

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 16 AUGUST 2002**

**02/0409/FL: PROPOSED ERECTION OF ONE HOUSE  
AT PLOT 3, 82 IRVINE ROAD, CROSSHOUSE, KILMARNOCK  
BY BALMORAL HOMES (AYRSHIRE) LTD**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning consent is sought for the erection of a 4-bedroom house on Plot 3. The proposed house is 2 storeys in height with an attached double garage. Materials proposed are grey concrete roof tiles, render and a reconstituted stone base course. Access to the plot is from Irvine Road via a new access road which is currently under construction.

**2. RECOMMENDATION**

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

**3. CONCLUSIONS**

3.1 As is indicated in paragraph 5.2 of the report the application is 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 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 is consistent with the policies of EALP and the associated Design Guidance. The height and design of the proposed house will not have an adverse impact on the amenity of the adjacent residential properties. The height and design of the proposed house will not be out of keeping with the adjacent houses and will not be unduly visually prominent within this small housing development or the wider environment.

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning & Building Control, it will not require to be referred to the Development Services Committee as there would be no significant breach of 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 to be considered by the Local Planning Committee under the scheme of delegation as it is subject to an objection.

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

2.1 **Site Description:** The application site is Plot 3 of a 9 plot housing development. Plot 3 is located adjacent to No. 82B Irvine Road and is bounded to the North by agricultural land, to the South by No. 80 and 82a Irvine Road, to the west by 82B Irvine Road and to the East by housing Plot 4.

2.2 **Proposed Development:** Full planning consent is sought for the erection of a 4-bedroom house on Plot 3. The proposed house is 2 storeys in height with an attached double garage. Materials proposed are grey concrete roof tiles, render and a reconstituted stone base course. Access to the plot is from Irvine Road via a new access road which is currently under construction.

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

3.1 East Ayrshire Roads and Transportation Division have no objections but have commented that the access road must be constructed to an adoptable standard with the site developer obtaining a Road Construction Consent and lodging a Road Bond prior to the commencement of building works. Plot 3 contains a mineshaft which will be stabilised under the Road Construction Consent and therefore there is no guarantee that the stabilisation works will be undertaken.

***A note can be attached to any grant of planning consent advising the applicant of the Roads Division comments.***

3.2 Scottish Water have advised that there is a public sewerage system to which a connection may be made and their permission should be sought to connect to the public sewerage system at the appropriate time. The applicant should satisfy him/herself by site investigation if necessary that relative levels are such as will allow the development to be connected at a gradient acceptable to Scottish Water.

***A note can be attached to any grant of planning consent to advise the applicant of Scottish Water's requirements.***

3.3 The Coal Authority have advised that there are 2 mine entries within 20 metres of the property.

***There is a mine shaft within this plot and the proposed layout of the house has taken account of this matter.***

3.4 Scottish Power, Transco, Scottish Environment Protection Agency have no adverse comments to make regarding the proposed development.

***Noted.***

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

***Noted.***

#### **4. REPRESENTATIONS**

One letter of representation has been received to the proposed development.

4.1 The proposals for Plot 3 are violating the original conditions on which planning permission was granted that "Plot 1 and Plots 3 to 9 inclusive should be no more than one and a half storey in height including any under building required".

***It is acknowledged that the planning permission for the layout of the 9 plots required that the house type to be sited in this plot was to be no more than one and half storey in height. The main objective of the height restriction was to reduce the impact of the proposed houses as this is an elevated site and is prominent in visual terms. Although the proposal is for a 2-storey house it has been designed to reduce its visual impact by the use of a hipped roof. The height***

***of this proposed house is in fact lower than the one and half storey house constructed on Plot 6. Furthermore, the proposed house will also be a lower than the existing house on 82B Irvine Road which is a combination of one and half storey and two storey in height. The proposed house has been designed and sited to minimise its impact on the objector's property. It is considered that in this instance the 2-storey house would be appropriate and compatible within this small housing development. It would not be visually intrusive and would present a scale of development consistent with the aims of the original consent.***

## **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 Adopted Ayrshire Joint Structure Plan 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 Kilmarnock Local Plan the proposal would fall to be considered against Policy 4.1.5 which allows housing development within the urban envelope of Crosshouse provided the development is for a maximum of 10 dwellings, is on a site of not more than 0.5 hectares, constitutes vacant or degraded land and is not likely to be detrimental to or be adversely affected by adjacent uses.

***Planning consent was previously granted for the formation of an access road and 9 serviced housing plots on 4 May 2001. The present proposal was one of the plots approved under the previous consent and therefore the principle of residential development on the site has been previously assessed against this policy. The present proposal does not conflict with this policy.***

5.3 There is no conflict between the proposed development and the terms of the Adopted Ayrshire Joint Structure Plan.

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

6.1 The other principle material considerations relevant to the determination of this application are the East Ayrshire Local Plan Finalised Version with Modifications (EALP), representations detailed in Section 4 above, consultations received as detailed in Section 3 above and the planning history of the site.

## East Ayrshire Finalised Version with Modifications

6.2 The Adopted Local Plan is considerably out of date and it is considered appropriate that greater weight should be attached to a more recent expression of policy. The Council has agreed that the EALP should be considered as a prime material consideration. Policy RES 1 of the EALP encourages and supports residential development on those Development Opportunity Sites identified for housing purposes on the individual local plan maps. The sites identified shall be reserved for residential and associated recreational and amenity open space development.

