

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 16 AUGUST 2002

**02/0223/FL: PROPOSED AMENDMENT TO PLANNING PERMISSION
01/0212/FL (SUBSTITUTION OF HOUSETYPES PLOTS 3-7. REVISION OF
PLOT BOUNDARIES AND DELETION OF CONDITION 14).
AT PLOTS 3-7, 20 GLEBE ROAD, KILMARNOCK
BY KLIN HOMES LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the erection of 7 detached dwellinghouses. This application is an amendment to the planning permission No. 01/0212/FL for 10 dwellinghouses granted in 2001. The amendments in more detail comprise the following:-

- Five plots are subject to amendment under this application with the repositioning of plot boundaries and dwellinghouses.
- Change of house types at plots 3 & 7. The new property will comprise a five bedroom two-storey dwellinghouse, the design of which is already in use on plots 1 and 10. These plots will now accommodate a detached double garage. Plots 3 & 7 were previously 4 bedroom properties.
- Plots 4, 5 and 6 remain as four bedroomed two-storey properties as before although they are repositioned within the plot. Garden sizes remain at a minimum of 100 square metres.
- Plot 3 has increased in area as a result of the applicant having bought additional ground to enhance the private garden ground at Plot 3.
- Deletion of Condition 14 of Planning Permission 01/0212/FL. This Condition was included as a requirement of the Roads Division to address access to Plot 7 and reads as follows:

“Notwithstanding the submitted plans, the shared surface access to Plot 7 is not hereby approved. Details of a revised separate access to Plot 7 shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on site and constructed on site prior to the occupation of house Plot 7”.

“REASON In the interests of road safety.”

All other plots remain unaltered and the site access from a centralised point on the western site boundary is not changed by the current proposals. The site

levels which have been lowered by the previous planning permission also remain unaltered.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As is indicated at Section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application.

3.2 Overall the proposal presents minor changes to an approved residential development. The proposal complies with the policies of the EALP. The proposed development will not result in an unacceptable invasion of privacy or overlooking of properties adjoining the site. The height and location of proposed houses will not have an oppressive or visually intrusive impact on adjacent residential properties. The proposal will result in the redevelopment of a derelict vacant site in a manner which will be appropriate and will not adversely affect the adjacent dwellinghouses and the proposed changes to the previous consent are considered acceptable.

CONTRARY DECISION NOTE

If the Committee consider that the application shall be refused and this decision is based on a view that the principle of residential development at this location is inappropriate, then the application would require to be referred to the Development Services Committee.

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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Report by Head of Planning and Building Control

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 a development of area significance which accords with the East Ayrshire Local Plan Finalised Version with Modifications and is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site extends to 0.2 hectares some 3389 square metres in area and comprises the site of the former Glebe Resource Centre. The site previously accommodated a single storey building with four terraced lock-up garages and two disused semi-detached dwellinghouses. The site presently is being developed for residential purposes. The site slopes from north to south and west to east with the properties at Mitchell Court at a lower ground level than the site. The site is bound to the north by traditional residential properties at Glebe Road and to the south by 4 terraced cottages which form supported Council accommodation. To the east lie the terraced residential properties of Mitchell Court and to the west lies Glebe Road, beyond which are sandstone residential properties. Existing access is central to the western site boundary.

2.2 **Proposed Development:** Full planning consent is sought for the erection of 7 detached dwellinghouses. This application is an amendment to the planning permission No. 01/0212/FL for 10 dwellinghouses granted in 2001. The amendments in more detail comprise the following:-

- Five plots are subject to amendment under this application with the repositioning of plot boundaries and dwellinghouses.
- Change of house types at plots 3 & 7. The new property will comprise a five bedroom two-storey dwellinghouse, the design of which is already in use on

plots 1 and 10. These plots will now accommodate a detached double garage. Plots 3 & 7 were previously 4 bedroom properties.

