

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE:13 JUNE 2003**

**03/0308/FL: ERECTION OF 5 DETACHED DWELLINGHOUSES WITH  
GARDENS AND ASSOCIATED CAR PARKING SPACES  
AT KNOCKLANDHILL FARM, IRVINE ROAD, KILMAURS  
BY MR B DEVLIN OF KNOCKLANDHILL FARM**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 Full planning permission is sought for the erection of 5 dwellinghouses with associated gardens and parking areas. One house is detailed adjacent to Knocklandhill Farm aspecting towards Irvine Road. The other four houses are proposed in a development grouped around the access road which terminates in a cul-de-sac behind the existing cottage of Knocklandhill.

1.2 The house types are detailed as one and a half storeys in height in a traditionally proportioned design with dormer windows introduced to assist in achieving the upper floor accommodation. As stated above the vehicular access will be achieved from the west by a road link to Irvine Road. A separate pedestrian access to Irvine Road is detailed between the applicant's property and the house proposed adjacent to it.

#### **2. RECOMMENDATION**

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

#### **3. CONCLUSIONS**

3.1 As is indicated in Section 5 of the report, the application is considered for the most part to be in accordance with the Development Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to this application. It is considered that these considerations add weight to the presumption in favour of the plan. Consequently, it is considered that the development of the site for residential purposes is acceptable subject to conditions.

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused, and if the decision was not on the basis of the principle of the development, it will not be necessary for the application to be referred to the Development Services Committee as it would not represent a significant departure from the Adopted East Ayrshire Local 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.**

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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 a full application for planning permission which is to be considered by the Local Planning Committee under the scheme of delegation because it is a larger application of area significance.

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

2.1 **Site Description:** The application site comprises a body of land attached to Knocklandhill Farm on the south side of Irvine Road Kilmaurs. Knocklandhill Farm is a traditional cottage type property and is itself situated close to Irvine Road. The site is generally level and comprises a run down former yard and areas of agricultural land currently under grass. The site also has a spur of land extending west across a grassed paddock area to Irvine Road Kilmaurs. This section is proposed solely for the purposes of achieving a vehicular access to the site proper.

2.2 **Proposed Development:** Full planning permission is sought for the erection of 5 dwellinghouses with associated gardens and parking areas. One house is detailed adjacent to Knocklandhill Farm aspecting towards Irvine Road. The other four houses are proposed in a development grouped around the access road which terminates in a cul-de-sac behind the existing cottage of Knocklandhill.

2.3 The house types are detailed as one and a half storeys in height in a traditionally proportioned design with dormer windows introduced to assist in achieving the upper floor accommodation. As stated above the vehicular access will be achieved from the west by a road link to Irvine Road. A separate pedestrian access to Irvine Road is detailed between the applicant's property and the house proposed adjacent to it.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Councils Roads and Transportation Division have confirmed that they have no objection to the application as submitted subject to the provision of certain matters which should be implemented prior to the commencement of works on site. These matters extend to:

*the provision of re-located 30mph limit signs and complementary street lighting/traffic calming measures ;*

*the widening of the pedestrian access to Irvine Road and extending this link to the existing public footway on Irvine Road.*

***These matters can be addressed by means of condition if the Committee are of a mind to approve the application***

3.2 Scottish Environment Protection Agency have advised that they have no objection to the application and have recommended that a condition be attached to any approval requiring that surface water from the site is treated in accordance with the Principles of Sustainable Urban Drainage.

***Noted. Such a condition can be attached to any consent granted.***

3.3 The Coal Authority have confirmed that they do not anticipate any ground stability issues impacting on the ability of the site to be developed for housing purposes.

***Noted.***

3.4 Scottish Water have confirmed that they have no objection to the application on the grounds of the drainage from the site not being connected to public Sewerage system.

***Noted.***

3.5 Kilmaurs Community Council have not responded at the time of writing this report.

***Noted.***

### 4. REPRESENTATIONS

4.1 No letters of objection have been submitted in connection with this application.

## **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 East Ayrshire Local Plan (2003).

5.2 Compliance with policies G1 and G5 of the Approved Ayrshire Joint Structure Plan, which encourages development within settlement boundaries, would be dictated by whether the site lies in the urban boundary of Kilmaurs as defined by the Adopted East Ayrshire Local Plan. The housing itself does lie in the settlement although the access road does not.

