

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 21 NOVEMBER 2003

**03/0756/FL: ERECTION OF ONE NO. DWELLINGHOUSE
AT MURPHY'S POTATO MERCHANTS SITE, IRVINE ROAD, KILMARNOCK
BY KLIN HOMES**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the erection of one dwellinghouse. The proposed dwellinghouse is two storey in height with a hipped roof, smooth cement render walls with a reconstituted stone basecourse. The proposed dwellinghouse has 4 bedrooms and study at the first floor with an exterior balcony above the swimming pool at ground floor. Two further balconies are proposed at first floor one above the front door and one to the southern elevation. At ground floor a lounge, kitchen, breakfast area, family room, TV room, dining hall, games room, a swimming pool and sauna and plant room are proposed.

1.2 The submitted plans show the house being set at a lower level than adjacent properties and having the benefit of a proposed screening tree belt.

2. RECOMMENDATION

2.1 The application should be approved subject to the conditions indicated on the enclosed sheet.

3. CONCLUSIONS

3.1 As indicated at 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 of the report there are material considerations relevant to this application. The concerns of the objectors regarding road safety have not been echoed by the Roads Division. The design, layout and height of the proposed house is considered compatible with the surrounding houses and will not have an adverse impact in terms of overlooking or be visually intrusive to

adjacent properties. The proposed development will remove a derelict site which will improve the general amenity of the area.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control the application would not be required to be referred to the Development Services Committee as it would not constitute a significant departure from 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 KLIN HOMES**

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 subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is 0.29 hectares in area. The majority of the site is vacant overgrown land, although the southern part of the application site closer to Irvine Road includes outbuildings which were previously used by the potato merchants and are now vacant. The application site includes an existing access track adjacent to No. 1 Irvine Road. The application site is largely surrounded by residential properties however to the eastern boundary lies the main Kilmarnock – Ayr railway line. The site slopes from north to south.

2.2 **Proposed Development:** Full planning consent is sought for the erection of one dwellinghouse. The proposed dwellinghouse is two storey in height with a hipped roof, smooth cement render walls with a reconstituted stone basecourse. The proposed dwellinghouse has 4 bedrooms and study at the first floor with an exterior balcony above the swimming pool at ground floor. Two further balconies are proposed at first floor one above the front door and one to the southern elevation. At ground floor a lounge, kitchen, breakfast area, family room, TV room, dining hall, games room, a swimming pool and sauna and plant room are proposed.

2.3 the submitted plans show the house being set at a lower level than adjacent properties and having the benefit of a proposed screening tree belt.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division, Powersystems, The Coal Authority, Scottish Water, Transco, Scottish Environment Protection Agency have no objections to the proposed development.

Noted.

3.2 Bonnyton Community Council have objected on the grounds of road safety in relation to the entrance/exit to the site. This entrance/exit is of grave concern and is detrimental and dangerous to both pedestrian and vehicular traffic.

The Roads Division have no objections to the proposed development and do not echo the concerns of the Community Council.

3.3 Grange Howard Community Council have not responded to their consultation letter at the time of writing this report.

Noted.

3.4 Network Rail have no objection in principle and recommend that a 1.8 metre high concrete post and 'weldmesh' fence is provided along the mutual boundary. Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary.

The present application does not intend to do any alterations to the embankment of the railway line. Details of all proposed boundary fences can be required by condition.

3.5 East Ayrshire Council Environmental Health and Waste Management have no objection subject to the appropriate demolition of the existing buildings such as not to cause nuisance and subject to implementation of demolition in a reasonable fashion avoiding nuisance to neighbours.

A condition can be attended to any consent controlling the development of the site.

4. REPRESENTATIONS

4.1 There are 4 objectors to the proposed development including one from Bonnyton Community Council which is detailed in 3.2 above. The grounds of objection are as follows:-

4.2 If this development is approved, it may have a knock-on effect and allow for other properties to be erected on the remaining land. This will mean significant increase in the amount of traffic using Cairns Terrace. Planning consent has already been approved for the erection of 5 houses on this site.

Members are asked to only consider the application for one dwellinghouse before them which takes access from Irvine Road and not Cairns Terrace. Therefore there will be no increase in traffic from Cairns Terrace as a result of this present application. Any development of this proposal would be mutually exclusive of any other consents to be issued on this site.

4.3 The privacy to the rear of their house will be affected and this was one of the key factors which influenced their decision to purchase their property over similar houses in other areas of the town.

