

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 05 MAY 2002**

**01/0446/FL AND 01/0504/LB: PROPOSED ERECTION OF DWELLINGHOUSE  
AND 02/0048/CA: PROPOSED DEMOLITION OF OUTBUILDINGS AND  
STONE BOUNDARY WALL ON MAIN ROAD  
AND PARTIAL DEMOLITION OF WALL ON KIRKTON ROAD  
AT 90 MAIN ROAD, FENWICK  
FOR MR GEORGE KENNEDY**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Conservation Area Consent is sought for the demolition of the derelict outhouses in the side garden area of No. 90 Main Road. Full Planning Permission and Listed Building Consent are sought for the erection of a dwellinghouse on the site of the outhouses, to the north east of the existing dwellinghouse. The applicant proposes that the proposed dwellinghouse will be two storeys in height and take the form of a traditional classical town house. It is proposed to be attached to the adjacent Listed Building (No. 90) and will continue the building line and ridge height established by No. 90 eastwards towards the cottage at No 92. The dwelling will consist of 3 classically proportioned bays with timber vertical sliding sash and case windows. It is proposed to externally finish the dwelling with a slate roof, sandstone facing blocks and white painted wet dash render. Vehicular access to the proposed dwelling is proposed to be taken via a new access onto Kirkton Road.

#### **2. RECOMMENDATION**

**2.1 It is recommended that the application for Conservation Area Consent be approved and that the application for Full planning permission and Listed Building Consent be approved subject to the conditions listed on the attached sheets.**

#### **3. CONCLUSIONS**

3.1 As is indicated at Section 5 of the report, the applications are considered to accord with the development plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the applications should be approved unless material considerations indicate

otherwise. As is indicated at paragraphs 6.2 to 6.11 of the report there are material considerations relevant to the determination of these applications.

3.2 Given the age of the Adopted Stewarton Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered as a prime material consideration. As is noted in paragraphs 6.3 to 6.7 of the report, the proposal accords with the provisions of the East Ayrshire Local Plan (Finalised Version with Modifications).

3.3 Other than the comments of Historic Scotland, no adverse consultation replies have been received which would preclude a grant of planning permission.

3.4 After careful consideration of the design, location and access arrangements for the proposed house, the objections received are not considered to justify a refusal of the application.

3.5 The proposal complies with the terms of the East Ayrshire Council Design Guidance for Listed Buildings and Buildings within Conservation Areas.

## **CONTRARY DECISION NOTE**

**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: 03 MAY 2002**

**01/0446/FL AND 01/0504/LB: PROPOSED ERECTION OF DWELLINGHOUSE  
AND 02/0048/CA: PROPOSED DEMOLITION OF OUTBUILDINGS AND  
STONE BOUNDARY WALL ON MAIN ROAD  
AND PARTIAL DEMOLITION OF WALL ON KIRKTON ROAD  
AT 90 MAIN ROAD, FENWICK  
FOR MR GEORGE KENNEDY**

### **Report by Head of Planning and Building Control**

#### **1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present jointly for determination a Full planning application, an application for Listed Building Consent and an application for Conservation Area Consent which are to be considered by the Local Planning Committee under the Scheme of Delegation as the application for Full planning permission is subject to objections and the other two applications are related to the Full application.

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

2.1 **Site Description:** The application site comprises the dwellinghouse and curtilage at 90 Main Road, Fenwick. The site is located at the corner of Main Road and Kirkton Road, within the Fenwick Conservation Area. The dwellinghouse at No.90 is a traditional classical proportioned two storey sandstone villa of the early to mid-19<sup>th</sup> Century and is Category C(S) Listed. It consists of 4 bays and fronts directly onto the pavement. The property includes a large area of garden ground to the rear and to the east side of the dwellinghouse. The side garden ground is separated from Main Road by a 3 metre high sandstone wall. Three disused and partially derelict outhouses occupy the side garden ground. To the north east of the application site on the far side of the garden is situated a traditional stone built one and a half storey cottage of the same period at 92 Main Road. Vehicular access to No. 90 is via an existing access on Kirkton Road.

