

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 09 NOVEMBER 2001**

**01/0212/FL: PROPOSED RESIDENTIAL DEVELOPMENT TO FORM 10 NO.  
DETACHED TWO STOREY HOUSES INCLUDING DEMOLITION OF  
EXISTING 2 STOREY SEMI-DETACHED DWELLINGS  
AT 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 10 detached dwellinghouses. The scheme in more detail comprises the following:-

- a) Access into the site will be taken from a central point on the western site boundary with a slight re-location from its existing point;
- b) 10 residential two storey detached dwellinghouses are to be erected within the site. There will be three house types and all will be finished in facing brick, with grey concrete roof tiles and white upvc windows. House types 1 and 3 are 4-bedroomed properties of which 8 are to be provided on site, whilst house type 2 comprises 5-bedrooms of which 2 are to be provided. All properties will be provided with a minimum of 100 square metres of garden space;
- c) House types 1 and 3 have integral garages whilst house type 2 will have a single detached garage finished to match the dwellinghouse;
- d) A tree survey report has been submitted by the applicant which confirms the intention to remove all 15 trees within the site;
- e) The applicant proposes to retain the existing boundary wall along Glebe Road which will be altered as a result of the revised access position. The east and south boundaries will have a 1.8 metre close-boarded timber fence erected.
- f) The level of the site will be lowered between Plots 3 to 8 in order to equate with the levels of the properties at Mitchell Court.

## **2. RECOMMENDATION**

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

## **3. SUMMARY OF ANALYSIS**

3.1 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.

3.2 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 prominent building line of Glebe Road has been maintained with the existing wall largely being maintained and House Plots 1 and 10 have prominent side elevations onto Glebe Road. 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.

3.3 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 an objection.

#### **2. APPLICATION DETAILS**

2.1 **Site Description:** The application site is some 3389 square metres in area and is the site of the former Glebe Resource Centre. The site accommodates a single storey building with four terraced lock-up garages and two disused semi-detached dwellinghouses. 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, 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 residential properties. Existing access is central to the western site boundary. The site is presently in a very poor condition with the vacant building subject to regular vandalism.

2.2 **Proposed Development:** Full planning consent is sought for the erection of 10 detached dwellinghouses. The scheme in more detail comprises the following:-

- a) Access into the site will be taken from a central point on the western site boundary with a slight re-location from its existing point;

- b) 10 residential two storey detached dwellinghouses are to be erected within the site. There will be three house types and all will be finished in facing brick, with grey concrete roof tiles and white upvc windows. House types 1 and 3 are 4-bedroomed properties of which 8 are to be provided on site, whilst house type 2 comprises 5-bedrooms of which 2 are to be provided. All properties will be provided with a minimum of 100 square metres of garden space;
- c) House types 1 and 3 have integral garages whilst house type 2 will have a single detached garage finished to match the dwellinghouse;
- d) A tree survey report has been submitted by the applicant which confirms the intention to remove all 15 trees within the site;
- e) The applicant proposes to retain the existing boundary wall along Glebe Road which will be altered as a result of the revised access position. The east and south boundaries will have a 1.8 metre close-boarded timber fence erected.
- f) The level of the site will be lowered between Plots 3 to 8 in order to equate with the levels of the properties at Mitchell Court.

### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 The Roads Division have advised that the revised layout meets the previous stated requirements of the Roads Division. This is with the exception of two matters namely:-

- a) The shared surface road should be extended to allow Plot 7 to directly access the road leaving Plots 8 and 9 with a common access;
- b) The Prunus Cherry and Malus trees in the common driveways should be removed to allow better manoeuvring.

***The requirements of the Roads Division can be meet by attaching conditions to any grant of planning consent.***

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 although advise that:-

- a) Potentially noisy site engineering/demolition activities etc should be restricted to day shift operates for the avoidance of nuisance during unsociable hours; and,
- b) Demolition works should be carried out in accordance with the appropriate Code of Practice with suitable precautions taken to avoid creation of nuisance to nearby householders.

***Noted. The surrounding area is exclusively of a residential nature and it is recommended that a condition be attached to any grant of planning permission restricting the hours of operation of construction/demolition works. The undertaking of demolition works in accordance with the appropriate Code of Practice is a matter for Building Control to address under the terms of a Building Warrant.***

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

***Noted.***

3.5 Scottish Environment Protection Agency have no objections to make provided all demolition materials are removed to a suitably licensed site.

***Noted. It is recommended that an advisory note be attached to any grant of planning consent advising the applicant of this requirement.***

3.6 West of Scotland 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) Their permission should be sought to connect to the public sewerage system.
- c) A totally separate drainage system will be required.
- d) Sustainable Urban Drainage Systems should be employed on the surface water drainage system.

