

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 18 SEPTEMBER 2003

**03/0523/FL: PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING
5 NO. DWELLINGS AT CAIRNS TERRACE/IRVINE ROAD KILMARNOCK
BY AYRSHIRE ESTATES LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the erection of 5 detached dwellinghouses. The proposed houses are 2 storey in height, 4 bedroom accommodation with internal garages. Four of the proposed houses will take access from Cairns Terrace, with one dwellinghouse taking access from the existing access track adjacent to No. 1 Irvine Road. The front elevation of this dwellinghouse will be orientated towards Irvine Road. The front elevations of the other 4 dwellinghouses will face the railway line. Access from Cairns Terrace will involve extending the existing access to 23 Cairns Terrace by reducing the front and rear garden ground. A total of 198 square metres of rear garden will still be retained for No. 23.

2. RECOMMENDATION

2.1 **It is recommended that the application be approved subject to the conditions indicated on the attached sheet and that the issuing of the Planning Decision Note be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matter detailed in Section 7.2 of the report.**

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 houses are 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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03/0523/FL: PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 5 NO. DWELLINGS AT CAIRNS TERRACE/IRVINE ROAD KILMARNOCK BY AYRSHIRE ESTATES LTD

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 larger application of area significance which accords with the East Ayrshire Local Plan and 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, however the application site includes the dwellinghouse of No. 23 Cairns Terrace and its curtilage. The southern part of the application site adjacent to Irvine Road includes outbuildings which were previously used by the potato merchant and are now vacant. The application site also includes an existing access track adjacent to No. 1 Irvine Road. The application site is largely surrounded by residential properties. 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 5 detached dwellinghouses. The proposed houses are 2 storey in height, 4 bedroom accommodation with internal garages. Four of the proposed houses will take access from Cairns Terrace, with one dwellinghouse taking access from the existing access track adjacent to No. 1 Irvine Road. The front elevation of this dwellinghouse will be orientated towards Irvine Road. The front elevations of the other 4 dwellinghouses will face the railway line. Access from Cairns Terrace will involve extending the existing access to 23 Cairns Terrace by reducing the front and rear garden ground. A total of 198 square metres of rear garden will still be retained for No. 23.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have no objections as the layout, house types and associated parking is acceptable.

Noted.

3.2 Scottish Water have advised there is a public sewerage system to which a connection may be made for the proposed development and their permission should be sought to connect to the public sewer system.

A note can be attached to any grant of planning consent advising the applicant to make early contact with Scottish Water.

3.3 Scottish Environment Protection Agency have no objection, but recommend that surface water from the site is treated in accordance with the principles of Sustainable Urban Drainage Systems Design Manual.

Notes and a condition can be attached to any grant of planning consent to advise the applicant of SEPA's requirements.

3.4 Transco, the Coal Authority and PowerSystems have no adverse comments to make regarding the proposed development.

Noted.

3.5 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. The applicant is proposing a 2 metre high close board fence between the application site and the embankment.

3.6 Bonnyton Community Council have objected on the grounds of road safety in relation to the entrance/exit to the site in Irvine Road. This entrance/exit is considered to be detrimental and dangerous to both pedestrians and vehicular traffic.

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

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

Noted.

4. REPRESENTATIONS

4.1 There are 8 objectors to the proposed development (including one from Bonnyton Community Council which is detailed in 3.6 above). Their grounds of objection are as follows.

4.2 This area has former mine workings, any disturbance would have adverse effects on their property e.g. foundations.

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 suggests that the shaft of Pit No. 2 is well outwith the site to the north west.

4.3 The original planned layout of this estate was changed because of subsidence in parts.

This matter will be dealt with at the building warrant stage, whereby an engineer's report will be submitted regarding the stability of the site. It would though be appropriate to attach a note to any consent granted advising the developers to satisfy themselves as to the suitability of the site for development.

4.4 There is no suitable access to this site.

Four houses will be serviced from Cairns Terrace, while one house will be serviced from Irvine Road. This is considered acceptable by the Roads Division.

