

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 17 AUGUST 2001

**01/0340/FL: PROPOSED HOUSE PLOT 6 – 82 IRVINE ROAD CROSSHOUSE
BY BALMORAL HOMES (AYRSHIRE) LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The application site is Plot 6 of a 9 plot housing development within a former road haulage contractors yard which is presently derelict. Plot 6 is located to the north of the site. It is bounded by Plot 7 to the north, the access road and No. 80 Irvine Road to the south, Plot 5 to the south west and agricultural land to the west.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As is indicated in paragraph 5.2 of the report the application is 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.

3.2 There are other material considerations relevant to this application as indicated in Section 6 of the report and they are supportive of the proposal. The proposed development is consistent with the policies of the East Ayrshire Local Plan, Finalised Version as Modified. The design and siting of the house is consistent with the conditions of the full planning consent granted 5th May 2001. The height and design of the proposed house will not have an adverse impact on the amenity of the adjacent residential property. The proposed development will add to the amenity of the area by removing a derelict contractors haulage yard. Site levels in terms of Plot 6 will remain largely unchanged and a formal drainage system will reduce the displacement of surface water.

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.

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 17 AUGUST 2001

01/0340/FL: PROPOSED HOUSE PLOT 6 – 82 IRVINE ROAD CROSSHOUSE
BY BALMORAL HOMES (AYRSHIRE) LTD

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of the 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 subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is Plot 6 of a 9 plot housing development within a former road haulage contractors yard which is presently derelict. Plot 6 is located to the north of the site. It is bounded by Plot 7 to the north, the access road and No. 80 Irvine Road to the south, Plot 5 to the south west and agricultural land to the west.

2.2 **Proposed Development:** Full planning consent is sought for the erection of a house on Plot 6. This is the first full application for the design and layout of a house within the 9 Plot housing development. The proposed house is 1½ storeys in height with two dormer windows to the front and an integral double garage. Four bedrooms and a study are proposed on the first floor. Materials proposed are red concrete roof tiles, render and a reconstituted stone basecourse. Access to the plot is from Irvine Road via a new access road.

CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads Division have commented that the site contains a mine shaft within the proposed access road limits and they are not satisfied that the site developer can provide an acceptable design. Failure to secure a Road Construction Consent will prevent the proposed dwelling being provided with the required access road in accordance with the conditions of the planning consent 01/0105/FL. The footway crossing should be the same width as the double driveway to allow access to both spaces in front of the garage. The location of the footway access crossing point should be confirmed with the site developer to ensure there is no conflict with the street lighting columns. The required traffic calming on Irvine Road to permit a new road junction at the

proposed site access has not been agreed with the developer and unless completed in accordance with the Road Construction Consent no dwelling within the proposed development should be occupied.

Amended plans have been submitted by the applicant increasing the driveway and access crossing to 5.5 metres in width. All other conditions regarding traffic calming measures and the method of capping the mine shaft are dependent on the site developer submitting acceptable details. The Roads Division have advised that recent discussions with the developer have not led to a satisfactory outcome regarding a Construction Consent application and to date the Roads Division are unwilling to grant consent. It is therefore unlikely that this plot or any other plot on the site will be able to be accessed in accordance with the Council's requirements. Details of the method of capping the mine shaft and traffic calming measures were conditions of the previous planning consent for the access road and 9 serviced plots (01/0105/FL) and need to be purified prior to the commencement of any development on site. It is recommended that these conditions are transferred to any grant of planning consent for Plot 6. Notwithstanding the need to obtain Construction Consent, if the developer is unable to provide acceptable details of the method of capping the mine shaft the developer will be unable to implement the planning approval for the access road, the 9 housing plots and Plot 6 of the development.

3.2 West of Scotland Water have commented that their permission should be sought to connect to the public sewerage system. The developer should satisfy himself by site investigation that relative levels are such as will allow the development to be connected at a reasonable gradient.

A note can be attached to any grant of planning consent to advise the applicant of their requirements.

3.3 Scottish Environment Protection Agency, The Coal Authority, Scottish Power and Transco have no adverse comments to make regarding the proposed development.

