

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE:

02 SEPTEMBER 2005

**05/0728/OL: PROPOSED ERECTION OF DETACHED DWELLINGHOUSE
AT 2 GLENCAIRN TERRACE, KILMAURS
BY MRS HOWIE**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The applicant is applying for outline planning permission for the erection of a dwellinghouse in the side garden ground to the south of the donor property at 2 Glencairn Terrace, Kilmaurs.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the 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 there are material considerations relevant to this application, however none are of significant enough weight, as would merit the refusal of the application.

CONTRARY DECISION NOTICE

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 and Building Control

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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BY MRS HOWIE

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 an outline 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:** The application site comprises 0.03 hectares of the side garden ground of the property at 2 Glencairn Terrace, Kilmaurs. The site is relatively level and bounded to the north and east by similar residential properties. An industrial unit forms the southern boundary of the site. The site is located at the southern end of Glencairn Terrace.

2.2 **Proposed Development:** The applicant is applying for outline planning permission for the erection of a dwellinghouse in the side garden ground to the south of the donor property at 2 Glencairn Terrace, Kilmaurs.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no objection to the proposal subject to conditions being attached to any grant of planning permission ensuring that two parking spaces are retained for the existing dwellinghouse and that the parking provision for the new dwelling be dealt with under a reserved matters application.

As this proposal is in outline, these matters will be addressed at a later stage. However, it is considered that there is sufficient ground within the donor property and the application site to provide the necessary parking spaces.

3.2 Scotland Gas Networks have indicated that they have no objection to the proposal.

Noted.

3.3 Scottish Water have no objection to the proposal however indicate that connection to the sewerage system could not be guaranteed, at this time.

As no formal objection has been raised to the proposal, the details of the sewerage arrangements for the site, would be subject to consideration as part of a later detailed application.

3.4 Kilmaurs Community Council have not replied to their consultation at the time of writing this report.

Noted.

4. REPRESENTATIONS

One letter of representation has been received in relation to this proposal. It indicates that the proposal would:

4.1 Due to a lack of open space, invade the privacy of our property.

It is considered that the site is large enough to accommodate a single house, which with appropriate design, could be constructed without adversely affecting the amenity or privacy of the adjacent property.

4.2 Affect the sewerage and other services in the area, which are already overloaded.

Scottish Water have made no objection to the proposal, however they do indicate that they cannot guarantee a connection to the sewerage system.

The provision of gas, electric and telephone services in the area is not relevant to the determination of this planning application.

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 There are no structure plan policies relevant to this application.

East Ayrshire Local Plan (EALP)

5.3 Policy RES 5 of the East Ayrshire Local Plan indicates that within settlement boundaries, the Council will be supportive of the sub-division of existing house curtilages for the development of dwellinghouses 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;

The design, size and scale of any house on this site will be subject to detailed consideration in a subsequent planning application. It is considered that the site is large enough to accommodate a house that could accord with the relevant Council Policies and not adversely affect the amenity of the surrounding area.

(ii) The proposal meets all the design requirements of the Council and does not create unacceptable damage to the amenity of surrounding properties; and;

The determination of future planning application would ensure the Council's design guidance was adhered to and that the proposal would not have a detrimental impact on the residential privacy of the proposed or adjacent housing.

(iii) Acceptable levels of privacy are maintained to neighbouring properties and the new housing proposed.

The proposed development will not have a detrimental impact on the residential privacy of the proposed or adjacent housing.

5.4 Policy RES 22 indicates that all developers will require to adhere to the minimum private open space standards detailed in schedule 4 of the Local Plan.

The proposed development site affords sufficient space to accord with the requirements of schedule 4 of the 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 impact on the amenity of the area.

Consultation Responses

6.2 The consultation responses are detailed in the report and are considered to be supportive of the application.

Impact on Amenity

6.3 It is considered that the proposed dwelling could be designed to be compatible with the surrounding densities and house types of the area. The design of the building and provision of private open space can be controlled through a future planning application. Therefore, the proposal is unlikely to have a significant detrimental effect on the amenity of the surrounding area.

Planning History

6.4 Outline planning application 05/0200/OL for the erection of two dwellinghouses at this site was withdrawn on 27/6/05.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 None.

8. CONCLUSIONS

8.1 As is indicated in Section 5 of the 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 there are material considerations relevant to this application, however none are of significant enough weight, as would merit the refusal of the application.

9. RECOMMENDATION

9.1 It is recommended that the application for planning permission be approved subject to the conditions detailed 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

23 August 2005

(CSI/RH)

FV/DVM

050728OL2GlencairnTerraceKilmaursRH

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Adopted East Ayrshire Local Plan (2003)
5. Approved Ayrshire Joint Structure Plan. (1999)
6. Planning application 05/0200/OL
7. Objection

Anyone wishing to inspect the above papers please contact Craig Iles, Senior Planning Officer, on 01563 576772.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/0728/OL

Site of Proposal: 2 Glencairn Terrace
Kilmaurs
KILMARNOCK
KA3 2SL

Nature of Proposal: Proposed Erection of Dwellinghouse

Name & Address of Applicant: Mrs Allana Howie
40a Irvine Road
Kilmaurs
KILMARNOCK
KA3 2RL

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

DPOs Reference: <<CSI/RH>>>

The above OUTLINE application should be granted subject to the following condition.

1. Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby reserved.

- (a) The layout of the site;
- (b) The size, height, design and external appearance of the proposed dwellinghouse.
- (c) The means of drainage and sewage disposal;
- (d) Details of the access arrangements;
- (e) The provision for car parking, which details shall allow for the retention of 2 car parking spaces for the existing house;
- (f) The boundary walls/fences to be erected;
- (g) The landscaping of the site and associated maintenance arrangements;
- (h) Existing and finished site levels/floor levels.

REASON The approval is in outline only.

**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.**