2.2 **Proposed Development:** Conservation Area Consent is sought for the demolition of the derelict outhouses in the side garden area of No. 90 Main Road. Full Planning Permission and Listed Building Consent are sought for the erection

of a dwellinghouse on the site of the outhouses, to the north east of the existing dwellinghouse. The applicant proposes that the proposed dwellinghouse will be two storeys in height and take the form of a traditional classical town house. It is proposed to be attached to the adjacent Listed Building (No. 90) and will continue the building line and ridge height established by No. 90 eastwards towards the cottage at No 92. The dwelling will consist of 3 classically proportioned bays with timber vertical sliding sash and case windows. It is proposed to externally finish the dwelling with a slate roof, sandstone facing blocks and white painted wet dash render. Vehicular access to the proposed dwelling is proposed to be taken via a new access onto Kirkton Road.

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

3.1 East Ayrshire Council's Roads and Transportation Division has no objection to the proposal subject to conditions in respect of visibility, the widening of the car parking spaces and the standard of the access to the site. The Division states that in order to achieve the required visibility splay of 2 metres by 20 metres a substantial section of the boundary wall, which forms the boundary of the site with Kirkton Road, will require to be reduced to 500 mm. The Division adds that railings may be used above this height, provided they do not block visibility.

***Should the application be approved, appropriate conditions in respect of the above can be included on the planning permission.***

3.2 West of Scotland Water (Scottish Water) has no objection to the proposal provided its operational requirements are met.

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

3.3 The Scottish Environment Protection Agency has no objection to the proposal provided all foul drainage is connected to the public sewer system.

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

3.4 Fenwick Community Council has objected to the planning proposal on the grounds of public road safety. The Community Council is concerned that the use of the existing and proposed accesses, which would both lie adjacent to the entrance to Fenwick Primary School, would not be in the best interest of the safety of children attending the school. The Community Council does however accept that the existing access adjacent to the school cannot be the subject of their objections and adds that a more acceptable solution might be to retain the

existing access to service both the existing and proposed dwellinghouse at 90 Main Road whilst at the same time including an in-curtilage turning area.

***The objections in respect of public road safety have not been substantiated by the Roads and Transportation Division. The Roads and Transportation Division has advised that it has no objection to the use of the proposed and existing access at Kirkton Road, subject to conditions which can be included on any planning permission granted. Whilst the applicant proposes to use both the existing access and a proposed access on Kirkton Road, a condition can be included in any planning permission granted to ensure the provision of in-curtilage turning areas.***

3.5 Fenwick Community Council has also enclosed correspondence from the Head Teacher of Fenwick Primary School, the Head of Resource Support at East Ayrshire Council Education and Social Services and Strathclyde Police. The Headmistress states that the use of the proposed and existing accesses would involve vehicles crossing a designated bus bay. This is reiterated in the letter from the Head of Resource Support. Strathclyde Police advise that they are in agreement with the conditions recommended by the Roads and Transportation Division.

***Noted.***

3.6 Scottish Power has no objection to the proposal.

***Noted.***

3.7 The Coal Authority has no objection to the proposal.

***Noted.***

3.8 The West of Scotland Archaeology Service has advised that settlement pre-dating the 19<sup>th</sup> Century may exist on the application site given its location at the junction of Main Street with Kirkton Road. The Service has therefore recommended that an archaeological watching brief condition be attached to any planning permission granted.

***Should the application be approved, an appropriate archaeological condition can be included in the planning permission.***

In response to the application for Listed Building Consent

3.9 Historic Scotland has indicated its concern about the erection of a dwellinghouse on this site and the demolition of the stone wall. It states that historic walls generally add to the character and appearance of Conservation

Areas and inform of the history and development of the area. In this case, it states that the wall provides an historic and attractive intervention in the streetscape and neatly resolves the change in street line between the two storey house at No. 90 and the cottage at No. 92. Historic Scotland also adds that the erection of a dwellinghouse on the site would be detrimental to the setting of the Listed Building.

