLINGHOUSES WITHIN PLOTS 4 AND 6 AT MALCOLM'S YARD, CROSSHOUSE ROAD, KILMAURS, KA3 2SA
BY JIM SCOTT HOMES**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Planning permission is sought to erect seven garages and repositioning of some of the plot boundaries in order to accommodate the proposed garages. The garages are all detached from the dwellinghouses. Each garage covers an area of 17.4 sq metres, with dimensions of 6 metres long, 2.9 metres wide and 3.4 metres high to the roof ridge. It is proposed to finish the garages in concrete roof tiles and roughcast to match the dwellinghouses. The external finishing materials for the proposed dwellinghouses have been agreed with the Division, where the dwellinghouses will be finished in 'Spanish White' dry dash render and 'Marley Modern' grey roof tiles. The application also seeks to reposition the boundaries of plots 1, 4, 6, 8, 10 and the repositioning of the dwellinghouses within plots 4 and 6. The repositioning is proposed in order to accommodate the proposed garages. The size and design of the dwellinghouses have not altered from the previous approved scheme.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in the report, the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

3.2 As per Section 6 of the report there are material considerations relevant to the application however it is not considered that these are of sufficient weight to merit the refusal of the application.

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 that would not be a significant departure from 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

NORTHERN AREA LOCAL PLANNING COMMITTEE: 19 MAY 2006

06/0220/FL: PROPOSED ADDITION OF 7 LOCK UP GARAGES, ONE EACH AT PLOTS 1, 2, 4, 6, 8, 9 AND 10, PLOT BOUNDARY REPOSITIONING AND THE REPOSITIONING OF THE DWELLINGHOUSES WITHIN PLOTS 4 AND 6 AT MALCOLM'S YARD, CROSSHOUSE ROAD, KILMAURS, KA3 2SA BY JIM SCOTT HOMES

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, due to the fact that an objection has been submitted in respect of the application.

2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises a former haulage contractor's yard which is no longer in use and was granted planning consent at appeal (P/PPA/190/99) in October 2003 for the erection of a residential development comprising ten dwellinghouses which are currently under construction. The site is surrounded by existing residential properties.

2.2 **Proposed Development:** Planning permission is sought to erect seven garages and repositioning of some of the plot boundaries in order to accommodate the proposed garages. The garages are all detached from the dwellinghouses. Each garage covers an area of 17.4 sq metres, with dimensions of 6 metres long, 2.9 metres wide and 3.4 metres high to the roof ridge. It is proposed to finish the garages in concrete roof tiles and roughcast to match the dwellinghouses. The external finishing materials for the proposed dwellinghouses have been agreed with the Division, where the dwellinghouses will be finished in 'Spanish White' dry dash render and 'Marley Modern' grey roof tiles. The application also seeks to reposition the boundaries of plots 1, 4, 6, 8, 10 and the repositioning of the dwellinghouses within plots 4 and 6. The repositioning is proposed in order to accommodate the proposed garages. The size and design of the dwellinghouses have not altered from the previous approved scheme.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have no objection to the proposal.

Noted.

3.2 Scotland Gas Networks have raised no objections to the proposed development

Noted.

3.3 West of Scotland Archaeology Service raise no objections to the proposed development.

Noted.

3.5 Kilmaurs Community Council have not responded to the proposal at the time of writing this report.

Noted.

4. REPRESENTATIONS

One letter of objection has been received in relation to the proposal. The grounds of objection are summarised as follows:

4.1 The boundary hedge of the property at 16 Townend, Kilmaurs has been removed without any notice and the owner/ occupiers privacy/ security has been invaded.

The removal of the boundary hedge does not form part of the current application, however some works to the hedging, which was considered to be in an overgrown/ unkempt state were required in order to allow the erection of boundary fencing for the proposed development.

4.2 There is no detail on the plan where the lock ups will be sited and quite often areas with lock ups attract undesirable loitering.

The submitted plans clearly show the garages located within the garden's of the properties on site. Although described by the applicant as lock-up garages, the proposal is not for an isolated block of garages.

