

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 27 OCTOBER 2000

**00/0386/FL - PROPOSED ERECTION OF NEW PRIVATE DWELLINGHOUSE
AT PLOT 2, BLAIR AVENUE, HURLFORD
BY OCEAN HOMES**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 This is an application for full planning permission for the erection of a private dwellinghouse. The plot will incorporate vehicle access onto Blair Avenue with a rear garden extending to the rear of the houses on Station Drive. The dwellinghouse is a single storey bungalow accommodating lounge, 3 bedrooms, bathroom and kitchen. The dwellinghouses will be finished in facing brick with red concrete roof tiles. Boundary treatment will comprise 1.8 metre vertical slatted timber fencing.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 It is considered that the proposed development complies with the policies of the Finalised East Ayrshire Local Plan. The land comprising this application site is identified for residential purposes and its development as such is not considered to be detrimental to, or be adversely affected by adjacent uses, subject to appropriate conditions.

3.2 There have been no objections raised by neighbours or consultees and any issues which have been raised, can be adequately addressed with the imposition of conditions. The Roads and Transportation Division have advised that the particular drainage issues raised previously for the earlier, wider development do not affect this application..

3.3 The proposed dwellinghouse will have adequate private garden ground, can be satisfactorily accessed and is acceptable in terms of design.

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 by the Committee the above planning application because the history of development proposals on the site is such that this would be more appropriate than the exercise of delegated powers.

2. APPLICATION DETAILS

2.1 **Application Site:** The application site comprises 780 square metres of vacant, untidy land which is part of a former foundry. The site lies on the west of Blair Avenue, Hurlford and is bounded by land identified for residential development as part of a larger site. The site is bound to the east by Blair Avenue beyond which are residential properties and the west by the dwellinghouses of Station Drive.

2.2 **Proposed Development:** This is an application for full planning permission for the erection of a private dwellinghouse. The plot will incorporate vehicle access onto Blair Avenue with a rear garden extending to the rear of the houses on Station Drive. The dwellinghouse is a single storey bungalow accommodating lounge, 3 bedrooms, bathroom and kitchen. The dwellinghouses will be finished in facing brick with red concrete roof tiles. Boundary treatment will comprise 1.8 metre vertical slatted timber fencing.

3. CONSULTATIONS

3.1 The Roads Division advised that there are no objections subject to those conditions imposed as part of the planning permission 00/0146/FL granted earlier this year, remaining in force. These conditions are as follows:-

(i) Blair Avenue should be traffic calmed over the frontage of the development to the junction with the A71 (Riccarton Road) in accordance with the Roads Development Guide, prior to the occupation of the dwellings. If however the developer provides a Road Bond, the Roads Division will have no objections to the occupation of the dwellinghouses prior to the provision of the traffic calming.

(ii) The parking provision however shall be considered adequate if the driveways are 5.0 metres wide over the first 6.0 metres at least.

(iii) A 2.0 metre wide footway shall be provided over the frontage of the site and shall be connected to the existing public footway;

(iv) All footway and traffic calming works shall be undertaken with a Road Construction Consent.

(v) There are no comments or objections to the proposed dwellinghouse .

The Roads Division advises that the particular drainage issues raised previously for the overall development do not affect this application.

The above comments were forwarded to the applicants agent who discussed the points raised with the Roads Division. Satisfactory amended plans have been submitted in respect of points (ii) and (iii). If Members choose to grant consent appropriate conditions can be added in respect of point (i) and an advisory note in respect of point (iv). The issue of drainage is discussed in more detail in paragraphs 6.1 – 6.5 below.

3.2 The Coal Authority have no adverse comments on the proposed development.

Noted.

3.3 West of Scotland Water have advised the following:-

(i) There is a public sewerage system to which a connection may be made. The developer should satisfy himself, by site investigation if necessary, that relative levels are such as will allow the development to be connected at a reasonable gradient.

(ii) The developer must make a separate application to West of Scotland Water for permission to connect to the public sewerage system.

(iii) A development of the type and size proposed can be serviced from an existing public water main located in the street adjacent to the site location.

(iv) Separate application will have to be made for the provision of site water mains, if required, and service connections. Consultation with Water Network regarding compliance with current byelaws and use of water for building purposes is advised.

Noted and if Members choose to grant consent, an advisory note can be attached drawing the advice provided by West of Scotland Water to the applicants attention.

3.7 Scottish Environment Protection Agency have no objection to this proposal as it is proposed to connect foul drainage to the public sewer to SEPA's satisfaction. The applicant should consult with West of Scotland Water in this regard.

Noted and if Members choose to grant consent, an advisory note can be attached drawing the advice provided by SEPA to the applicant's attention.

