

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 13 SEPTEMBER 2001**

**01/0270/OL: PROPOSED OUTLINE PERMISSION FOR ERECTION OF TWO  
HOUSES  
AT HILLPARK DRIVE/BATH STREET, KILMARNOCK  
BY PARKLANDS RESIDENTS ASSOCIATION**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.2 Outline planning consent is sought for the erection of two dwellinghouses. Details of the proposed access and site layout have been submitted at this stage. Plot A will take access from a common vehicular and pedestrian access to No 52 Bath Street. Plot B will take access from a pavement crossing from Hillpark Drive. The proposed building line of Plots A and B will mirror the building line of the existing houses adjacent to the proposed housing plots. Details of the design and height of the houses will be submitted at the detailed stage

**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 at paragraph 5.2 in the report there are no relevant policies in the Adopted Local Plan and therefore greater weight should be attached to the other material considerations.

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 does not conflict with the policies of the EALP as the open space area is not a usable area of open space and there is sufficient remaining areas of public open space in the immediate area. This area has been the subject of vandalism and misuse in the past and is not an area of open space used by the residents. Its contribution to the visual appearance of the area is limited. The proposal to erect two houses at the end of two cul-de-sacs would be in keeping with the layout of the adjacent houses and it will also remove a problematic area of open space. Full details regarding the design and height of the houses will be submitted at the detailed stage.

**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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### 01/0270/OL: PROPOSED OUTLINE PERMISSION FOR ERECTION OF TWO HOUSES AT HILLPARK DRIVE/BATH STREET, KILMARNOCK BY PARKLANDS RESIDENTS ASSOCIATION

#### Report by Head of Planning and Building Control

#### 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 objection.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is 0.58 hectares in area and it is a grassed area of open space. The site is surrounded on all four sides by residential properties and their curtilages. It is a level site and it is surrounded by 1.8 metre high timber fences and trees along the Eastern boundary.

2.2 **Proposed Development:** Outline planning consent is sought for the erection of two dwellinghouses. Details of the proposed access and site layout have been submitted at this stage. Plot A will take access from a common vehicular and pedestrian access to No 52 Bath Street. Plot B will take access from a pavement crossing from Hillpark Drive. The proposed building line of Plots A and B will mirror the building line of the existing houses adjacent to the proposed housing plots. Details of the design and height of the houses will be submitted at the detailed stage.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads Division raise no objections to this development and confirm that the proposed changes are now satisfactory.

***Noted. The site boundary has been amended to facilitate suitable vehicular access both to the proposed houses and to an adjacent existing unit.***

3.2 West of Scotland Water have commented that their permission should be sought to connect to the public sewerage system and a totally separate drainage system will be required.

***A note can be attached to any grant of planning consent advising the applicant of West of Scotland Water's comments.***

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

***Noted.***

#### **4. REPRESENTATIONS**

There is one letter of objection to the proposed development.

4.1 As an established housing estate they see no reason for further building work. They have concerns that their house in Bath Street would look inferior to any new houses built and any new houses would look out of place.

***Details regarding the design of the houses would be submitted at the reserved matters stage and the design and height of any new houses should be compatible with the design of the surrounding houses.***

4.2 The proposal means extra traffic and building works on a quiet part of Bath Street; as a family with young children this added risk to safety is of concern. Construction work in the street ended years ago and they do not wish to reside near this type of work.

***There will be some disturbance to neighbouring properties during the construction of the proposed houses, although any disturbance will essentially be only for a short term.***

4.3 The Residents Association has submitted the proposal, some residents are not part of this group. As one such household who are therefore surely partial owners of this land they do not wish to sell for further development in the street.

***This is a legal matter and is not a material planning consideration. Residents of the area who are not members of the Residents Association and are part owners of the application site have been separately owner notified in terms of this application. The Residents Association will have to negotiate with these owners to obtain consent to develop the application 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 comprises the Approved Ayrshire Joint Structure Plan and the Adopted Kilmarnock Local Plan (1985). The adopted Local Plan was prepared which 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 this document and its associated policies. There are however no relevant policies and therefore greater weight should be placed on the other material considerations as identified in Section 6 of this report.