***Whilst it is accepted that the wall makes a positive contribution to the Conservation Area it is not considered that its loss could justify a refusal of the application, given the traditional appearance of the proposed dwellinghouse. It is considered that the design of the proposed dwelling is complementary to the adjacent Listed Building at No. 90 and that the proposed materials reflect the traditional materials used adjacent to and opposite the site. It is therefore considered that the proposed dwellinghouse would make an equal contribution to the character and appearance of the Conservation Area whilst representing a sensitive redevelopment of a gap site.***

3.10 The Scottish Civic Trust and the Architectural Heritage Society for Scotland have no objection to the proposal. The Civic Trust comment that the proposal could be highlighted as an exemplar scheme for any other building projects.

***Noted.***

3.11 Fenwick Community Council has not responded to the Listed Building consultation letter.

***Noted.***

In response to the application for Conservation Area Consent

3.12 Historic Scotland indicates its concern regarding the proposal, referring to the contents of its consultation reply in respect of the application for Listed Building Consent.

***Noted; See response to 3.9 above.***

3.13 The Scottish Civic Trust and the Architectural Heritage Society for Scotland have indicated that they have no objections to the proposal but inconsistent with their comments on the Listed Building Applications, suggested that the new house should be subservient to its neighbour, either in terms of height or position.

***Noted.***

3.14 Fenwick Community Council has not responded to the Conservation Area consent consultation letter.

***Noted.***

#### **4. REPRESENTATIONS**

In addition to the objection from Fenwick Community Council, 3 further letters of objection have been received in respect of the application for full planning permission. The grounds of objection relate to:

4.1 Loss of light to properties adjacent to and opposite the site of the proposed dwellinghouse.

***It is not considered that the proposal would result in a loss of light to properties opposite the site to an extent that would justify a refusal of the application. Nevertheless, the gable of the proposed dwellinghouse would be only 1.5 m from the gable of the existing one and a half storey cottage adjacent to the site. However, notwithstanding this proximity, there are no windows on the gable of the existing cottage. It is therefore considered that, in respect of the adjacent cottage, any loss of light would not be sufficient to justify a refusal of the application.***

4.2 Damage to the adjacent property including the boundary wall to the east of the site as a result of the demolition of the outhouses and front boundary wall.

***It is the responsibility of the applicant to ensure that any works which are proposed do not adversely affect the stability of adjacent properties. Consequently, this matter is not a planning consideration.***

4.3 The strip of ground between the site boundary (boundary wall) and the dwelling at No. 92 Main Road gives the occupiers of No. 92 access to the Main Road. The development would compromise this access and the services which lie beneath it.

***Whilst access is generally a legal matter, the development does not comprise any land outwith the application site. It has therefore no impact on the access to No. 92. It is for the applicant to ensure that any development proceeds without impact on the grounds or services of individuals outwith the site.***

4.4 The proposed dwelling would be out of character with the streetscape and would be better to have been single or one and a half storey.

***Whilst a one and a half storey dwelling would be more in keeping with the adjacent property at No. 92, the proposed dwelling, being two storeys in height, is in keeping with and continues the roof line of the existing dwelling at No. 90. Two storey properties also lie on the opposite side of Main Road. Furthermore the proposed dwelling is of a design which is appropriate to the Conservation Area, reflecting the appearance of the 19<sup>th</sup> Century buildings which characterise this street.***

4.5 The proposal would result in a loss of privacy in respect of the property on the opposite side of Main Road.

***The objector's property lies opposite the application site which historically has been vacant. Notwithstanding this, Main Road at this point is 15 m wide and is characterised along most of its length by buildings of varying heights facing each other – typical of many, medium-high density built up areas. Furthermore, the proposed dwellinghouse would not overlook any garden ground associated with the objector's property. It is therefore considered that any impact on privacy would be minimal and reasonable and, as such, would not justify a refusal of the application.***

4.6 Fenwick Conservation Area is in danger of becoming overdeveloped with one dwelling recently completed and another about to be started.