- Plots 4, 5 and 6 remain as four bedroomed two-storey properties as before although they are repositioned within the plot. Garden sizes remain at a minimum of 100 square metres.
- Plot 3 has increased in area as a result of the applicant having bought additional ground to enhance the private garden ground at Plot 3.
- Deletion of Condition 14 of Planning Permission 01/0212/FL. This Condition was included as a requirement of the Roads Division to address access to Plot 7 and reads as follows:

“Notwithstanding the submitted plans, the shared surface access to Plot 7 is not hereby approved. Details of a revised separate access to Plot 7 shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on site and constructed on site prior to the occupation of house Plot 7”.

“REASON In the interests of road safety.”

All other plots remain unaltered and the site access from a centralised point on the western site boundary is not changed by the current proposals. The site levels which have been lowered by the previous planning permission also remain unaltered.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Roads and Transportation Division have advised that they have no objections to the proposed development nor to the proposed deletion of Condition 14.

Noted.

3.2 Scottish Power and Transco have enclosed a copy of their relevant record plans and Transco advise that a site visit is likely to be required prior to the commencement of works on site.

If Members choose to grant consent, it is recommended that advisory notes be attached bringing the applicant’s attention to these comments.

3.3 Environmental Health have no objections in principle and re-iterate their previous comments with the advice that:-

- a) Potentially noisy site engineering/demolition activities etc should be restricted to day shift operations for the avoidance of nuisance during unsociable hours;

Noted. The surrounding area is exclusively of a residential nature and it is recommended that a previous condition which was incorporated in the previous planning permission restricting the hours of operation of construction/demolition works be attached.

- 3.4 The Coal Authority have not identified any instability issues which would affect the determination of this application.

Noted.

- 3.5 Scottish Water have advised the following:-

- a) There is a public sewerage system to which a connection may be made. The developer should satisfy himself, by site investigation if necessary, that relative levels are such as will allow the development to be connected at a reasonable gradient.
- b) Contact should be made with Scottish Water to discuss how the proposed development could be best served with a public water supply.
- c) Non-objection by Scottish Water to this detailed planning application must not be inferred as guaranteeing automatic permission to connect to the public sewer. The applicant must make separate applications to Scottish Water (Developer Services) for permission to connect to the public sewage system at the appropriate time. Scottish Water may require permission to connect or grant permission to connect, subject to such conditions as they think fit.
- d) It is recommended that the applicant must consider the implementation of a Sustainable Urban Drainage System within the proposed drainage design.

Notes can be attached to any grant of planning consent advising that the applicant makes early contact with Scottish Water regarding their requirements. Notes and a condition can be attached to any grant of Planning Consent regarding the discharge and treatment of surface water.

- 3.6 The Piersland/Bentinck Community Council have not replied to their consultation letter at the time of writing this report.

Noted.

- 3.7 East Ayrshire Council Outdoor Services have advised that all trees recommended for removal in the report should be removed. The compensatory

planting of a more suitable species should be undertaken which will enhance the area and remove the risk of damage. The Lime Tree at Plot 3 should be retained and the proposed garage repositioned.

Noted. The requirement for compensatory planting has been conditioned as part of the original planning permission which this Division would recommend should be attached to any further planning consent granted. The applicant has also managed to reconfigure the position of the dwellinghouse at Plot 3 to retain the Lime Tree.

4. REPRESENTATIONS

Two letters of representation have been received in respect of the amended scheme now under consideration. The points raised are as follows:-

4.1 The development will result in a grave loss of privacy to the residential property at 8 Mitchell Court. The previous public open space and playground will be replaced with the rear garden of a substantial property and due to the configuration of the site boundary, the rear garden of 8 Mitchell Court will form a peninsula into the site thereby resulting in an even greater deprivation of privacy.

The proposed scheme is an amendment to an approved residential development and does not include the open space and playground at Mitchell Court. Neighbours have been re-neighbour notified to that effect. The application site has also been reconfigured and does not now create a 'peninsula' at the site boundary. The proposed development will not create an unacceptable loss of privacy to Mitchell Court dwellinghouses and has been designed to ensure rear upper windows are high level and bathroom/ensuite are with opaque glass to maintain privacy for both existing and new properties.