**Notes can be attached to any grant of planning consent advising that the applicant makes early contact with West of Scotland Water regarding their requirements. The applicant is aware that Sustainable Urban Drainage Systems should be employed regarding the surface water drainage system.**

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

**Noted.**

3.8 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 shrub varieties chosen could be more complementary to the site and would leave a more attractive landscape for future residents.

**Noted. It is recommended that should Members choose to grant consent a condition be incorporated requiring the submission of a compensatory planting scheme for approval and the implementation of this. These details have been submitted with the present proposal but are not satisfactory in terms of the level of planting and its location.**

#### **4. REPRESENTATIONS**

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

4.1 The plans do not indicate the colour of the walls and roof of the dwellinghouses. It is reasonable to expect these houses to be similar in colour to existing red sandstone buildings which predominate in this area. The plan should be changed to read 'dark red brick' and for roof tiles 'grey slate colour'.

**It is standard practice that applications for planning permission do not always specify the colour treatment of buildings for which permission is sought. It is also standard practice should consent be granted to incorporate a condition requiring further approval to be obtained in respect of all external finishes. Discussions between the applicant and this Division highlighted that appropriate colours of materials should be used for the proposed development to reflect neighbouring properties**

4.2 There is no indication of when building work will start. It is now 40 months since the properties became derelict and whilst this is excellent news for hooligans and vandals, it is not for residents. This large abandoned area is directly in front of the objector's house.

***It is not a requirement of an application for planning permission to advise when works are due to commence although the applicant has verbally advised that he is keen to commence works as soon as possible should he be granted planning permission. It is not considered necessary in this instance to restrict the commencement or completion of this development if planning consent is granted.***

## **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 10 dwellinghouses and comprises 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. A great level of discussion was generated as a result of this Division's consideration of the application in order to preserve the privacy of neighbouring properties particularly at Mitchell Court. The scheme has been amended and designed to a high standard and the external finishes will result in a development which is in keeping with the character of the area.***

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 material considerations relevant to the determination of this application are the East Ayrshire Local Plan Finalised Version with Modifications (EALP), consultations and representations received.

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 CS1, RES 4, RES 19 and 22 are directly relevant.

6.3 Policy CS1 of EALP states that the Council will encourage the retention of all existing community facilities, subject to finance and to allow the Council to respond positively to changing needs and demands for community and educational facilities in East Ayrshire. Wherever possible, existing facilities will be retained and improved.

***The Council has declared the former Glebe Resource Centre surplus to their operational requirements and the site has been vacant for over 3 years. The proposed development is not considered to be contrary to the above policy.***

6.4 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. Given the number of houses proposed and the redevelopment of a derelict site whilst improving the general amenity of the area by the provision of a well designed housing layout it is not considered necessary to provide any public open space.***

6.5 The Council's Design Guidance 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.

***The proposed development has been amended whereby adjacent to the existing houses on Mitchell Court, the ground level of Plots 4 to 7 is to be lowered so that the proposed dwellinghouses will largely be of a similar height to the existing dwellinghouses. This will reduce the impact of the proposed dwellinghouses on the existing properties on Mitchell Court. The house types adjacent to the properties on Mitchell Court have been amended so that any rooms on the first floor rear elevations are either bathroom or en-suite rooms and obscure glass is proposed in the windows. This amendment will prevent any overlooking to adjacent existing properties at first floor and maintain the privacy of adjacent residential properties on Mitchell Court. A 1.8 metre high 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 materials of the proposed dwellinghouse***

## 6.6 Statutory Consultation Replies and Representations

None of the statutory consultees have raised any negative issues which would materially affect the determination of this application. The issues raised are either generally supportive of the scheme or could be dealt with by the imposition of appropriate conditions, if consent is granted. The concerns of the objector can be addressed by attaching conditions to any grant of planning consent regarding external finishes.

## 7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 The Council intends to sell this site to the applicant and therefore has a financial interest. It is obliged to notify the Scottish Executive under the Town and Country Planning (Notification of Planning Applications)(Scotland) Direction 1997 if it intends to grant planning permission and there is either a substantial body of objectors, or the proposed development is deemed to be contrary to the Adopted Local Plan (in this case the Kilmarnock Local Plan).

***As discussed in Sections 4 and 5 of this report, the amended scheme has not been the subject of a substantial body of objection and it is not considered to be contrary to the Adopted Kilmarnock Local Plan.***

***As a consequence, should the Committee agree to grant planning permission, there is no requirement to notify the application to the Scottish Executive.***

## **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 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 prominent building line of Glebe Road has been maintained with the existing wall largely being maintained and House Plots 1 and 10 have prominent side elevations onto Glebe Road. 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.

8.3 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.

