

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 28 SEPTEMBER 2001

**01/0237/FL: PROPOSED ERECTION OF 51 DWELLINGHOUSES AT
TOPONTHANK PHASE 2, KILMARNOCK
BY PERSIMMON HOMES (WEST SCOTLAND) LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The application proposes to remix an area of 46 plots and an area of open amenity space to form 51 plots with associated amenity space, parking, etc. The house types are a mixture of predominantly two-storey, 3/4 bedroom detached or semi-detached dwellings. There are 8 house types which extend to accommodation on three storeys through the provision of attic apartments. These units are approximately 1.7m taller than the conventional two-storey houses. Finishing materials are all to match those that are currently utilised at Toponthank.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 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 be overcome the presumption in favour of the Adopted Plan. The main considerations in this instance are the identification of the area within which the development is proposed as a residential area and the previously approved applications.

**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 the 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 is 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 comprises an area of plots already approved (Application Ref 99/0106/FL) within the wider residential development site (Area C) at Toponthank Phase 2, west of the current Tay Homes and Beazer Housing Developments. This larger site is currently under construction.

2.2 **Proposed Development:** The application proposes to remix an area of 46 plots and an area of open amenity space to form 51 plots with associated amenity space, parking, etc. The house types are a mixture of predominantly two-storey, 3/4 bedroom detached or semi-detached dwellings. There are 8 house types which extend to accommodation on three storeys through the provision of attic apartments. These units are approximately 1.7m taller than the conventional two-storey houses. Finishing materials are all to match those that are currently utilised at Toponthank.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have confirmed that they have no objection to the proposal.

Noted.

3.2 The Coal Authority has commented that no evidence of past, current or future workings exists at the site.

Noted.

3.3 West of Scotland Water has commented that there are no impediments to development.

Noted

3.4 Scottish Environment Protection Agency has no objections to the proposal on the understanding that foul drainage is connected to the public sewer. This is taken account of by West of Scotland Water.

Noted

3.5 Transco has indicated the proximity of apparatus to the application site.

The applicant is aware of the implications and responsibilities associated with the gas apparatus which has recently been installed as part of the wider residential development at Toponthank/Southcraigs.

3.6 North West Kilmarnock Community Council has not responded to date.

Noted.

4. REPRESENTATIONS RECEIVED

4.1 No representations have been received.

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 Kilmarnock Local Plan (1985). The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against policy 4.1.6 which requires that "housing development outwith committed sites (at that time) and settlement boundaries shall not be allowed except for housing in the countryside as defined by specific policies".

The application site is outwith the settlement boundaries as defined at that time in the Kilmarnock Local Plan. Consequently this proposal is considered to be contrary to the development plan.

As indicated, the Adopted Local Plan is of considerable age and greater weight should be applied to other material considerations.

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 (EALP) 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 within an area identified for housing in the East Ayrshire Local Plan under Policy Res.1.

The application proposes development which is in compliance with the EALP in respect of this policy.

6.3 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. It does involve an increase in numbers of houses but these are accommodated on site with no detriment to the area or the already completed houses.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSION

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 the identification of the area within which the development is proposed as a residential area and the previously approved applications.

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**

18 September 2001
(IW/MLS)
FV/DM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Correspondence from/to the applicant.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted Kilmarnock Local Plan.
7. East Ayrshire Council Local Plan Finalised Version with Modifications.
8. Previous Planning Applications – 99/0106/FL; 00/0321/FL.

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

01/0237/FL

Site of Proposal: Plots 38-95 Glenview
Toponthank Phase 2
KILMARNOCK

Nature of Proposal: Proposed Erection of Residential Development
51 Domestic Dwellings

Name & Address of Applicant: Persimmon Homes
Persimmon House
77 Bothwell Road
HAMILTON ML3 0DW

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 11 January 2001 and the amended layout plan No. 107/004 Rev Q, received by the Planning Authority on 30 August 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.

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 boundary treatment shall be submitted to and approved by the Planning Authority prior to the commencement of development. These details shall allow for the retention of existing hedging unless otherwise agreed in writing by the Planning Authority. These details shall also allow for the provision of an entrance feature at the site entrance off the existing roundabout, and shall include information confirming future maintenance of such boundary features as are agreed.

REASON

In the interest 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.

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.

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 or 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.**

AGENDA