

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 21 NOVEMBER 2003

**03/0625/FL: PROPOSED CONSTRUCTION OF 8 FLATS AND ASSOCIATED
COMMON FACILITIES
AT JAMES JOHNSTONE PLACE, KILMARNOCK
BY CAIRN HOUSING ASSOCIATION LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the construction of 8 flats and associated common facilities. These would be let to Women's Aid for temporary accommodation for women escaping domestic violence. The proposed building is largely 2 storey in height with a hipped roof. The main front elevation faces James Johnstone Place and it is set back some 19 metres from the pavement. The proposed flats are self-contained with communal facilities of a sitting room, computer and counselling room and kids room. The self-contained flats comprise kitchen, living/dining area made up of two 1-bedroom flats, five 2-bedroom flats and one 3-bedroom flat. Eight car parking spaces of which 2 are available for use by disabled persons are proposed adjacent to James Johnstone Place. Materials proposed are grey concrete roof tile, buff facing brick, contrasting brick soldier course and white roughcast render.

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 design, layout and height of the proposed development 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 provide a facility for vulnerable members of the wider community.

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 will 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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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 considered by the Local Planning Committee under the scheme of delegation as it is subject to an objection and is a larger application of area significance.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is 0.22 hectares in area and is a vacant grassed area. The site is surrounded by dwellinghouses.

2.2 **Proposed Development:** Full planning consent is sought for the construction of 8 flats and associated common facilities. These would be let to Women's Aid for temporary accommodation for women escaping domestic violence. The proposed building is largely 2 storey in height with a hipped roof. The main front elevation faces James Johnstone Place and it is set back some 19 metres from the pavement. The proposed flats are self-contained with communal facilities of a sitting room, computer and counselling room and kids room. The self-contained flats comprise kitchen, living/dining area made up of two 1-bedroom flats, five 2-bedroom flats and one 3-bedroom flat. Eight car parking spaces of which 2 are available for use by disabled persons are proposed adjacent to James Johnstone Place. Materials proposed are grey concrete roof tile, buff facing brick, contrasting brick soldier course and white roughcast render.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have no objection subject to the footway fronting the development being re-constructed to permit access to parking spaces to Roads Division standards.

A condition can be attached to any grant of planning consent to meet the requirements of the Roads Division.

3.2 Scottish Water have recommended that the applicant consider the implementation of a Sustainable Urban Drainage System within the proposed drainage design. Their permission should be sought to connect to the public sewerage system.

The requirements of Scottish Water can be addressed by attaching a condition and notes to any grant of planning consent.

3.3 Scottish Environment Protection Agency have no objections and recommend that the applicant treat surface water from the site in accordance with the principles of Sustainable Urban Drainage Systems Manual for Scotland and Northern Ireland.

The requirements of Scottish Environment Protection Agency can be addressed by attaching a condition and notes to any grant of planning consent.

3.4 East Ayrshire Council Department of Homes and Technical Services, Powersystems, Transco and The Coal Authority have no objections to the proposed development.

Noted.

3.5 North West Kilmarnock Community Council have not responded to their consultation letter at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 There is one letter of objection and the grounds of objection are as follows:-

4.2 The objector would lose their privacy as the proposed building is overlooking their garden and neighbour's gardens.

The proposed development has been designed and sited to minimise its impact on adjacent residential properties. The proposed development is some 15 metres away from the objector's rear boundary and dwellinghouses on Knockinlaw Road. Furthermore

the boundary has an existing 1.8m high fence and is well landscaped with trees and hedging.

4.3 They object to the siting of a women's refuge in the area of the recently built housing estate which must take away the value of their house and other houses in this area.

The proposed development is considered to be residential in nature and compatible with the surrounding residential area. The impact of the development on the value of residential property is not a material planning consideration.

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.

It is considered that the proposed development is compatible with the surrounding residential area. The Roads Division have offered no objections to the proposed development.

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 or small scale residential development of infill or 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 development has been designed to integrate into the surrounding area. The development has been designed to minimise its impact on adjacent houses. There is a 1.8 metre high screen fence around the perimeter of the site and this is to be enhanced by further landscaping. This will alleviate overlooking from ground floor windows which are adjacent to residential properties. At first floor level, the lower panes of windows on the west and east elevations are to be glazed with opaque glazing which will minimise overlooking to adjacent residential properties.