***The designation of Conservation Areas does not seek to preclude development but to ensure that any development is of an appropriate standard in terms of its impact on the character and appearance of an area of a particular historic character. In this instance, as noted above, the proposal is in keeping with the predominantly 19<sup>th</sup> Century character of the area. Whilst it proposes development on a site which has been largely vacant, it is not considered to be overdevelopment.***

## **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

5.1 Sections 25 of the Town and Country Planning (Scotland) Act 1997 with regard to planning applications and applications for Listed Building Consent and Conservation Area Consent and Section 37 (2) of the Act in respect of planning applications together require that they be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of the applications which are the subject of this report the development

plan comprises the Adopted Stewarton Local Plan (1987) and the Approved Ayrshire Joint Structure Plan. The Adopted Local Plan was prepared in the content of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan the application site lies within the settlement boundary of Fenwick and within the Fenwick Conservation Area.

5.3 The application for full planning permission therefore requires to be determined with regard to Policy 4.1.2 of the Approved Stewarton Local Plan which allows infill development on sites within the settlement boundary in certain circumstances.

***It is considered that the proposal complies with the provisions of Policy 4.1.2.***

5.4 The applications for Listed Building Consent and Conservation Area Consent require to be determined with regard to Policy 4.8.4 of the Approved Stewarton Local Plan. Policy 4.8.4 sets out the design requirements for new buildings within Conservation Areas.

***It is considered that the proposed dwellinghouse which, as noted above, comprises elements which reflect the period and design of other buildings in the locality which date predominantly from the 19<sup>th</sup> Century. This includes the use of symmetrical classically proportioned street elevations, windows with vertical emphasis and the use of traditional materials. It is therefore considered that the proposal complies with the provisions of Policy 4.8.4.***

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

6.1 The other principal material considerations relevant to the determination of the applications are the East Ayrshire Local Plan (Finalised Version with Modifications), Government Guidance on Listed Buildings and Development within Conservation Areas as contained within the Memorandum of Guidance on Listed Buildings and Buildings within Conservation Areas and the consultation responses and objections detailed above.

In respect of the application for Full Planning Permission

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 in respect of the determination of the application for Full planning permission.

6.3 The application requires to be determined with regard to Policy RES 4 of the East Ayrshire Local Plan (Finalised Version with Modifications). Policy RES 4 states that:

“Within Settlement Boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed against the following criteria:

- (i) Impact on the surrounding natural and built environment and adjacent uses;

***It is considered that the proposal would have a minimal impact on the surrounding natural environment. The proposed dwelling is situated and designed such that it is complementary to the existing built environment. It is further considered that the erection of a dwellinghouse on this site would be compatible with surrounding land uses which are predominantly residential.***

- (ii) Transportation and infrastructure implications;

***The consultation reply from the Roads and Transportation Division has indicated that the proposal has no transportation or infrastructure implications other than those which can be addressed by the use of conditions on any Planning Permission granted.***

- (iii) Compatibility with surrounding densities and housing types;

***There are a number of two storey dwellings adjacent to and opposite the site. Many of these dwellings are also contiguous with other dwellings. It is therefore considered that the proposal is compatible with the surrounding densities and housing types.***

- (iv) Compliance with the Council's Development Promotion and Design Guidance”

***As noted in section 2.2 above, the proposal comprises a number of elements which are in keeping with the predominant architectural theme of the Conservation Area. The proposal is therefore considered to accord with the provision of the Design Guidance which is discussed in more detail below.***

6.4 The proposal also requires to be determined with regard to Policy RES 22, Policy RES 22 states:

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

***The applicant has indicated on the submitted plan that the proposed dwellinghouse would be provided with 180 sq m of private garden ground. The plans also show the existing development at No. 90 retaining 150 sq m of private garden ground. These measurements take account of the Roads Division’s comments in respect of the widening of the car parking spaces. Schedule 4 indicates that a minimum of 100 sq m of private garden ground should be provided. The proposal is therefore considered to comply with the provisions of Policy RES 22.***

In respect of the applications for Listed Building Consent and Conservation Area Consent

6.5 Policy ENV 1 of the East Ayrshire Local Plan (Finalised Version with Modifications) requires to be considered and states that:

“The Council will seek to protect, preserve and enhance all heritage resources requiring conservation including Listed Buildings and Conservation Areas, together with their respective settings, Scheduled Ancient Monuments and Archaeological and Industrial Archaeological sites and landscapes”.

