

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 23 NOVEMBER 2001

**01/0101/FL: PROPOSED CONSTRUCTION OF 33 HOUSES AND
ASSOCIATED ROADS ETC
AT WESTFIELD NURSERY, GLASGOW ROAD, KILMARNOCK**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to clear the site and erect 33 dwellinghouses. The proposed house types are detached villas arranged in a cul-de-sac format with vehicular and pedestrian access off Glasgow Road. Areas of adequate public open space are detailed to the front of the site north of the access point, with a children's play area deeper in the site abutting the play area of the adjacent Cala site. A 3m wide cycle way is also detailed between two houses on the west boundary of the site which could be extended into the Southcraig area to the west.

The existing boundary treatment of the site is characterised by a combination in parallel of a stob and wire fence, hawthorn hedge and leylandii hedge/screen on the west and part south and north elevations.

The leylandii are presently 7m high and are still immature. The boundary with the Cala site is delineated by a timber screen fence approximately 2m high. It is proposed to remove the leylandii hedge and retain the hawthorn hedge and to erect a 1.8 m high mesh, security fence inside the boundary adjacent to the hawthorn hedge. That hedge will be supplemented by mature hedge planting where there are gaps in the existing feature. During the period since the Committee of 26 October, the applicants were requested to clarify the boundary details and the information above is contained in the revised details and has been confirmed directly with the applicants.

Finishing materials for the houses are detailed as a mix of facing brick and concrete roof tiles to complement existing housing in the area.

2. RECOMMENDATION

2.1 The application should be approved subject to the conditions indicated on the attached sheet.

3. CONTRARY DECISION

3.1 Should the Committee agree that the application be refused contrary to recommendation and if that decision was arrived on the basis of the principle of development on the site, then the application would require to be referred to the Development Services Committee.

4. SUMMARY OF ANALYSIS

4.1 As indicated in paragraph 5.2 of the report, this application is considered to be contrary to the Adopted Local Plan. Therefore, given the terms of Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 the application should be refused unless material considerations indicate otherwise. As is noted in Section 6 of the report, there are material considerations which are considered to be of sufficient weight to overcome the presumption in favour of the Adopted Plan. The main considerations in this instance are inclusion of the site within the settlement boundary of Kilmarnock in terms of the East Ayrshire Local Plan Finalised Version with Modifications.

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: 23 NOVEMBER 2001

01/0101/FL: PROPOSED CONSTRUCTION OF 33 HOUSES AND ASSOCIATED ROADS ETC AT WESTFIELD NURSERY, GLASGOW ROAD, KILMARNOCK

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application which is to be considered by the Local Planning Committee under the scheme of delegation because it is a larger application which accords with the local plan and has been the subject of objections. The application was submitted to the Northern Area Local Planning Committee on the 26th October 2001 when it was agreed that it be deferred to allow for a site visit.

2. APPLICATION DETAILS

2.1 **Site Description:** The site involved is the existing Westfield Nursery site off Glasgow Road, Kilmarnock. The site is fairly level but does slope gently to the south west corner. Currently the site is occupied by the Nursery buildings comprising various glass houses, plant areas, displays and administration office buildings concentrated on the south west/west section of the site with a parking area and larger grassed area to the centre/east and north. Vehicular and pedestrian access is centrally located to the frontage of the site with Glasgow Road.

The site is bounded to the north and west by existing housing areas and associated landscaped/amenity ground which sit within areas significantly higher than the level of the site. To the south the site abuts the house at Burnside and a private field in rough grass.

2.2 **Proposed Development:** It is proposed to clear the site and erect 33 dwellinghouses. The proposed house types are detached villas arranged in a cul-de-sac format with vehicular and pedestrian access off Glasgow Road. Areas of adequate public open space are detailed to the front of the site north of the access point, with a children's play area deeper in the site abutting the play area of the adjacent Cala site. A 3m wide cycle way is also detailed between two houses on the west boundary of the site which could be extended into the Southcraig area to the west.

The existing boundary treatment of the site is characterised by a combination in parallel of a stob and wire fence, hawthorn hedge and leylandii hedge/screen on the west and part south and north elevations.