## **6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS**

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan Finalised Version with Modifications (EALP), the consultation replies, letters of representation and impact on the amenity of the adjacent area.

6.2 The Council has agreed that EALP should be considered as a prime material consideration. The proposal falls to be assessed against Policies TLR8 and TLR9 of EALP. The former presumes against development on those safeguarded areas of public and private recreational or amenity open space as identified on the local plan maps and on other undeveloped land within settlement boundaries which contributes to the setting, character and appearance of the settlement concerned. The latter policy permits the development of both private and public recreational or amenity open space for purposes other than those described in Policy TLR8 only in exceptional circumstances where:

- (i) The retention or enhancement of the facilities can best be achieved by the redevelopment of part of the site and where the development would not adversely affect the overall sporting, recreational and amenity value of the site itself, or
- (ii) Alternative provision of equal community benefit and accessibility can be made available within close proximity to the site, or
- (iii) There is a clear long-term excess of pitches, playing fields and amenity open space in the wider area.

The purpose of this policy is to prevent the erosion and loss of valuable leisure and recreation resources to other uses.

***The application site is a grassed area located at the end of two cul-de-sacs. It is surrounded by 1.8 metre timber fences. This area of open space is not safeguarded and its contribution to the amenity of the area is minimal in terms of visual appearance and its use by local residents. This area of open space has been the subject in the past of vandalism and misuse. It is considered that there is sufficient remaining public open***

***space in the vicinity. The proposed development can be accommodated within the terms and reasons for the above policies.***

6.3 No adverse comments have been received from the consultees with regard to the letter of objection, details regarding the design and height of the proposed houses will be submitted at the detailed stage. At that time, it will be ensured that the design and height of the proposed houses are comparable with the adjacent houses and there are no adverse problems in terms of overlooking and loss of privacy.

## **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 paragraph 5.2 in the report there are no relevant policies in the Adopted Local Plan and therefore greater weight should be attached to the other material considerations.

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 does not conflict with the policies of the EALP as the open space area is not a usable area of open space and there is sufficient remaining areas of public open space in the immediate area. This area has been the subject of vandalism and misuse in the past and is not an area of open space used by the residents. Its contribution to the visual appearance of the area is limited. The proposal to erect two houses at the end of two cul-de-sacs would be in keeping with the layout of the adjacent houses and it will also remove a problematic area of open space. Full details regarding the design and height of the houses will be submitted at the detailed stage.

## **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**

04 September 2001

(PC/MMM)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Statutory Notices/Certificates.
4. Consultation Replies.
5. Adopted Kilmarnock Local Plan.
6. East Ayrshire Local Plan Finalised Version with Modifications.
7. Approved Ayrshire Joint Structure Plan.
8. Approved Strathclyde Structure Plan.

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

***Implementation Officer: Dave Morris***

01/0270/OL

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0270/OL

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Site of Proposal:	Hillpark Drive/Bath Street KILMARNOCK
Nature of Proposal:	Proposed Outline Permission for Erection of Two Houses
Name & Address of Applicant:	Parklands Residents Association 12 Stafford Street KILMARNOCK KA3 1HN
Name & Address of Agent:	W G Architectural Services 29 Blackburn Drive AYR KA7 2XW

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DPOs Reference: PC/MMM

The above OUTLINE 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 30 April 2001 and the amended plans received by the Planning Authority on 21 June 2001.

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

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

- (a) The layout of the site;
- (b) The size, height, design and external appearance of the proposed dwellinghouses.
- (c) The means of drainage and sewage disposal;
- (d) Details of the access arrangements;
- (e) The provision for open space;
- (f) The provision for car parking;
- (g) The boundary walls/fences to be erected;

- (h) The landscaping of the site;
- (i) Finished site levels/floor levels.

REASON The approval is in outline only.

3. No trees shall be felled, lopped, have roots cut, or be the subject of any other works without the prior written consent of the Planning Authority.

REASON In the interest of visual amenity and to maintain the existing visual contribution of the trees to the amenity of the area.

Notes:

1. The applicant shall make early contact with West of Scotland Water Authority, 35 Glenburn Road, Prestwick, KA9 2NS (Tel No: 0808 100 5333) regarding connecting to the public sewerage system.
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.**

**AGENDA**