Noted.

3.4 Crosshouse Community Council have not responded to their consultation letter.

Noted.

4. REPRESENTATIONS

One letter of representation has been received to the proposed development.

4.1 They are concerned about proposed site levels. They believe that, to alleviate the ground contamination of the site, the site levels should be reduced including the accumulated debris dumped over the years. In comparison to the surrounding area, the accumulated debris adds to the artificial level of the site and they object to houses being built at the current levels when it is apparent to the naked eye that the site is artificially high.

The applicant submitted plans of existing and proposed site levels in terms of the access road and Plot 6. The new access road will be at a slightly lower level than the existing site level. The ground level of Plot 6 will be unchanged and there is no intention by the developer to either increase or reduce the site level of Plot 6. It would be unreasonable to ask the developer to reduce the site level of Plot 6 as the site level has existed for many years. With regard to ground contamination a report has been completed and it recommends remedial actions to deal with ground contamination. The granting of a Building Warrant will also require the approval of acceptable ground contamination treatment works. It is unlikely that the removal of ground contamination will reduce the site level substantially as the ground is often scraped to remove contamination.

4.2 The plans of drainage indicate the system will run parallel and adjacent to their north wall. If the height of the site is not reduced, any flooding or leaks will seep through their wall and straight into the garden. Due to this lack of information they object to the drainage system proposed for the site.

The applicant has submitted drainage arrangements for the site, showing a 150mm diameter combined sewer with culverts and manholes in the new road. Any surface drainage will be displaced from the plots into the drainage system within the road and between the road and adjoining wall. There is a concrete verge which will prevent surface water displacing into the adjoining property. This will in fact be an improvement to what presently exists and has existed in the past on site.

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 Adopted Ayrshire Joint Structure Plan 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 Kilmarnock Local Plan the proposal would fall to be considered against Policy 4.1.5 which allows housing development within the urban envelope of Crosshouse provided the development is for a maximum of 10 dwellings, it is on a site of not more than 0.5 hectares, constitutes vacant or degraded land and is not likely to be detrimental to or be adversely affected by adjacent uses.

Planning consent was previously granted for the formation of an access road and 9 serviced housing plots on 4 May 2001. The present proposal was one of the plots approved under the previous consent and therefore the principle of residential development on the site has been previously assessed against this policy. The present proposal does not conflict with this policy.

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

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principle material considerations relevant to the determination of this application are the East Ayrshire Local Plan Finalised Version with Modifications, representations and consultations received and the planning history of the site.

6.2 The Adopted Local Plan is considerably out of date and it is considered appropriate that greater weight should be attached to a more recent expression of policy. The Council has agreed that the East Ayrshire Local Plan Finalised Version with Modifications (EALP) should be considered as a prime material consideration. Policy RES 1 of the EALP encourages and supports residential development on those Development Opportunity Sites identified for housing purposes on the individual local plan maps. The sites identified shall be reserved for residential and associated recreational and amenity open space development.

The application site is within the area identified as being acceptable for residential development. The previous application for the 9 serviced housing plots was assessed against the above policy.

6.3 Policy ENV 7 expects developers to comply fully with the Council's Design Guidance and Policy Documents relating to and advising on the particular type of development proposed. In terms of privacy the Design Guidance states that new

housing development should not result in an unacceptable invasion of privacy or overlooking of properties adjoining the site. The minimum distances between windows of habitable rooms in facing houses should not be less than 18 metres. The height and position of houses must not have an oppressive, overshadowing or visually intrusive impact on neighbouring properties.

The proposed house is 1½ storeys in height with 2 dormer windows and a single window on the first floor. The distance between the proposed house and the boundary of the closest existing housing is greater than 18 metres. One of the dormer windows will have opaque glass. The other dormer window will only overlook the end of the rear garden. This dormer window is greater than 40 metres away from any windows on the existing house. Therefore it is considered that the proposed house will not have a detrimental impact on other adjacent properties in terms of overlooking or loss of privacy. The height of the proposed house will not be visually intrusive and will be compatible with the area. The site level of the plot is to remain unchanged.