***As noted above, the design, form and siting of the proposed dwellinghouse is considered to complement the character and appearance of the adjacent Listed Building and the Conservation Area. The proposal is therefore considered to accord with Policy ENV 1.***

6.6 Policy ENV 4 is also of relevance:

“The Council will seek to ensure that all development within or affecting the setting of a Conservation Area or affecting the appearance or setting of a Listed Building, is sympathetic to the area or building concerned in terms of its layout, size, scale, design, siting, materials and colour of finish. Wherever possible, all proposals should seek to preserve, enhance or incorporate features, which contribute positively to the character or appearance of the area and have due regard to the architectural and historic qualities of the area or building concerned”.

**See response to 6.5 above. Furthermore, as the applicant has indicated the use of sandstone facing blocks, timber sash and case windows and slate in respect of the roofing material, it is considered that the proposal would complement the materials used elsewhere in the Conservation Area. It is therefore considered that the proposal accords with Policy ENV 4.**

6.7 Policy ENV 7 also requires consideration:

“All developers will be expected to comply fully with the Council's existing and emerging Design Guidance and Policy documents relating to and advising on the particular type of development proposed. Developments which do not meet the required design standards detailed in these documents will require to be fully justified and may not be supported by the Council”.

**As noted in paragraph 6.9 below, the proposal complies with the provision of the East Ayrshire Council Design Guidance for Listed Buildings and Buildings Within Conservation Areas. It therefore accords with the provision of Policy ENV 7.**

6.8 Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas is also a material consideration in the determination of the applications. Section 4.35 of the Guidance states:

“[In respect of new development in Conservation Areas] the emphasis should be on control rather than prevention, so as to allow the area to remain alive and prosperous but at the same time to ensure that any new development accords with its special architectural and visual qualities. It is important to ensure that every new building is designed not as an isolated entity but as part of a larger whole which already has a well established character of its own”.

**As noted above, the proposed dwellinghouse is designed to complement the form, detailing and massing of the adjacent listed building and other buildings within the Conservation Area which is predominantly of an early to mid 19<sup>th</sup> Century character. It is therefore considered that the proposal complements the character and appearance of the Conservation Area and that it therefore complies with the provisions of the Memorandum of Guidance.**

6.9 The East Ayrshire Council Design Guidance for Listed Buildings and Buildings within Conservation Areas is also of relevance. Section 2 of the Guidance states:

“Where a new build development is proposed within a Conservation Area, the proposed building will require to reflect the character of adjoining buildings in terms of building line, height, massing, scale, choice of materials, colour,

fenestration and solid/void proportions. When determining an appropriate building height for any new proposals, the height of surrounding buildings and the impact of the proposal on the skyline must be taken into account. All materials used should be of a sympathetic and suitable colour and finish”.

***As noted above, the proposed dwellinghouse is designed to complement the massing and architectural style of the adjacent two storey 19<sup>th</sup> Century dwellinghouse and the other buildings within this part of the Conservation Area which are predominantly 19<sup>th</sup> Century. It incorporates classical solid/void proportions and styling appropriate to the early mid 19<sup>th</sup> Century. The windows are shown with a vertical emphasis and are proposed to be of timber and incorporate sash and case mechanisms. The proposed external materials (sandstone facing blocks and roofing slates) are also appropriate to buildings of that period and complement those within the Conservation Area. It is therefore considered that the proposal complies with the terms of the Council's Design Guidance.***

### Consultations

6.10 Notwithstanding the comments of Historic Scotland which are addressed in Section 3.12 of the report, there have been no consultation replies received which would indicate that the applications should be refused. The comments of the Community Council in respect of the access onto Kirkton Road have not been substantiated by the Roads and Transportation Division. The Roads and Transportation Division has nevertheless recommended that conditions be included on the planning permission to ensure the safety of the access.

***Noted.***

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

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

## **8. CONCLUSIONS**

8.1 As is indicated at Section 5 of the report, the applications are considered to accord with the development plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the applications should be approved unless material considerations indicate otherwise. As is indicated at paragraphs 6.2 to 6.11 of the report there are material considerations relevant to the determination of these applications.