5.4 The development meets the Council's private open space standards in terms of Policy RES 22.

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 Sections 3 and 4 of the report.

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 have been noted but are not considered to be of such significance that would warrant the refusal of this application.

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 design, layout and height of the proposed development 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 provide a facility for vulnerable members of the wider community.

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 will 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. Consultation Responses.
4. Letter of Representation.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.

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

03/0625/FL

Site of Proposal:	James Johnstone Place KILMARNOCK
Nature of Proposal:	Proposed Construction of 8 Flats and Associated Common Facilities
Name & Address of Applicant:	Cairn Housing Association Ltd 22 York Place EDINBURGH EH1 3EP
Name & Address of Agent:	CRGP Ltd 26 Herbert Street GLASGOW G20 6NB

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 07 July 2003 as revised by the site plan and elevations as proposed received by the Planning Authority on 14 October 2003 and 04 November 2003.

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

2. Prior to the commencement of any works on site, a landscape and maintenance scheme including treatment of the boundaries adjacent to residential properties shall be submitted to and approved in writing by the Planning Authority. This shall be implemented as approved not later than the first available planting season after the occupation of the first flat.

REASON To ensure that the grounds of the development are adequately landscaped and maintained in the interests of residential and visual amenity.

3. No construction works, site clearance or preparation works shall take place before 8.00 am and after 6.00 pm, Monday to Saturday and not at any time on a Sunday.

REASON In the interests of residential amenity.

4. Notwithstanding the approved plans, details of the means of refuse storage shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any works on site and shall be implemented prior to the occupation of the first flat.

REASON In the interests of residential amenity.

5. At all times during the construction of the development hereby approved, all trees to be retained within the site shall be protected by a 3 metres wide, fenced protective zone, in accordance with details to be submitted to and approved in writing by the Planning Authority.

REASON To prevent the root systems of the trees from suffering compaction.

6. The public road adjacent to the site shall be kept clear of mud or other deposited materials at all times by means of mechanical brushing or wheel washing as appropriate.

REASON In the interests of road safety.

7. All car parking spaces within the site shall be provided prior to the occupation of the first of the flats and shall not be used for the parking of construction vehicles at any time.

REASON To ensure the provision of car parking spaces in the interest of residential amenity and road safety.

8. Notwithstanding the approved plans, details and samples of the access and car parking surfacing shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any works on site and shall be implemented on site as approved prior to the occupation of the first flat.

REASON In the interests of visual amenity.

9. Notwithstanding the approved plans, details and samples of all external materials including drain pipes shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any development on site and shall be implemented on site as approved.

REASON In the interests of visual amenity.

10. Prior to work commencing on site, details and samples of all external opaque glass windows shall be submitted to and approved in writing by the Planning Authority. The opaque glass shall be installed as approved prior to the occupation of the flat to which they relate and maintained in place thereafter.

REASON In the interests of residential amenity of neighbouring properties.

11. 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 flats in the development site.

REASON To ensure that adequate drainage is provided for the proposed scheme.

12. 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.

13. The existing fence along the northern, western and eastern boundary of the site shall be retained intact and maintained thereafter to the satisfaction of the Planning Authority.

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

14. Notwithstanding the approved plans, the footway adjacent to the proposed car parking spaces for the flats shall be re-constructed to East Ayrshire Council Roads and Transportation Division standards after the construction of the car parking spaces and prior to the use of the car parking spaces for the proposed flats.

REASON In the interests of road safety.

Notes:-

1. The applicant is advised that 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.
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.
3. 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.
4. The developer shall make early contact with Transco, 95 Kilbirnie Street, Glasgow G5 8JD regarding a site meeting prior to the commencement of development on site.
5. The developer shall make early contact with Scottish Water, 35 Glenburn Road, Prestwick KA9 2NS (0845 601 8855) regarding permission to connect to the public sewerage system and relative levels are such as will allow the development to be connected at an acceptable gradient.

**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.**