6.4 Planning History : 98/0027/OL: Outline planning consent was granted for residential development on 4th August 1988. This proposal included the present application site. A further application for the Formation of Access Road and 9 serviced housing plots (01/0105/FL) was granted on 4th May 2001.

The current application involves Plot 6 of the 9 house plots. The access road and layout of the plots have been approved under the recent planning consent.

6.5 The consultees have not raised any negative comments to the proposed development. The concerns of the objector regarding drainage have not been echoed by West of Scotland Water and it considered that the applicant is improving what presently exists on site. With regard to the site level of Plot 6 it is not to change from what presently exists and the height of the proposed house will not be visually intrusive.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSION

8.1 As is indicated in paragraph 5.2 of the report the application is 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.

8.2 There are other material considerations relevant to this application as indicated in Section 6 of the report and they are supportive of the proposal. The proposed development is consistent with the policies of the East Ayrshire Local Plan, Finalised Version as Modified. The design and siting of the house is consistent with the conditions of the full planning consent granted 5th May 2001. The height and design of the proposed house will not have an adverse impact on the amenity of the adjacent residential property. The proposed development will add to the amenity of the area by removing a derelict contractors haulage yard. Site levels in terms of Plot 6 will remain largely unchanged and a formal drainage system will reduce the displacement of surface water.

9. RECOMMENDATION

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

Alan Neish
Head of Planning and Building Control

8 August 2001 (PC/SA)
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and plans.
2. Statutory Notices/Certificates.
3. Letter of Objection.
4. Adopted Kilmarnock Local Plan.
5. East Ayrshire Local Plan Finalised Version with Modifications.
6. Approved Ayrshire Joint Structure Plan.
7. Approved Strathclyde Structure Plan.
8. Planning Consent Nos. 98/0027/FL and 01/0105/FL.

Anyone wishing to inspect the above papers please contact Pamela Clifford on (01563) 576772.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 01/0340/FL

Site of Proposal	Plot 6 82 Irvine Road CROSSHOUSE
Nature of Proposal	Proposed house
Name & Address of Applicant	Balmoral Homes (Ayrshire) Ltd South Windyedge CROSSHOUSE Kilmarnock KA2 0BX
Name & Address of Agent	Gurton Architecture 13C Seton Terrace SKELMORLIE PA17 5AX

DPO's Reference: PC/SA

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 and location plan submitted on 21st May 2001 and the amended plans submitted on 23rd July 2001.

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

2. Notwithstanding the submitted plans, the roof tiles, render, stone and window material are hereby not approved. Details/samples of the roof tiles, render, stone and window material shall be submitted to and approved by the Planning Authority before any development commences on site.

REASON In the interest of visual amenity.

3. Notwithstanding the submitted 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 on the site.

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

4. The development hereby approved shall be undertaken without detriment to neighbouring residential properties by virtue of noise, dust or general disturbance.

REASON In the interests of residential amenity and to prevent such established amenity being adversely affected.

5. No demolition or construction work, site clearance or preparation works shall take before 07.00 hours or after 17.00 hours on Mondays to Saturdays, nor at any time on Sundays.

REASON In the interests of residential amenity.

6. Prior to the commencement of any development on site and in order to compensate for inadequate junction spacing; traffic calming measures shall be implemented on the Irvine Road. Details of these measures and their location shall be submitted to and approved by the Planning Authority in consultation with the Roads Division and shall be implemented prior to the occupation of any houses.

REASON To overcome a junction spacing inadequacy in the interests of road safety.

7. Prior to the commencement of any development on site and notwithstanding the submitted plans, details of the proposed method of capping the mine shaft, including full information on the design parameters to allow an independent assessment of the design to be undertaken shall be submitted to and approved by the Planning Authority and any findings shall be implemented as approved prior to the construction of the access road.

REASON

To prevent the collapse of the mine shaft, which would affect the adjacent road.

NOTE:

The application shall make early contact with West of Scotland Water, 35 Glenburn Road, Prestwick, KA9 2NS (Tel 0808 100 5333) regarding permission to connect to the public sewerage system and the supply of water.

**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