3.8 Hurlford and Crookedholm Community Council have not responded to their consultation at the time of writing this report.

Noted.

4. REPRESENTATIONS RECEIVED

One letter of representation has been received in support of the application.

4.1 The person who has written to this Division expressing support for the application, wishes to appraise the Council of her family's situation. She intends to purchase the dwellinghouse at Plot 2 and whilst she is aware of the drainage problem within the larger site, she does not believe that Plot 2 is affected.

Noted. This matter has been discussed with the Roads Division who have advised (see para 3.1 (v)) that Plot 2 does not experience the problems with drainage which are prevalent in other areas of the site.

4.2 The representee has advised that her son is disabled and to improve his condition, requires an operation. She advises that this operation has been cancelled twice as it requires months of physiotherapy afterwards. She requires room to accommodate the necessary equipment to enable the physiotherapy to take place. This situation is causing a great amount of stress to all her family.

Noted, although this is not a material planning consideration.

5. DEVELOPMENT PLAN STATUS

5.1 The up to date development plan against which the Council has resolved to base its day-to-day decisions is the Finalised East Ayrshire Local Plan. The relevant Policy in this regard is Policy RES1 which states that the Council will encourage and support the residential development of those Development Opportunity Sites identified for housing purposes on the proposals map.

The application site is one such site and its development as proposed, complies with Policy RES1.

5.2 Also of relevance, although of lesser weight in considering this application, is the Adopted Kilmarnock Local Plan and the Kilmarnock and Loudoun Finalised District Plan. Both these policy documents identify the application site (as part of a large area now partly developed) for private housing. In particular, Policy HU2 of the Finalised District Plan encourages new housing development on sites denoted on the Proposals Map where the proposal does not constitute over development and complies with the relevant open space and layout policies.

It is considered that the development meets these criteria and is therefore in accordance with policy.

6. OTHER PLANNING CONSIDERATIONS

6.1 Full planning permission (ref no KL/E/FL/76/128E) was approved in July 1992 for 39 houses for a larger development site which includes the site now under consideration. This consent was superseded by an outline planning application (ref. KL/E/OL/76/128F) for the provision of 9 self build house plots which was approved with conditions on 20 January 1993.

6.2 A planning application was then submitted for outline planning permission (ref no 97/0539/OL) on 17 January 1997 for the formation of 16 serviced housing plots. Planning Permission was granted on 10 October 1997 by the Northern Area Local Planning Committee subject to conditions which included further reserved matters for the design and siting of houses within each plot, access detail clarification and in particular, requiring that the developer ensure that any existing sewer connections which served the former foundry are exposed and capped at the site curtilage. The application site in this regard extended to some 1.05 hectares and related to a larger development area which included the present site, 4 housing plots in Wallace Court and 2 plots on Station Drive. This application attracted 7 letters of objection which covered several issues, in particular landscaping, access issues and road safety implications and drainage matters. The points raised by objectors relative to drainage stated that the applicant (WMM Ltd) had moved the responsibility of drainage onto 3 of the plots at Blair Avenue. The difference in levels between Blair Avenue and the houses on Station Drive and the poor drainage within the site, caused flooding of gardens of houses on Station Drive which back onto the site. Objectors at this time felt that the applicant was shifting the responsibility of resolving the problem to prospective purchasers. In response, this Division in its Committee report, advised that the means of drainage could be controlled by a condition on any grant of outline planning permission for 97/0539/OL.

6.3 Further to the above consent being granted there has been correspondence between proprietors on Station Drive and this Division and the present applicant (who acquired the site following consent being granted) relative to the flooding of Station Drive gardens. This Division was contacted by proprietors of Station Drive properties advising of flooding during periods of rainfall and in discussing the matter with the Developer, sought a resolution to the problem. The Developer indicated his willingness to resolve the problem to the satisfaction of all parties although he pointed out that the problem existed prior to his acquisition of the land.

6.4 West of Scotland Water subsequently would not allow the connection of land drains carrying surface water run off into the sewerage system and the Councils Roads Division advised that the scheme proposed by the applicant would require further details and clarification.

6.5 A further planning application (00/0146/FL) was submitted earlier this year for nine dwellinghouses to be accessed from Blair Avenue. This proposal was granted subject to conditions by the Northern Area Local Planning Committee. Conditions imposed included the formation of a traffic calming scheme and a requirement for submission and prior implementation of land drainage details to alleviate flooding of neighbouring properties at Station Drive.

7. FINANCIAL & LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 It is considered that the proposed development complies with the policies of the Finalised East Ayrshire Local Plan. The land comprising this application site is identified for

residential purposes and its development as such is not considered to be detrimental to, or be adversely affected by adjacent uses, subject to appropriate conditions.