It is not considered that the present proposal will have an adverse impact on the privacy of adjacent properties.

4.4 Cairns Terrace is a quiet child-safe location. Increased traffic will result in additional dangers with regard to child safety.

The present proposal will take access from Irvine Road and therefore will have no impact on Cairns Terrace in terms of increased traffic.

4.5 The proposed dwellinghouse may result in shadows being cast over the rear of their property which is a magnificent sun trap and their front garden is very open and exposed making it unsuitable for relaxing in sunny weather. They enjoy sunbathing and appreciate being able to relax, safe in the knowledge that this is in complete privacy.

The proposed dwellinghouse is to be sited at a lower level than the existing houses on Cairns Terrace. It is also to be sited some 10 metres away from the rear boundary fence of adjacent houses on Cairns Terrace. It is not considered that the proposed dwellinghouse will have an overshadowing or visually intrusive impact on adjacent properties.

4.6 The erection of the dwellinghouse would result in many heavy vehicles frequenting Cairns Terrace as access for a significant period of time. They have grave concerns that the repeated use from heavy vehicles will have adverse long term effects on the road. There are also safety issues.

No construction vehicles will require to access the site from Cairns Terrace as the only access is from Irvine Road.

4.7 There are old mine workings which are located underneath the site and were advised by the developer's site agent when purchasing their property that any future building work carried out on the application site could cause movement or even subsidence to existing properties.

The Coal Authority have not indicated any mine entries within the site. The applicant will be required to satisfy herself/himself regarding the stability of the site and stability issues will be addressed through the Building Warrant process. Furthermore mining information from the British Geological Survey suggests that the shaft of Pit No. 2 is well outwith the site (50 metres) to the north west.

4.8 The proposed access to and from the site is from Irvine Road which will involve the movement of heavy traffic entering and leaving the site during construction on a route which is used frequently by both primary and secondary school children together with elderly pedestrians. This will then be followed by domestic traffic when the proposed development is complete. This will prove extremely hazardous to pedestrians as well as motorists as the exit from the site is obstructed by the railway bridge.

The Roads Division have no objections to the proposed development. The access from Irvine Road was used previously as a commercial access for the potato merchants, although this use has now ceased. The use of the access by one dwellinghouse is not considered as an intensification of the use and therefore is acceptable in road safety grounds.

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 (EALP).

Adopted East Ayrshire Local Plan

5.2 Policy RES 4 is relevant. Within settlement boundaries the sympathetic residential development of infill sites not specifically identified for particular development purposes on the Local Plan maps will be assessed against the following criteria:-

- (i) Impact on the surrounding natural and built environment and adjacent uses.

- (ii) Transportation and infrastructure implications.
- (iii) Compatibility with surrounding densities and housing types, and
- (iv) Compliance with the Council's Development Promotion and Design Guidance.

The proposed development is considered to be compatible with the surrounding housing area. The proposed access is considered acceptable by the Roads Division.

East Ayrshire Council Design Guidance

5.3 Policy ENV 7 requires developers to comply fully with the Council's Design Guidance whereby the layout and house type for proposed individual residential development of gap sites will require to reflect and respect the built form of the surrounding area and aim to integrate with existing surrounding land uses. House design of infill or gap sites shall recognise and reflect 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 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 has been designed and sited to minimise its impact on adjacent houses. The majority of the application site adjacent to Cairns Terrace is at a lower level than the existing houses and therefore the proposed house will not have an oppressive and overshadowing effect. The minimum distance between windows of habitable rooms in facing houses has been exceeded in terms of the proposed development. The proposed balconies will not have a visually intrusive impact on adjacent properties. The submitted plans indicate a proposed tree belt, details of which can be secured by means of a condition.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultation responses and the representations detailed in Section 3 and 4 of the report and the planning history of the site.

Consultation Replies and Representations

6.2 None of the statutory consultees have raised any negative issues which would materially affect the determination of this application. The concerns of the

objectors regarding the proposed access and road safety are not echoed by the Roads Division.

Planning History

6.3 03/0523/FL: Proposed Residential Development comprising 5 no. dwellings at Cairns Terrace/Irvine Road, Kilmarnock.

This application involved a development on largely the same site as the present application under consideration although 4 of the proposed houses were taking access from Cairns Terrace. This application was approved by the Central Local Planning Committee on 18 September 2003 subject to the satisfactory conclusion of a Formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect to a contribution towards the Sports, Leisure and Recreational Fund.