The leylandii are presently 7m high and are still immature. The boundary with the Cala site is delineated by a timber screen fence approximately 2m high. It is proposed to remove the leylandii hedge and retain the hawthorn hedge and to erect a 1.8 m high mesh, security fence inside the boundary adjacent to the hawthorn hedge. That hedge will be supplemented by mature hedge planting where there are gaps in the existing feature. During the period since the Committee of 26 October, the applicants were requested to clarify the boundary details and the information above is contained in the revised details and has been confirmed directly with the applicants.

Finishing materials for the houses are detailed as a mix of facing brick and concrete roof tiles to complement existing housing in the area.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Council's Roads and Transportation Division have confirmed that they have no objection to the proposal as currently detailed in terms of the associated roads and parking network to serve the proposal.

In addition to the above responsibility the Roads Division has confirmed a requirement for a cycleway link from the application site to Southcraigs proper hence the inclusion of that element. This requirement is a response to the Council's current commitment to providing safe pedestrian and cycle routes in areas of Kilmarnock, and would facilitate a link from Southcraigs to Glasgow Road and hence south to the other facilities of Kilmarnock. There is currently no funding available for extending this link if constructed. The current lack of appropriate links from Southcraigs to the south has resulted in informal routes being created by Members of the public. Most notably a link has been created from Kingsford Place, across an area of public open space and from there across the area of rough grass to the Tesco store and adjacent commercial units.

This issue has been the subject of extensive but separate internal consultation and debate and whilst it is acknowledged that there is merit in seeking improved links, the value of securing a link through the application site is considered to be less crucial. In particular it is considered that a rear link from the application site to the Tesco facility is not necessary, it being anticipated that the prospective residents will use Glasgow Road directly.

Accordingly it is the view of this office that the cycleway link detailed should be deleted and if the Committee are of a mind to approve the application a condition to that effect should be applied. The specific area involved would then become garden ground for the immediately adjacent houses.

3.2 The Scottish Environment Protection Agency have advised that they have no objection to the proposal. They have confirmed that surface water from the site should be treated in accordance with the principles of the Sustainable Urban Drainage System Design Manual for Scotland and Northern Ireland published by CIRIA in March 2000.

This issue can be addressed by means of a Note to Applicants on the decision notice.

3.3 West of Scotland Water Authority have confirmed that there is a public sewerage system to which a connection may be made, and that the proposal can be serviced from an existing public water main, located in the street adjacent to the site location.

Noted.

3.4 The Coal Authority have confirmed that from their records that there is one mine entry within 20m of the application site. Accordingly they have confirmed that the developer should seek appropriate technical advice before commencing works on site.

Noted. The applicant is aware of this issue and has instigated an investigation into this particular matter. Information currently available from the investigating consultation advises that the mine entry lies outwith the influencing distance of the proposal.

A condition regarding full confirmation of this matter prior to the commencement of works on site can be attached to any consent granted.

3.5 East Ayrshire Council Environmental Health and Waste Management Division have confirmed that they have no objection in principle to the proposal. They have offered precautionary advice on the fact that construction activity can impact on the amenity of adjacent residents.

Noted; this can be addressed by a condition attached to any consent granted.

3.6 East Ayrshire Council Department of Community Services Outdoor Amenities Division have confirmed that the conifer hedge gives cause for concern regarding the potential nuisance it could cause to prospective residents. Accordingly in light of the semi mature nature of the conifers and the depth of rear gardens of the houses that back onto these trees they have advised that the conifers should be felled.

Noted. It is clearly proposed in the submitted details to remove the conifers but retain the existing hawthorn hedge as a boundary treatment. This hawthorn hedge is to be supplemented by a 1.8

metre security fence and this solution is considered to be acceptable.

3.7 East Ayrshire Council Community Services Recreation Services have commented on the play area as detailed. They have confirmed that the position and size of the area is acceptable but that the equipment currently indicated is inadequate and should be improved.

Noted. These matters are normally sought by condition if the Committee are of a mind to approve the application.

4. REPRESENTATIONS

Letters of objection have been received from three adjacent residents in respect of this application one of which was withdrawn following amendments to the proposed layout. Following deferment of the application at the last Committee and the submission of amended plans, a petition organised by one of the individual objectors has been re-submitted and now has 12 signatories. A second petition with 13 signatories has also been received which raises further issues arising from the amended plans.