8.2 Given the age of the Adopted Stewarton Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered as a prime material consideration. As is noted in paragraphs 6.3 to 6.7 of the report, the proposal accords with the provisions of the East Ayrshire Local Plan (Finalised Version with Modifications).

8.3 Other than the comments of Historic Scotland, no adverse consultation replies have been received which would preclude a grant of planning permission.

8.4 After careful consideration of the design, location and access arrangements for the proposed house, the objections received are not considered to justify a refusal of the application.

8.5 The proposal complies with the terms of the East Ayrshire Council Design Guidance for Listed Buildings and Buildings within Conservation Areas.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application for Conservation Area Consent be approved and that the application for Full planning permission and Listed Building Consent be approved subject to the conditions listed on the attached sheets.**

## **CONTRARY DECISION NOTE**

Should the Committee agree that the applications be refused contrary to the recommendations of the Head of Planning and Building Control the applications would not require to be referred to the Development Services Committee because such refusal would not represent a significant departure from policy.

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

24 April 2002  
(DS/MMM/IMB)

FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application Forms and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Letter of Objection.
5. East Ayrshire Local Plan (Finalised Version with Modifications).
6. Adopted Stewarton Local Plan.
7. Approved Ayrshire Joint Structure Plan.
8. Memorandum of Guidance on Listed Buildings and Conservation Areas.
9. East Ayrshire Council Design Guidance for Listed Buildings and Buildings within Conservation Areas.
10. Approved Strathclyde Structure Plan.

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

***Implementation Officer: Dave Morris***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0446/FL

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Site of Proposal:	90 Main Road FENWICK
Nature of Proposal:	Proposed Erection of Dwellinghouse
Name & Address of Applicant:	Mr George Kennedy 90 Main Road FENWICK Kilmarnock KA3 6DY
Name & Address of Agent:	Thomas Ramsay RIBA ARIAS 77 Vardar Avenue Clarkston GLASGOW G76 7QW

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DPOs Reference: DS/MMM/IMB

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

1. The proposed access to the site shall be by means of a standard footway crossing constructed in accordance with the East Ayrshire Council Roads Development Guide 1996, prior to the occupation of the proposed dwellinghouse.

REASON In the interests of public road safety.

2. Prior to the occupation of the proposed dwellinghouse, visibility splay areas shall be formed and thereafter maintained such that there shall be no obstruction to visibility above 0.5 metres in height within a visibility splay of 2 metres by 20 metres in both directions at the junction of the proposed access and the east access with Kirkton Road.

REASON In the interests of public road safety.

3. Notwithstanding the provision of Condition 2 above, the western boundary wall fronting Kirkton Road and indicated in blue on the approved site plan shall be reduced to 500mm in height, prior to the occupation of the proposed dwellinghouse. Details of the finished treatment of this boundary wall, including railings which shall be designed so as not to restrict the visibility splay of 2m by 20m, shall be submitted to and approved by the Planning Authority prior to the commencement of any work on site.

REASON In the interests of public road safety and visual amenity.

4. Prior to the occupation of the proposed dwellinghouse, the access to the proposed car parking area shall be by means of a standard footway crossing constructed in accordance with East Ayrshire Councils Roads Division's Development Guide 1996.

REASON In the interests of public road safety.

5. Notwithstanding any specification on the approved plans or application form, both car parking areas shall be surfaced prior to the occupation of the proposed dwellinghouse, such that no surface water discharges or loose material is carried out onto the public road.

REASON In the interests of public road safety.

6. The access gates, in respect of both accesses, shall open inwards only, away from the public road.

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 in respect of each dwellinghouse prior to the occupation of the proposed dwellinghouse. The car parking spaces shall be maintained within the site, free from obstructions at all times thereafter.

REASON In the interests of public road safety.

8. Notwithstanding any specification on the approved plans or application form, the car parking areas in respect of the existing and proposed dwellinghouse shall be formed such that they are 7 metres and 4.5 metres respectively, as indicated in green on the approved site plan, prior to the occupation of the proposed dwellinghouse.