4.2 The depth of the back garden of properties in Mitchell Court is 8 metres with the exception of No. 8 where it is 14.5 metres. The new properties of the Glebe have an average of 8 metres at Plots 3, 5, 6 and 7 with the exception of Plot 4 which currently has a depth of 3.5 metres. This plot does not therefore conform to the existing standards in the area nor to the other plots in the proposed development.

In terms of policy guidance within the Finalised East Ayrshire Local Plan there is no prescribed depth for a rear garden in new residential properties. Council guidance as detailed in Section 6 of this report requires a minimum area of garden ground and the proposed development provides this requirement.

4.3 The plans issued with the neighbour notification include part of the rear garden of 8 Mitchell Court. The applicant is falsely claiming ownership of this ground.

Neighbour Notification was re-undertaken by the applicant who has now submitted a revised site plan which does not include garden ground associated with the dwellinghouse at 8 Mitchell Court.

4.4 The gardens at Plots 3 and 4 are adjacent to the children's play area which is in the collective ownership of the residents of Mitchell Court. The owners of this area of open space have not entered into any form of negotiations over the sale of this ground to the applicant.

The amended plans do not include any area of open space or play area owned by the residents of Mitchell Court.

4.5 The neighbour notification issued is very misleading in that it is understood that many different versions of the plans have been circulated which provide a false representation of the proposed development.

The applicant's agent re-served neighbour notification in June 2002 and a copy of the location plan was served on neighbours. This meets the terms of the Town & Country Planning (General Development Procedure (Scotland) Order 1992)

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 Kilmarnock Local Plan (1985). The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against Policy 4.1.5. This Policy allows residential development up to a maximum of 10 dwellinghouses within the Kilmarnock settlement boundary on suitable sites. This is also subject to whether the site is an infill site on vacant or degraded land and not likely to be detrimental to or adversely affected by adjacent uses. Policy 4.8.2 encourages a high quality scheme as the site lies within an area of additional design control.

The proposed development is for 7 dwellinghouses and is an amendment to a residential development which already benefits from planning permission. The site comprising a vacant infill site within

the Kilmarnock settlement boundary. The surrounding area is exclusively residential and it is not therefore considered that the new residential properties will be detrimental to or be adversely affected by neighbouring uses. The proposal has been carefully considered in order to retain appropriate levels of privacy and as a whole is viewed as in accordance with the Local Plan.

5.3 There is no conflict between the proposed development and the terms of the Approved Ayrshire Joint Structure Plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of this application are the East Ayrshire Local Plan Finalised Version with Modifications (EALP), consultations and representations received as detailed in Sections 3 & 4 of the report.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the EALP should be considered as a prime material consideration. Policies RES 4, RES 22 and ENV 7 are directly relevant.

6.3 Policy RES 4 encourages the sympathetic 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, on transportation and infrastructure and in terms of compatibility with surrounding densities and housing types and compliance with the Council's Design Guidance. Policy RES 22 requires developers to observe a minimum private open space criteria of 100 square metres for detached dwellinghouses.

The proposed development meets the terms of Policy RES 4 in that it relates to the redevelopment of a gap site in keeping with the surrounding residential area. The proposal is in keeping with the adjacent area in terms of the density of the development and house types proposed. All private gardens meet the requirements under Policy RES 22.

6.5 Policy ENV 7 addresses the Council's Design Guidance and states that proposals will require to comply with such guidance. This guidance in itself further states that house design of infill or gap site residential development will require to reflect and recognise 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 (ie living rooms, dining rooms and bedrooms) in

facing houses should not be less than 18 metres. This may be relaxed where windows are at an angle to each other. The height and position of houses must not have an oppressive, overshadowing or visibly intrusive impact on neighbouring properties.