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 indicated at 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 of the report there are material considerations relevant to this application. The concerns of the objectors regarding road safety have not been echoed by the Roads Division. The design, layout and height of the proposed house is considered compatible with the surrounding houses and will not have an adverse impact in terms of overlooking or be visually intrusive to adjacent properties. The proposed development will remove a derelict site which will improve the general amenity of the area.

9. RECOMMENDATION

9.1 The application should be approved subject to the conditions indicated on the enclosed sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control the application would not be required to be referred to the Development Services Committee as it would not constitute a significant departure from Council policy.

Alan Neish
Head of Planning and Building Control

13 November 2003
(PC/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Letters of representation.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted East Ayrshire Local Plan.
6. Planning Application No: 03/0523/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

03/0756/FL

Site of Proposal:	Murphy's Potato Merchants site Irvine Road KILMARNOCK KA1 2JN
Nature of Proposal:	Proposed Erection of 1 No. Dwellinghouse
Name & Address of Applicant:	Klin Homes 27 John Finnie Street KILMARNOCK KA1 1BL
Name & Address of Agent:	W I Munro 1 Seaford Street KILMARNOCK KA1 2BZ

DPOs Reference: PC/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 and plans submitted on 21 August 2003 the floor plans, elevations and site section plans submitted on 20 October 2003 and site levels plans submitted on 27 October 2003 together with the letter dated 11 November 2003 from the Planning Authority.

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

2. No construction work, site clearance or preparation works shall take place before 08.00 hours and after 17.00 hours on Mondays to Saturdays nor at any time on Sundays.

REASON In the interests of residential 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. There shall be no access by pedestrians or vehicles from Irvine Road except to the dwellinghouse approved under this consent.

REASON In the interests of road safety.

5. No materials other than top soil shall be brought onto the site for the purposes of infilling or upraising ground levels without the prior written consent of the Planning Authority.

REASON In order to control the development of the site and materials used in the making up of ground levels.

6. Notwithstanding the approved plans, a 2 metre high solid timber fence adjacent to the dwellinghouses on Cairns Terrace and Irvine Road shall be constructed on site prior to the occupation of the dwellinghouse. Details of the fence shall be submitted to and approved by the Planning Authority in relation to Condition 8 below.

REASON To ensure the erection of the fence in the interests of visual and residential amenity.

7. The details to be submitted further to Condition 6 above shall also address the need, or otherwise, for the introduction of a retaining feature to accommodate any difference in levels.

REASON In the interests of residential amenity.

8. Notwithstanding the submitted details a comprehensive landscaping scheme including the treatment of the boundary of the site adjacent to the dwellinghouses on Cairns Terrace, Irvine Road and the railway line shall be submitted to and approved by the Planning Authority prior to the commencement of any development on site. It shall be implemented not later than the next planting season after the occupation of the dwellinghouse and shall specifically include a tree belt as indicated in the approved plans along the western boundary of the site. The scheme shall include details of the maintenance of the soft landscaped areas and the site shall be maintained thereafter in accordance with these details. Any trees removed without consent of the Planning Authority or

seriously damaged at any time thereafter shall be replaced by trees of similar size or species as may be agreed in writing with the Planning Authority.

REASON To ensure adequate landscaping in the interests of residential and visual amenity.

9. Notwithstanding the terms of Condition No. 8 above the landscaping scheme shall allow for the existing trees and shrubs along the embankment with the railway line to be retained intact except for general maintenance, and for them to be maintained thereafter to the satisfaction of the Planning Authority.

REASON To provide a landscaping screen of the railway line in the interests of visual amenity.

10. Details and samples of the proposed timber windows, architectural details above the proposed windows, doors and fascia shall be submitted to and approved by the Planning Authority before any development commences on site and implemented thereafter as approved.

REASON In the interests of visual amenity.

NOTES:

1. Prior to the commencement of any works on site for the development hereby approved, the applicant should satisfy himself/herself as to the suitability of the site for construction purposes.
2. The applicant shall make early contact with Scottish Water, 35 Glenburn Road, Prestwick KA9 2NS regarding connection to the public sewerage system and relative levels shall be such as will allow the development to be connected at an acceptable gradient.
3. Prior to any development commencing on site, the developer is strongly advised to make early contact with Network Rail on 0141 335 3574 to discuss any measures that may be necessary in respect of development adjacent to the railway line.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
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PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**