## **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**

31 October 2001  
(FMF/MMM)

FV/DVM

## **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.

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

***Implementation Officer: Dave Morris***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0212/FL

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Site of Proposal:	20 Glebe Road KILMARNOCK
Nature of Proposal:	Proposed Residential Development to Form 10 No. Detached, Two Storey Houses
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

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DPOs Reference: FMF/MMM

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 02 May 2001 and the amended plans received by the Planning Authority on 05 October 2001

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

2. Notwithstanding the plans hereby approved, the external materials of all dwellinghouses, garages and access surfaces including driveways are not hereby approved and prior to any work commencing on site, details and samples of all external materials to be used shall be submitted to and approved in writing by the Planning Authority and thereafter shall be utilised as approved.

REASON In the interests of visual amenity and in order to ensure the integration of the development with neighbouring properties.

3. Notwithstanding the plans hereby approved, the proposed design of windows to be used is not approved. Prior to any work commencing on site, details and samples of the proposed windows confirming the materials and glazing arrangement shall be submitted to and approved in writing by the Planning Authority and thereafter the windows shall be installed and maintained as approved.

REASON In the interests of visual amenity and in order to ensure the integration of the development with neighbouring properties.

4. All garages located within the site, shall be restricted to private use incidental to the enjoyment of the dwellinghouse on the site and no commercial activity shall be carried out in or from any of the garages.

REASON In order to retain effective planning control and safeguard the amenity privacy of the area and adjacent houses.

5. Before any work commences on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved by the Planning Authority. The Sustainable Urban Drainage System shall thereafter be installed on site, prior to the erection of any of the dwellinghouses in the development site.

REASON To ensure that adequate drainage is provided.

6. All building materials, site servicing and workers' vehicles shall be accommodated within the development site at all times during the period of construction unless otherwise agreed in writing in advance with the Planning Authority.

REASON In the interests of residential amenity.

7. No demolition or construction works site clearance or preparation works shall be undertaken on site unless within the hours of 08:00 hours to 18:00 hours Monday to Friday, and 09:00 hours to 17:00 hours Saturday and not at any time on a Sunday.

REASON In order to protect the amenity of neighbouring residential properties.

8. For the entire period of construction works, all site access to the development site shall be from Glebe Road, Kilmarnock, unless otherwise agreed in writing in advance with the Planning Authority.

REASON In order to protect the residential amenity of neighbouring properties.

9. Public roads adjacent to the site shall be kept clear of mud or other deposited materials at all times by means of mechanical brushing as appropriate.

REASON In the interests of road safety.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992, or any other order or enactment replacing this), no extensions, garages or other external alterations shall be undertaken on Plots 3-8 inclusive (unless a further specific planning application is submitted to and approved in writing by the Planning Authority).

REASON In the interests of residential amenity of neighbouring properties in Mitchell Court.

11. Prior to any of the dwellinghouses hereby approved being occupied for which a fence or wall is to be erected as indicated on the approved plans, this wall or fence shall be erected as approved.

REASON In the interests of residential amenity.

12. Notwithstanding the submitted plans, the landscaping and tree planting details are not hereby approved. Prior to the commencement of any works on site, details of a landscaping scheme including tree replanting and a maintenance schedule shall be submitted to and approved in writing by the Planning Authority. All landscaping shall be laid out in accordance with the approved plans not later than one planting season following the completion of works on site and shall be maintained thereafter as approved.

REASON In order to ensure that a suitable planting scheme exists which includes an appropriate compensatory planting scheme in recognition of all trees removed.

13. Notwithstanding the approved plans an entrance feature shall be erected at Glebe Road, details of its design and location shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be constructed on site prior to the occupation of any houses.

REASON In the interests of visual amenity.

14. 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.

15. Notwithstanding the approved plans, details of the exact location of the proposed fence along the Northern and Eastern boundaries of site shall be agreed with the Planning Authority. The fence shall be erected on site prior to the occupation of any house plots to which it relates.

REASON In the interests of residential amenity.

16. Notwithstanding the submitted plans a 1.8 metre high timber fence shall be erected along the southern boundary of the site prior to any construction on site. Details of its siting and design shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on site.

REASON In the interests of residential and visual amenity.

17. At no time shall any building material be stored on the footpath adjacent to the southern boundary of the site.

REASON To allow access to the adjacent residential units.

18. The existing wall along the northern boundary of the site shall be retained intact and maintained thereafter.

REASON To maintain the contribution of the existing features to the quality of the area in the interests of visual amenity.

Notes:-

1. The developer is advised to make early contact with West of Scotland 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 Scottish Environment Protection Agency have advised that all demolition materials are removed to a suitably licensed facility.
4. 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.

5. "The Developer shall make early contact with the Scottish Environment Protection Agency and West of Scotland 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".
6. "The Council does not currently have a general agreement with WoSWA 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".

**AGENDA**