This proposal relates to an amendment of an existing residential development which has been previously granted planning permission. The scheme as amended meets the requirements of the Design Guidance. Of the 5 plots along the rear site boundary, the house types on Plots 4, 5 and 6 along the rear elevation remain unaltered and the fenestration arrangements on the rear elevation continue to comprise high level windows or windows with opaque glass. The two properties at Plots 3 and 7 overlook an area of open space or maintain the 18 metre minimum distance between properties respectively. At the ground floor, a 1.8 metre screen fence is proposed along the eastern boundary to provide a screen at ground floor level. The proposed development is considered to integrate with the surrounding dwellinghouses in terms of design, layout and external materials.

6.6 Planning History

Planning permission Ref. No. 01/0212/FL was granted subject to conditions on 9 November 2001 for a residential development of 10 detached residential dwellinghouse with a single access point at Glebe Road. The site was previously owned by East Ayrshire Council and comprised the Glebe Resource Centre and two semi-detached dwellinghouses. The residential development authorised the demolition of these properties.

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 above, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 above, there are material considerations relevant to this application.

8.2 Overall the proposal presents minor changes to an approved residential development. The proposal complies with the policies of the EALP. The proposed development will not result in an unacceptable invasion of privacy or

overlooking of properties adjoining the site. The height and location of proposed houses will not have an oppressive or visually intrusive impact on adjacent residential properties. The proposal will result in the redevelopment of a derelict vacant site in a manner which will be appropriate and will not adversely affect the adjacent dwellinghouses and the proposed changes to the previous consent are considered acceptable.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

Alan Neish
Head of Planning and Building Control

57August 2002
FMF/IMB

FV/DVM

CONTRARY DECISION NOTE

If the Committee consider that the application shall be refused and this decision is based on a view that the principle of residential development at this location is inappropriate, then the application would require to be referred to the Development Services Committee.

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Consultation Responses.
3. Statutory Notices/Certificates.
4. Adopted Kilmarnock Local Plan.
5. East Ayrshire Local Plan (Finalised Version with Modifications).
6. Approved Strathclyde Structure Plan.
7. Approved Ayrshire Joint Structure Plan.
8. Representations.
9. Planning Application No.: 01/0212/FL

Anyone wishing to inspect the above papers please contact Fiona Finlay on 01563 576778.

Implementation Officer: Dave Morris

020223FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0212/FL

Site of Proposal:	Plots 3 to 7 20 Glebe Road KILMARNOCK KA1 3BA
Nature of Proposal:	Proposed amendment to planning permission 01/0212/FL (substitution of house-types Plots 3 to 7, revision of plot boundaries and deletion of condition 14)
Name & Address of Applicant:	KLIN Homes 27 John Finnie Street KILMARNOCK\ KA1 1BL
Name & Address of Agent:	Nicoll Design 184 Main Street PRESTWICK KA9 1PG

DPOs Reference: FMF/IMB

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 received on 28 March 2002 and the amended location plan received 11 June 2002; amended site layout plan Ref. B546-P01H received 11 June 2002; Proposed House Type 1 (Plot 4) plan ref. B546-P06 received 18 February 2002; Proposed House Type 2 plan ref. B546-P03B received 5 April 2002; proposed House Type 3 plan ref. B546-P04B received 5 April 2002; Proposed garage plan ref. B546-P05B received 5 April 2002 and Sketch Site Section plans ref. B546-SKB received 28 March 2002.

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

2. Condition Nos. 2 - 13 inclusive and Condition nos. 15-18 inclusive of planning permission 01/0212/FL shall continue to apply to the implementation of this development as hereby amended.

REASON In order to ensure that the development is carried out in accordance with the approved details.

NOTES:-

1. The developer is advised to make early contact with Scottish Water, 35 Glenburn Road, Prestwick, regarding permission to connect to the public sewerage system.

2. Copies of the consultation replies received from Scottish Power and Transco are attached. The applicant is strongly advised to note the content of these and take any appropriate action.

3. The applicant is advised to make early contact with East Ayrshire Council Roads Division, Greenholm Street, Kilmarnock, regarding the requirement for any consents necessary under the Roads (Scotland) Act 1984.

4. "The Developer shall make early contact with the Scottish Environment Protection Agency and Scottish Water to confirm their request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS".

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

**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.**

AGENDA