4.3 The owner/ occupier of 16 Townend, Kilmaurs does not wish to view a concrete structure or huge wooden fence from the kitchen window or the garden area as it could affect the daylight provision to the garden area.

The perimeter boundary fencing was the subject of the previous application and is not relevant to the assessment of the current application. The relocation of boundary fencing between the plots to accommodate the proposed garages is considered a relatively small amendment that will not impose any significant new impact to the surrounding area. The proposed garage at plot 9 is located some 5m from the common boundary with the rear of 16 Townend therefore it is considered that no significant overshadowing impact will be imposed on this property by the proposed garage.

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 (2003).

Ayrshire Joint Structure Plan

5.2 With regard to the Structure Plan, the application is consistent with policy G1 as the proposal is a site within the settlement boundary of Kilmaurs.

East Ayrshire Local Plan

5.3 Policy ENV7 states that all developers will be expected to comply fully with the Council's Design Guidance on new residential developments.

The proposal accords with the requirements of Design Guidance 1 'Householder Development', which requires all freestanding garages to be erected within the curtilage of a dwellinghouse to be located behind the front building line of the property and incorporate a dual pitched roof.

5.4 Policy RES22 requires all developers to observe the minimum standards for the provision of private open space detailed in Schedule 4 of the Local Plan.

Whilst the private rear garden area allocation for some of the plots within the scheme may not achieve the minimum open space standards set in Schedule 4, the allocations have not significantly altered from the scheme approved at appeal. The reporter did not

remove permitted development rights by condition at appeal therefore the garages would be permitted development if the houses were built and occupied. Therefore the proposed alterations to the garden area allocations resulting from the provision of the garages are not considered to be of a significant scale to warrant refusal of the application.

In conclusion it is considered that the proposal is generally in accordance with the provisions of the Development Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representation received, the planning history of the site and the impact on the amenity of the area.

Consultation Responses

6.2 The consultation responses do not indicate that the application should be refused.

Representations

6.3 The representation received has been summarised in Section 4 of the Report and is not considered to be of such weight as to merit refusal of the application.

Impact on the amenity of the area

6.4 The application seeks minor alterations to a residential development that can be accommodated without imposing any significant new impact on the amenity of the surrounding area.

Planning History

6.5 Planning application (03/0093/FL) for a residential development was refused in April 2003. The applicants appealed (P/PPA/190/99) the decision and the appeal was allowed in October 2003.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As indicated in the report, the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

3.2 As per Section 6 of the report there are material considerations relevant to the application however it is not considered that these are of sufficient weight to merit the refusal of the application.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the condition indicated 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, the application will not require to be referred to the Development Services Committee as that would not be a significant departure from Council policy.

Alan Neish
Head of Planning, Development and Building Standards

09 May 2006
(GC/RH)
FV/DVM

060220FLMalcolmsYardKilmaursRH

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Letter of Representation.
5. Adopted East Ayrshire Local Plan (2003).
6. Planning Permission 03/0092/FL
7. Planning Appeal P/PPA/190/99.

Implementation Officer: Dave Morris

**Anyone wishing to inspect the above papers please contact Gillian Craig,
Senior Planning Officer on 01563 576769.**

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0220/FL

Site of Proposal:	Malcolm's Yard Crosshouse Road Kilmaurs KA3 2SA
Nature of Proposal:	Proposed Addition of 7 Garages, One Each at Plots 1, 2, 4, 6, 8, 9 and 10, Proposed Boundary Repositioning and the Repositioning of the Dwellinghouses Within Plots 4 and 6.
Name & Address of Applicant:	Jim Scott Homes East Donnington Street Darvel
Name & Address of Agent:	Fleming Muir Architects 20 St Quivox Road Prestwick KA9 1LJ

DPOs Reference: GC/RH

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

1. For the avoidance of doubt, notwithstanding the plans hereby approved the garages shall be finished externally in materials to match the existing dwellinghouses.

REASON In the interest of visual amenity.

NOTES TO APPLICANT

1. The developer shall make early contact with Scotland Gas Networks (0800 111 999) with regard to any excavation works on or near gas apparatus.
2. 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.**