4.5 Irvine Road is an extremely busy road at all times especially during peak times when traffic is heavy and children are making their way to and from schools. This is a particularly hazardous spot with the close proximity of the railway bridge making vehicular traffic trying to enter or exit from a single track road extremely dangerous and hampering visibility with heavy traffic during construction and followed by domestic traffic when the proposed development is complete.

The Roads Division have no objections to the proposed development and the use of the existing access onto Irvine Road by a single dwellinghouse.

4.6 The adjoining gardens in Cairns Terrace which are all built up would make a retaining wall an absolute necessity.

The applicant has confirmed that they have no intention of changing the boundary levels adjacent to Cairns Terrace. A 2.1 metre high close boarded fence is proposed along the rear

boundary with the properties on Cairns Terrace. Nevertheless it is considered prudent, in the event of consent being granted that the precise details of the boundary treatment to the west of the site be submitted to and approved by the Planning Authority and that these details address the need, or otherwise, for a retaining feature along this boundary.

4.7 The proposed access from Cairns Terrace is from a cul-de-sac of 6 houses and there is limited parking space for visiting cars as some residents park their cars in the street. The increase in traffic to and from the proposed development as the small children live and play in the street could be a major safety hazard as the access appears to be narrow. Another concern for Cleansing Department, emergency vehicles or any other transport of similar size would be is the access wide enough for two cars to pass or will they have to reverse back on to Cairns Terrace? The condition of the roads during and after this increase in traffic would be greatly deteriorated.

The proposed new access from Cairns Terrace is acceptable to the Roads Division. Emergency vehicles and other larger vehicles will be able to access the development from Cairns Terrace. The Roads Division guidelines allow up to 5 houses on a brownfield site to be served by a private road. The proposed access road from Cairns Terrace meets the Roads Division standards, however whether it is adopted is a matter for the Roads Division and the developer of the site.

4.8 The stability of the road leading to the proposed access is questionable as there are already 2 large dips which have previously had attempted repairs made to them. It would be extremely doubtful whether this road would be able to stand up to the increased volume and weight of construction traffic and the extra domestic traffic which would follow completion of the site.

As this access road is a private track, this is a matter between the owners of the road and the future occupier of the new dwellinghouse taking access from Irvine Road.

4.9 The proposed development will reduce their privacy to nil and with the road access at the rear, their property would be more susceptible to burglary.

It is considered that the proposed development will not have an adverse effect on the adjacent properties in terms of loss of privacy. It is not considered that the proposed development will make existing properties more susceptible to burglary than at present. It may in fact improve security in the area, with more activity and proposed houses adjacent to those existing.

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 accesses are considered acceptable by the Roads Division. The number and design of houses proposed are considered to be in keeping with the surrounding housing density.

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 types for proposed small scale 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 houses have been designed and sited to minimise their 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 houses 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 extended access from Cairns Terrace to the application site can be achieved without visual detriment to the existing dwellinghouse at No. 23 Cairns Terrace and streetscape of the cul-de-sac.

5.4 The developer has agreed to contribute to the Sports, Leisure and Recreation Fund in terms of Policy TLR5 of the Adopted East Ayrshire Local Plan.

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 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 accesses and road safety are not echoed by the Roads Division.

Planning History

6.3 01/0576/OL: Proposed development of 5 No. Detached Dwellinghouses, Associated Parking and Traffic Calming Measures at Former Murphy's Potato Merchants Site, Irvine Road/Portland Road, Kilmarnock by Klin Homes and 01/0708/OL: Proposed residential development comprising 5 No. Dwellings at Cairns Terrace/Irvine Road, Kilmarnock by Ayrshire Estates.

Both applications were withdrawn by the applicants.