4.1 The grounds of objection vary but relate primarily to the proposed loss of the conifer screen as it would result in a loss of amenity to their houses. In essence the trees offer a screen and their removal would mean views to the Glasgow Road, Rowallan Creamery and the new development would be exposed.

Noted. Whilst the relative merits of the existing conifer screen are noted the trees are currently only semi-mature and could grow to 30m in height. Retaining such trees would, be unmanageable and unwarranted given the proposed depth of garden that the trees would be located within. The loss of the trees would result in an increase in exposure of the site to other elements but it is not considered that this exposure would have the significant impact as expressed by the objectors.

The loss of the trees and hedges will result in an increased security risk to the objectors' houses.

Noted. The objectors' houses currently back onto an area of managed open space and are consequently open to the perceived security risk. The proposed development will not add significantly to that risk.

The trees offer protection for children in the existing estate from the road and strangers.

Noted. However, the proposed development will provide for the creation of an effective boundary treatment along this side of the site.

The loss of the trees will reduce our privacy.

Noted. It is not considered that there is any substance in the loss of privacy claim from the objectors given the relationship of the proposed development to the existing houses. The houses of the objectors raising this point are between 27 and 37m respectively from the nearest house in the proposed development. In other locations, "old" and "new" houses would be at closest 15 metres apart, with the retained hedge intervening.

The play area should be relocated away from the objectors boundary.

The proposed play area is not adjacent to the objectors properties. It is the already approved Cala Homes play area which occupies that position.

At the time of purchasing their houses the objectors were assured by the builders that the screen would be retained as is.

Noted. The builders of the objectors' houses had no control over the hedges and were in no position to give those assurances.

At best the trees should be retained but lopped at a height of 3 metres measured from the ground level of the objectors.

Noted. However given the height and age of the trees it is considered that the trees would not survive such treatment.

What is the height and construction detail of the "secure fence" inside the boundary? Who is responsible for maintenance of the hawthorn hedge? What enforcement procedure would be applied? How is the difference in levels between the existing and the proposed house levels to be addressed by the secure fence?

The fence is shown as being a 1.8 metre high security fence located on the application site side of the hawthorn hedge. Maintenance responsibility for the fence would rest with the occupiers of the new house as it lies in their properties. The fence is a security feature to prevent access in to or out of the site. Maintenance of the hedge can be confirmed by condition but is likely to be a part of a wider factoring arrangement for open space maintenance. Failure to construct the development in accordance with the approved details or to comply with any conditions attached to a consent would be liable to enforcement action by the Planning Authority.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted Stewarton Local Plan (1987). The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan the proposal would fall to be considered against Policy 5.3.2 which prescribes that housing development in the countryside outwith the urban envelope of existing settlements as shown on the proposals map shall not be allowed except in specific circumstances.

The reason for specifying this policy was to avoid sporadic or ribbon development and to avoid the loss of agricultural land.

The application site lies outwith the settlement boundaries as designated in that plan and consequently the proposal is considered to be contrary to the Development Plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other material considerations relevant to the determination of the application are the East Ayrshire Local Plan Finalised Version with Modifications (EALP), letters of objection and the impact on the amenity of the area/adjacent properties.

6.2 East Ayrshire Local Plan Finalised Version with Modifications

As stated above, 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 EALP should be considered a prime material consideration. The proposal lies in an area now within the settlement boundary of Kilmarnock as detailed in this plan and policy RES 4 applies as follows:

RES 4 - 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;
- (ii) Transportation and infrastructure implications;
- (iii) Compatibility with surrounding densities and housing types; and

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

The reasons for this policy are:-

- To bring areas of vacant and often derelict land into active use and to improve amenity of an area
- To consolidate the existing built environment.

The proposal has been assessed against the terms of the above policy and found to be in compliance with the criteria listed.

6.3 Letters of Objection

The grounds of objections have been assessed and as stated above they relate primarily to the issue of the loss of the existing conifers on site and the perceived impact of that loss on the amenity of the residents concerned. It is considered that given the details of the development as proposed and in particular the relationship of the houses along the boundary delineated in part by the conifers, the retention of the conifers would not be appropriate for prospective residents. Additionally it considered that the loss of the conifers, whilst increasing the exposure of the objectors' properties, is not in itself sufficient to amount to an impact that would justify refusal.

