

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 31 MAY 2002

**02/0218/FL: PROPOSED SUBSTITUTION OF HOUSE TYPES – 43 UNITS
AT AREA E, TOPONTHANK, SOUTH CRAIGS DRIVE, KILMARNOCK
FOR REDROW HOMES SCOTLAND LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of 43 detached, 3 and 4 bedroom dwellinghouses on the site. The application seeks to amend the original planning permission 00/0250/RM which proposed the erection of 40 dwellinghouses on this part of the site.

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 at paragraph 5.2 of the report, the application is considered to be contrary to the terms of the Adopted Local Plan. Therefore, given the terms of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at paragraphs 6.2 and 6.6 of the report, there are material considerations relevant to the determination of the application.

3.2 Given the age of the Adopted Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered as a prime material consideration. Whilst the proposal is contrary to the provision of the Adopted Local Plan, the proposal complies with the provision of the East Ayrshire Local Plan (Finalised Version with Modifications) and the Approved Ayrshire Joint Structure Plan.

3.3 No consultation replies have been received which would indicate that the application should be refused.

CONTRARY DECISION NOTE

Should the Committee agree that the application should be refused contrary to the recommendation of the Head of Planning and Building Control, and if that decision is based on the principle of residential development at this site, the application will require to be referred to the Development Services Committee as such a decision would be contrary to the Policy provision of the East Ayrshire Local Plan (Finalised Version with Modifications) and the Approved Ayrshire Joint Structure Plan.

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.

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 31 MAY 2002

02/0218/FL: PROPOSED SUBSTITUTION OF HOUSE TYPES – 43 UNITS
AT AREA E, TOPONTHANK, SOUTHCRAIGS DRIVE, KILMARNOCK
FOR REDROW HOMES SCOTLAND 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 the proposal represents a larger scale application which accords with the East Ayrshire Local Plan (Finalised Version with Modifications) and is of area significance.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site, which measures approximately 0.6 hectares in area, forms the western edge of the Toponthank Area E housing development. The eastern part of this site is currently being developed by the developer. The site forms the westernmost part of the larger Southcraigs development.

2.2 **Proposed Development:** Full planning permission is sought for the erection of 43 detached, 3 and 4 bedroom dwellinghouses on the site. The application seeks to amend the original planning permission 00/0250/RM which proposed the erection of 40 dwellinghouses on this part of the site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objection to the proposal.

Noted.

3.2 British Gas Transco has no objection to the proposal subject to the protection of its apparatus during the construction phase.

Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.

3.3 There is at present no Community Council covering the application site.

Noted.

4. REPRESENTATIONS

4.1 No representations have been received.

Noted.

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 (1999) and the Adopted Kilmarnock Local Plan (1986). The Adopted Local Plan was prepared in the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Kilmarnock Local Plan, the application site lies within the countryside as defined in that plan. The application therefore requires to be determined with regard to Policy 4.1.6. This Policy presumes against the development of land for general needs housing in the countryside.

It is therefore considered that the proposal is contrary to the provisions of the Adopted Local Plan.

5.3 The application also requires to be determined with regard to the Approved Ayrshire Joint Structure Plan. Policy G1 of the Ayrshire Joint Structure Plan is of relevance and provides that in providing for proposed development the Council shall give priority to the use of land within existing settlements. Any proposed development outwith settlement boundaries shall not conform to the Structure Plan unless it lies within an area identified in the local plan for that specific development purpose.

Whilst the proposal is considered to be contrary to the provisions of the Adopted Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered as a prime material consideration. (This matter is discussed in Section 6 below). The site is identified as a housing site in that plan and given the Council's decision to give prime consideration to the East Ayrshire Local Plan, the proposal is considered to accord with the Ayrshire Joint Structure Plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications) and the consultation replies.

East Ayrshire Local Plan (Finalised Version with Modifications)

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered as a prime material consideration.

6.3 The application site forms part of a larger site identified for housing in the East Ayrshire Local Plan (Finalised Version with Modifications). Policy RES 1 states that the Council will encourage and support residential development on designated sites.

It is considered that the proposal is consistent with the site's designation and the provision of Policy RES 1.

6.4 The application also requires to be considered with regard to Policies RES 19 and RES 20 in terms of residential open space provision.

The applicant has indicated areas of public open space as part of the proposals. Should the application be approved, a condition can be included on the planning permission requiring the submission to the Planning Authority for approval, the details of the landscaping and planting proposals.

6.5 Policy RES 22 is also of relevance. Policy RES 22 states that:

“All developers will require to observe the minimum private open space criteria and standards of provision detailed in Schedule 4 of the Local Plan”.

The private open space provision within the development meets with the requirements of Schedule 4 of the Local Plan. It is therefore considered that the proposal accords with the provisions of Policy RES 22 of the East Ayrshire Local Plan (Finalised Version with Modifications).