6.4 03/0756/FL: Proposed erection of 1 dwellinghouse largely on the same site as the present application. This dwellinghouse proposes using the existing access from Irvine Road. This application has yet to be determined.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

7.2 Legal implications would arise from the Council entering into a Legal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant. The Section 75 would facilitate a contribution amounting to 1% of the construction costs being made into the Sports,

Leisure and Recreation Fund in order to address identified deficiencies in the provision of leisure and recreational facilities in the area.

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 houses are 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 It is recommended that the application be approved subject to the conditions indicated on the attached sheet and that the issuing of the Planning Decision Note be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matter detailed in Section 7.2 of the report.

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

10 September 2003 (PC/SA)
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.

2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Letters 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.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No.03/0523/FL

Site of Proposal: Cairns Terrace/Irvine Road
KILMARNOCK

Nature of Proposal: Proposed Residential Development
comprising 5 no. dwellings

Name & Address of Applicant: Ayrshire Estates Ltd
53 Mount Avenue
KILMARNOCK
KA1 1UE

Name & Address of Agent: BSP Architects
Ravenstone House
4 Ravenstone Drive
Giffnock
GLASGOW
G46 6AL

DPOs 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 plans numbered 01-1082-xxx(B), 01-1002-xxx(B), 02-1013-xxx, 01-1101-hhh, 01-1102-xxx, 01-1101-xxx dated 13 January 2003, 14 March 2003, 11 June 2003, 11 July and 22 August 2003.

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

(2) Notwithstanding the submitted plans, details and samples of all external materials shall be submitted to and approved by the Planning Authority before any development commences on the site and shall be implemented on site as approved.

REASON In the interests of visual amenity.

(3) 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.

(4) The footpaths, the final surfacing of the roads and street lighting of the access from Cairns Terrace shall be completed prior to the occupation of the first house on site.

REASON To enable the Planning Authority to retain control over the development of the site in the interests of residential amenity.

(5) The developer of the site shall ensure that adequate and continuing measures are taken to ensure that roads and footpaths adjoining the site are maintained free of mud and other material carried from the site by construction and any other vehicles. Such measures shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any works on site.

REASON In the interests of road safety and the amenity of the area.

(6) 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.

(7) All construction vehicles shall take access to the application site from Cairns Terrace.

REASON In the interests of road safety.

(8) There shall be no access by pedestrians or vehicles from Irvine Road except to the one dwellinghouse approved under this consent.

REASON In the interests of road safety.

(9) Notwithstanding the approved plans a 2 metre high solid fence shall be erected along the rear boundary of the dwellinghouse which faces onto Irvine Road prior to the occupation of this dwellinghouse.

REASON To prevent access from Irvine Road to the 4 dwellinghouses taking access from Cairns Terrace.

(10) No materials other than topsoil 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.

(11) Notwithstanding the approved plans, details of the treatment of the side boundary between the rear garden ground of No. 23 Cairns Terrace and the new access road shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented prior to the occupation of any of the dwellinghouses on Cairns Terrace.

REASON In the interests of the visual amenity of the area.

(12) Before any work commences on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved in writing by the Planning Authority. The Sustainable Urban Drainage System shall thereafter be formed and maintained on site in accordance with the approved details prior to the occupation of any dwellinghouses.

REASON To ensure that adequate drainage is provided.

(13) Notwithstanding the approved plans a 2 metre high solid timber fence adjacent to the embankment shall be constructed on site prior to the final surfacing of the access road to which it relates.

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

(14) 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 any dwellinghouses.

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

(15) Prior to the commencement of development, notwithstanding the approved plans and in conjunction with Condition 14 above, the developer shall submit to and have had approved by the Planning Authority details of the treatment of the boundary between the site and houses to the west. In particular the details shall 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.

NOTES

1. Prior to the commencement of any works on site for the development hereby approved, the applicant should satisfy himself/herself to the suitability of the site for construction purposes.

2. The developer shall make early contact with Scottish Water and the Scottish Environment Protection Agency 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.
3. 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.
4. The applicant shall make early contact with Scottish Water, 35 Glenburn Road, Prestwick regarding connecting to the public sewerage system.

**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.**