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, turning areas shall be provided within the curtilage of the existing and proposed dwellinghouse. The turning areas shall be maintained within the site, free from obstruction at all times thereafter.

REASON To allow vehicles to enter and exit the site in a forward gear in the interests of public road safety.

10. Notwithstanding any specification on the approved plans or application form, samples of all external materials to be used in the construction of the proposed dwellinghouse 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.

11. Notwithstanding any specification on the approved plans or application form, details of the proposed windows 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.

12. Further to the provisions of Condition 3 above, details of the design and location of all fences, walls and any 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 works on site.

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

13. Notwithstanding the specification on the approved plans or application form the trees within the car parking area designated for the existing dwellinghouse and indicated in yellow on the approved site plan, shall be removed prior to the formation of the car parking areas.

REASON In the interest of public road safety.

14. Notwithstanding any specification on the approved plans or application form or the provisions of condition 10 above, the front elevation shall be finished with sandstone facing blocks, details of which shall be submitted to and approved by the Planning Authority prior to the commencement of development.

REASON In the interests of visual amenity.

15. The developer shall secure the implementation of an archaeological watching brief to be carried out by an archaeological organisation acceptable to the planning authority during development work. The retained archaeological

organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds Terms of Reference for the watching brief will be supplied by the West of Scotland Archaeology Service. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

REASON To allow for necessary investigations of any archaeological remains.

**Note to applicant**

1. The applicant is advised to make early contact with Scottish Water and Scottish Environment Protection Agency to ensure that their operational requirements are fully met in terms of connections to the public sewer and provision of water supply. Scottish Water are located at 35 Glenburn Road, Prestwick, KA9 2NS and SEPA at 2 Alloway Place, Ayr, KA7 2AA.

## EAST AYRSHIRE COUNCIL

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

01/0504/LB

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Site of Proposal:	90 Main Road FENWICK KA3 6DY
Nature of Proposal:	Proposed demolition of outbuildings and stone Boundary wall on Main Road and partial demolition of wall on Kirkton Road and erection of dwellinghouse.
Name & Address of Applicant:	Mr George Kennedy 90 Main Road FENWICK KA3 6DY
Name & Address of Agent:	Thomas Ramsay RIBA ARIAS 77 Vardar Avenue Clarkston GLAGOW G76 7QW

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DPOs Reference: DS/MMM/IMB

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

1. Notwithstanding any specification on the approved plans or application form, the western boundary wall fronting Kirkton Road and indicated in blue on the approved site plan, shall be reduced to 500 mm in height, prior to the occupation of the proposed dwellinghouse. Details of the finished treatment of this boundary wall, including railings which shall be designed so as not to restrict the visibility splay of 2m by 20m shall be submitted to and approved by the Planning Authority prior to the commencement of any development on the site.

**REASON** To safeguard the character and appearance of the Listed Building and the Conservation Area and in the interests of visual amenity.

2. Notwithstanding any specification on the approved plans or application form, samples of all external materials to be used in the construction of the proposed dwellinghouse 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.

3. Notwithstanding specification on the approved plans or application form, details of the proposed windows 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.

4. Details of the design and location 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 development on site.

REASON In the interests of visual amenity.

5. Notwithstanding any specification on the approved plans or application form or the provisions of condition 2 above, the front elevation shall be finished with sandstone facing blocks, details of which shall be submitted to and approved by the Planning Authority prior to the commencement of development.

REASON In the interests of visual amenity.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0048/CA

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Site of Proposal: 90 Main Road  
FENWICK

Nature of Proposal: Proposed demolition of outbuildings, stone boundary wall on Main Road and partial demolition of wall on Kirkton Road, Fenwick.

Name & Address of Applicant: Mrs G Kennedy  
90 Main Road  
FENWICK  
Kilmarnock KA3 6DY

Name & Address of Agent: Thomas Ramsay RIBA ARIAS  
77 Vardar Avenue  
Clarkston  
GLASGOW G76 7QW

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DPOs Reference: DS/MMM/IMB

The above CONSERVATION AREA application should be granted.

**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**