8.2 There have been no objections raised by neighbours or consultees and any issues which have been raised, can be adequately addressed with the imposition of conditions. The Roads and Transportation Division have advised that the particular drainage issues raised previously for the earlier, wider development do not affect this application..

8.3 The proposed dwellinghouse will have adequate private garden ground, can be satisfactorily accessed and is acceptable in terms of design.

9. RECOMMENDATION

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

Alan Neish
Head of Planning and Building Control

17 October 2000
(FMF/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation replies.
4. Letters of objection/representation.
5. Kilmarnock Adopted Local Plan/Finalised Kilmarnock and Loudoun District Plan/East Ayrshire Local Plan Finalised Version.
6. Previous Planning Applications: KL/E/FL/76/128E, KL/E/OL/76/128F, 97/0539/OL and 00/0146/FL.

Anyone wishing to inspect the above papers please contact Fiona Finlay on (01563) 576768.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

00/0386/FL

Site of Proposal: Plot 2
Blair Avenue
HURLFORD

Natural of Proposal: Proposed Erection of New Dwellinghouse

Name & Address of Applicant: Ocean Homes Ltd
Alleestree Mews
Southwoods Road
TROON KA10 7EL

Name & Address of Agent: ARCTEC Designs
23 Dallas Place
TROON KA10 6JE

DPOs Reference: FMF/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 received on 2 June 2000 and the plans received by the Planning Authority on 2 June 2000.

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

2. A landscaping scheme including the treatment of the boundary of the site, the provision and details of frontage tree planting at the site boundary with Blair Avenue and details of future maintenance arrangements, shall be submitted to and approved by the Planning Authority prior to commencement of any development. Any trees removed without consent of the Planning Authority or seriously damaged at any time thereafter shall be replaced by trees of a similar size or species as may be agreed in writing with the Planning Authority.

REASON To ensure that planting is laid out in a proper manner in the interest of residential amenity.

3. The landscaping to be provided for this development as approved under the terms of Condition 2 above, shall be implemented not later than the next appropriate planting season after occupation of the dwellinghouse.

REASON To ensure that planting is laid out in a proper manner in the interests of residential amenity.

4. Notwithstanding the submitted plans, details of the design and construction of all fences and walls to be erected on site, and which shall include a 1.8 metre screen fence along the

south and west site boundaries shaded brown on the approved plans, shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON In the interests of visual amenity.

5. Prior to the dwellinghouse situated on the plot being occupied, the fence or wall approved under the terms of Condition 4 above, shall be erected and thereafter maintained to the satisfaction of the said Authority.

REASON In the interests of residential and visual amenity.

6. No approval is granted for the type and distribution of external finishes and before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Planning Authority.

REASON In the interests of visual amenity.

7. Prior to the dwellinghouse hereby approved being occupied, a 2.0 metre wide footpath shall be constructed along the frontage of the site with Blair Avenue as shown on the approved plans.

REASON In the interests of public safety.

8. The house hereby approved shall not be occupied before there has been lodged with the Roads Authority the required Roads Bond in order to facilitate the undertaking of traffic calming measures, to Blair Avenue over the frontage of the site and extending to the junction with the A71. These measures shall be in accordance with the Roads Development Guide and shall be submitted to and approved by the Planning Authority prior to the commencement of development.

REASON In the interests of road safety.

9. Prior to the commencement of development on site, the applicant shall have submitted to, and have had approved by the Planning Authority details confirming the suitability of the site for construction purposes and for the accommodation of a residential property.

REASON To ensure that due regard is taken of the previous use of the land.

NOTES:

(1) The Roads Division have advised the following which the developer should note. Early contact with the Roads Division is advised at Greenholm Street, Kilmarnock on 01563 576310:-

(a) All footway and traffic calming works shall be undertaken with a Road Construction Consent.

(2) West of Scotland Water have advised the developer to make early contact with the Authority at 35 Glenburn Road, Prestwick:-

- (i) There is a public sewerage system to which a connection may be made. The developer should satisfy himself, by site investigation if necessary, that relative levels are such as will allow the development to be connected at a reasonable gradient.
- (ii) The developer must make a separate application to West of Scotland Water for permission to connect to the public sewerage system.
- (iii) This development will involve the provision of sewers which may become vested in West of Scotland Water. The layout and specification of these sewers shall be agreed by West of Scotland Water.
- (iv) A development of the type and size proposed can be serviced from an existing public water main located in the street adjacent to the site location.
- (v) Separate application will have to be made for the provision of site water mains, if required, and service connections. Consultation with Water Network regarding compliance with current byelaws and use of water for building purposes is advised.

**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