6.4 Impact on the area/adjacent properties

It is considered that this proposal will have no significant detrimental impact on the immediate area or adjacent properties.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As indicated in paragraph 5.2 above, this application is considered to be contrary to the Adopted Local Plan. Therefore, given the terms of Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 the application should be refused unless material considerations indicate otherwise. As is noted in Section 6, there are material considerations which are considered to be of sufficient weight to overcome the presumption in favour of the Adopted Plan. The main considerations in this instance are inclusion of the site within the settlement boundary of Kilmarnock in terms of the East Ayrshire Local Plan Finalised Version with Modifications.

9. RECOMMENDATION

9.1 The application should be approved subject to the conditions indicated on the attached sheet.

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

14 November 2001
(IW/MMM/SA)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form/Plans.
2. Statutory Notices/Certification.
3. Letters of Objections.
4. Consultations.
5. Adopted Stewarton Local Plan.
6. East Ayrshire Council Local Plan Finalised Version with Modifications.
7. Approved Ayrshire Joint Structure Plan.
8. Approved Strathclyde Structure Plan.

Anyone wishing to inspect the above papers please contact Ian Walker on 01563 576769.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0101FL

Site of Proposal: Westfield Nursery
Glasgow Road
KILMARNOCK

Nature of Proposal: Proposed Construction of 33 Houses and
Associated Roads etc.

Name & Address of Applicant: Redrow Homes
Redrow House
1 Fullarton Court
CAMBUSLANG G32 8EY

Name & Address of Agent:

DPOs Reference: IW/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 7th February 2001 the elevations received on the 21st December 2000 and the amended layout plan 6035/WN-Kil/Arch-Lay/06 Rev 'B' and the "Site Section: typical Situation plan" received by the Planning Authority on 5th November 2001.

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

2. Details/samples of the facing, roofing and surfacing materials to be used, including traffic calming features, shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON In the interests of visual amenity.

3. Details of the landscaping of the site, including the provision of play equipment and the maintenance of play equipment and all open space outwith the private curtilage of any dwelling shall be submitted to and approved by the Planning Authority prior to the commencement of the development. Such details shall include the timescale for the implementation of the landscaping and play equipment in relation to the completion of the dwellings. The details shall also include confirmation of where any supplementary hawthorn planting is required within the retained hedge.

REASON To ensure that the open space is adequately provided and maintained in the interest of residential amenity.

4. Notwithstanding the plans hereby submitted, the details of the proposed boundary treatment shall be submitted to and approved by the Planning Authority prior to the commencement of development. These details shall include confirmation of levels, existing and proposed, along the northern boundaries of the site and shall allow for the retention of existing hawthorn hedging. These details shall also allow for the provision of an entrance feature at the site entrance off Glasgow Road, and shall provide information confirming future maintenance of all such boundary features.

REASON In the interests of visual amenity.

5. The boundary hedges to be retained in pursuance of Condition No. 4 above shall be maintained at a height of not less than 2.5 metres. Confirmation of the maintenance proposals regarding the hedge shall be submitted to and approved by the Planning Authority prior to the commencement of development

REASON To ensure that the hedges are retained to a size at which they would continue to provide a habitat and would significantly contribute to visual amenity.

6. Prior to the commencement of works on the site, the applicant shall satisfy himself as to the suitability of the site for construction purposes.

REASON In the interests of public safety.

7. Construction works shall not be undertaken on site outwith the hours of 08.00 hours to 18.00 hours Monday to Friday, and 09.00 hours to 17.00 hours on Saturday and not at any time on Sunday.

REASON In order to protect the amenity of neighbouring properties.

8. Public roads adjacent to the site shall be kept clear of mud or other deposited materials at all times by means of mechanical brushing as appropriate.

REASON In the interests of road safety.

NOTE TO APPLICANTS

- (1) The developer shall make early contact with the Scottish Environment Protection Agency and West of Scotland Water to confirm their request to utilise a Sustainable Urban Drainage System (SUDS), with regard to surface water. These Authorities require development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.
- (2) The Council does not currently have a general agreement with West of Scotland Water Authority in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.

**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.**