Consultations

6.6 There are no consultation replies which would indicate that the application should be refused.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As is indicated at paragraph 5.2 of the report, the application is considered to be contrary to the terms of the Adopted Local Plan. Therefore, given the terms of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at paragraphs 6.2 and 6.6 of the report, there are material considerations relevant to the determination of the application.

8.2 Given the age of the Adopted Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered as a prime material consideration. Whilst the proposal is contrary to the provision of the Adopted Local Plan, the proposal complies with the provision of the East Ayrshire Local Plan (Finalised Version with Modifications) and the Approved Ayrshire Joint Structure Plan.

8.3 No consultation replies have been received which would indicate that the application should be refused.

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 should be refused contrary to the recommendation of the Head of Planning and Building Control, and if that decision is based on the principle of residential development at this site, the application will require to be referred to the Development Services Committee as such a decision would be contrary to the Policy provision of the East Ayrshire Local Plan (Finalised Version with Modifications) and the Approved Ayrshire Joint Structure Plan.

Alan Neish
Head of Planning and Building Control

20 May 2002
(DS/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Consultation Replies
3. East Ayrshire Local Plan (Finalised Version with Modifications).
4. Adopted Kilmarnock Local Plan.
5. Approved Ayrshire Joint Structure Plan.
6. Consultation Letters.
7. Previous Planning Application: 00/0250/RM.

Anyone wishing to inspect the above papers please contact Derek Scott on 01563 576769.

Implementation Officer: Dave Morris

020218FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0218/FL

Site of Proposal: Area E
Toponthank
Southcraigs Drive
KILMARNOCK

Nature of Proposal: Proposed Substitution of House Types
– 43 Units

Name & Address of Applicant: Redrow Homes Scotland Ltd
Redrow House
3 Central Park Avenue
LARBERT
Falkirk FK5 4RX

Name & Address of Agent:

DPOs Reference: DS/MMM

The above FULL application should be granted subject to the following conditions:-

1. All roads and footways within the site shall be constructed in accordance with the East Ayrshire Council Roads Development Guide 1996, prior to the occupation of the last dwellinghouse.

REASON In the interests of public road safety.

2. The access to each plot, where the access crosses the footway, shall be by means of a standard footway crossing, constructed in accordance with the East Ayrshire Council Roads Development Guide 1996.

REASON In the interests of public road safety.

3. Notwithstanding any specification on the approved plans or application form, there shall be no obstruction to visibility above 1 metre in height along the frontage of each plot with the public road.

REASON In the interests of public road safety.

4. Notwithstanding any specification on the approved plans or application form, the gradient of each driveway shall not exceed 1:10.

REASON In the interests of public road safety.

5. Any access gates shall open inwards only, away from the public road.

REASON In the interests of public road safety.

6. The traffic calming (raised junction table + build-outs) indicated on approved plan reference number 6209/NRD/Arch.Lay-40/01 Rev A shall be completed in accordance with the East Ayrshire Council Roads Development Guide 1996, prior to the occupation of the last dwellinghouse.

REASON In the interests of public road safety.

7. Notwithstanding any specification on the approved plans or application form, two in-curtilage car parking spaces shall be provided within plots 30 to 37, 48, 49, 52 to 55 and 81 to 90 prior to the occupation of each of the plots.

REASON To ensure that adequate car parking is provided in the interests of public road safety.

8. Notwithstanding any specification on the approved plan or application form, three in-curtilage car parking spaces shall be provided within plots 38 to 47, 50, 51, 54 to 59, 100 and 101 prior to the occupation of each of these plots.

REASON To ensure that adequate car parking is provided in the interests of public road safety.

9. Notwithstanding any specification on the approved plans or application form, samples of all external materials to be used in the construction of the dwellinghouses shall be submitted to and approved by the Planning Authority, prior to the commencement of any work on site.

REASON In the interests of visual amenity.

10. Notwithstanding the provisions of the Town and Country Planning (General Procedure Development)(Scotland) Order 1992, any detached garage to be erected within the site shall comprise a pitched roof and shall be externally constructed in materials which match the appearance of the dwellinghouse to which it relates.

REASON In the interests of visual amenity.

11. Notwithstanding the provisions of Condition 10 above, the detached garages indicated on the approved site plan reference number 6209/NRD/Arch.Lay-40/01 Rev A do not form part of this planning permission.

REASON The garages are shown in outline only and are therefore deemed to be indicative.

12. Notwithstanding any specification on the approved plans or application form, details of the location, design and materials to be used in the construction of all fences, walls and other means of enclosure to be erected within the site shall be submitted to and approved by the Planning Authority prior to the commencement of any work on site.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

13. Any screen fencing to be erected within the site shall not project forward beyond the front building line of any dwellinghouse.

REASON In the interests of visual amenity.

14. The boundary hedge on the southern, western and northern boundaries of the site, shall be infilled where required prior to the occupancy of the last dwellinghouse and thereafter maintained at a height of not less than 2m.

REASON In the interests of visual amenity.

**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