***The application site is within the area identified as being acceptable for residential development. The previous application for the 9 serviced housing plots was assessed against the above policy.***

6.3 Policy ENV 7 expects developers to comply fully with the Council's Design Guidance and Policy Documents relating to and advising on the particular type of development proposed. In terms of privacy the Design Guidance states that new housing development should not result in an unacceptable invasion of privacy or overlooking of properties adjoining the site. The minimum distances 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 set back 15 metres in the plot and therefore there is a distance greater than 18 metres between the windows of the proposed house and the objectors house. The proposed house has been designed and located to minimise its impact on adjacent residential properties. The height of the proposed house will be compatible with the adjacent houses in the vicinity and it will not be visually intrusive.***

6.4 On new individual serviced plots no dwellinghouse should be constructed within 1.5 metre of the side boundary of any plot adjoining another in order to preserve a minimum 3 metres separation distance.

***A separation distance of 2 metres is proposed between the proposed house and Plot 4 and a separation distance of 1.5 metres between the front of the proposed house and existing house at 82B Irvine Road. The full planning consent for the layout of the 9 housing plots conditioned a separation distance of 2 metres. In this instance the 1.5 metres separation distance at the front is considered acceptable as it increases to 2.7 metres toward the rear of the house. Also the separation distance between the existing***

***side elevation on the house on Plot 82B and the boundary of Plot 4 is 5 metres.***

### Planning History

6.5 Outline planning consent was granted for residential development on 04 August 1988. This proposal included the present application site. A further application for the formation of access road and 9 serviced housing plots (01/0105/FL) was granted on 04 May 2001.

6.6 01/0340/FL – Planning consent was granted on 17 August 2001 for a one and half storey house on Plot 6. This has now been implemented on site.

## **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 in paragraph 5.2 of the report the application is 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 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 is consistent with the policies of EALP and the associated Design Guidance. The height and design of the proposed house will not have an adverse impact on the amenity of the adjacent residential properties. The height and design of the proposed house will not be out of keeping with the adjacent houses and will not be unduly visually prominent within this small housing development or the wider environment.

## **9. RECOMMENDATION**

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

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning & Building Control, it will not require to be referred to the Development Services Committee as there would be no significant breach of Council Policy.

**Alan Neish**  
**Head of Planning and Building Control**

7 August 2002  
(PC/MMM/IMB)

FV/IMB

#### **LIST OF BACKGROUND PAPERS**

1. Application Form and plans.
2. Statutory Notices/Certificates.
3. Consultation replies.
4. Letter of Objection.
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.
9. Planning Consent Nos. 98/0027/FL, 01/0105/FL and 01/0340/FL.

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

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

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

02/0409/FL

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Site of Proposal:	Plot 3 82 Irvine Road CROSSHOUSE
Nature of Proposal:	Proposed Erection of Single Dwellinghouse
Name & Address of Applicant:	Balmoral Homes (Ayrshire) Ltd South Windyedge Crosshouse KILMARNOCK KA2 0BX
Name & Address of Agent:	Gurton Architecture 13c Seton Terrace SKELMORLIE PA17 5AX

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DPOs Reference: PC/MMM/IMB

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 28 May 2002 and street elevational and site levels plan submitted on 25 July 2002.

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

2. Notwithstanding the submitted plans, the roof tiles, render, stone and window material are hereby not approved. Details/samples of the roof tiles, render, stone and window material shall be submitted to and approved by the Planning Authority before any development commences on site.

REASON In the interests of visual 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. The development hereby approved shall be undertaken without detriment to neighbouring residential properties by virtue of noise, dust or general disturbance.

REASON In the interests of residential amenity and to prevent such established amenity being adversely affected.

5. No demolition or construction work, site clearance or preparation works shall take before 07.00 hours or after 17.00 hours on Mondays to Saturdays, nor at any time on Sundays.

REASON In the interests of residential amenity.

6. Prior to the commencement of any development on site and in order to compensate for inadequate junction spacing; traffic calming measures shall be implemented on the Irvine Road. Details of these measures and their location shall be submitted to and approved by the Planning Authority in consultation with the Roads Division and shall be implemented prior to the occupation of the approved house.

REASON To overcome a junction spacing inadequacy in the interests of road safety.

7. Prior to the commencement of any development on site and notwithstanding the submitted plans, details of the proposed method of capping the mine shaft, including full information on the design parameters to allow an independent assessment of the design to be undertaken, shall be submitted to and approved by the Planning Authority and any findings shall be implemented as approved prior to the construction of the access road.

REASON To prevent the collapse of the mine shaft, which would affect the adjacent road.

NOTE:

1. The applicant shall make early contact with Scottish Water, 35 Glenburn Road, Prestwick, KA9 2NS (Tel 0808 100 5333) regarding permission to connect to the public sewerage system and the supply of water.
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, in as much as the site contains a mine shaft to be stabilised under the Road Construction Consent.
3. The applicant shall contact East Ayrshire Council Roads and Transportation Division, Greenholm Street, Kilmarnock regarding a Road Construction Consent for the access road.

**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**