Policy RES 4 of the Adopted Local Plan states the following:

*Within Settlement Boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites, including those sites created through the large scale demolition of existing housing, 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.*

5.3 With the access road being outwith the settlement boundary, an element of the proposal is technically contrary to RES 13 which specifies criteria against which development in the Rural Protection Area may be acceptable. However, it is considered that because the housing itself is within the boundary of the village, the access can be accepted as a minor exception to policy and the scheme as a whole can be supported.

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

6.1 The principal material considerations relevant to the determination of the application are the impact on the amenity of the site/adjacent properties and the consultation responses.

### Impact on the Amenity of the Area and Adjacent Properties

6.2 As stated above the proposal is largely acceptable against the terms of policy RES 4 of the Adopted Local Plan and part of the assessment against this policy involves the consideration of this aspect. The site is partly isolated from the main Kilmaurs village and as such the design of the layout and the house types has been developed to reflect this semi - rural situation. Consequently it is the view of this Division that the proposal can be accommodated with no detrimental impact on the surrounding area or the immediately adjacent properties.

### Consultation Responses

6.3 The consultation responses are as listed above and are supportive of the application.

## **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 is indicated in Section 5 of the report, the application is considered for the most part to be in accordance with the Development Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to this application. It is considered that these considerations add weight to the presumption in favour of the plan. Consequently, it is considered that the development of the site for residential purposes is acceptable subject to conditions.

## **9. RECOMMENDATION**

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

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused, and if the decision was not on the basis of the principle of the development, it will not be necessary for the application to be referred to the Development Services

Committee as it would not represent a significant departure from the Adopted East Ayrshire Local Plan.

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

04 June 2003  
(IW/MMM)

FV/DVM

#### **LIST OF BACKGROUND PAPERS**

1. Application Form/Plans.
2. Statutory Notes/Certificates.
3. Consultations.
4. Letter of Objection.
5. Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.

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

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

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

03/0380/FL

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Site of Proposal: Knocklandhill Farm  
Irvine Road  
KILMAURS

Nature of Proposal: Proposed Erection of 5 No. Detached  
Dwellinghouses with Gardens and  
Associated Car Parking Spaces

Name & Address of Applicant: Mr B Devlin  
Knocklandhill Farm  
Irvine Road  
KILMAURS  
KA3 2NU

Name & Address of Agent: W I Munro  
Chartered Architects  
1 Seaford Street  
KILMARNOCK  
KA1 2BZ

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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 09 April 2003 and the amended plans received on 02 June 2003.

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

2. Before any work commences on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved by the Planning Authority in writing. The Sustainable Urban Drainage System shall thereafter be installed on site prior to the use of the dwellings.

REASON To ensure that adequate drainage is provided.

3. The road access detailed on plan 2330D3A and associated visibility splays shall be constructed in accordance with East Ayrshire Council Roads development guidelines and shall be implemented prior to the commencement of development of the dwellinghouses.

REASON In the interests of road safety.

4. Notwithstanding the plans hereby approved details/samples of the external finishing materials of the houses and road surfacing materials 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. Details submitted in pursuance of Condition No. 4 above shall provide for the use of a natural slate roofing material, unless otherwise agreed in writing by the Planning Authority.

REASON In the interests of visual amenity.

6. Notwithstanding the plans hereby approved, the external surface of the walls of the proposed houses shall be rendered or roughcast in a colour to be agreed in writing with the Planning Authority prior to the commencement of development.

REASON In the interests of visual amenity.

7. No development shall commence on site until such time as:

- (i) The 30mph speed limit signage has been re-located;
- (ii) The required extended street lighting is provided;
- (iii) A "gateway feature" has been provided at the entrance to Kilmaurs on the Irvine Road.

Details of the above shall require to be to the satisfaction of the Council as Roads and Planning Authority.

REASON In the interests of road safety.

8. Notwithstanding the submitted plans, details of the design and construction of all fences, walls and any other boundary treatment to be placed on the site shall be submitted to and approved by the Planning Authority before any development commences on the site.

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

9. Notwithstanding the plans hereby approved the existing hedgerow along Irvine Road shall be retained/re-located at a height and position to be agreed in writing with the Planning Authority.

REASON To maintain the contribution of the existing hedgerow to the quality of the area in terms of visual amenity.

10. A 2 metre wide pedestrian access shall be provided by the formation of a footway from Irvine Road to the internal roadway. Details of the proposed footway shall be submitted to and approved by the Planning Authority prior to commencement of development and shall be completed to base course level prior to occupation of the first house and shall be completed in full prior to the occupation of the last house on site.

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

11. Details of a public footway provision from the site to Kilmaurs Village shall be submitted to and approved by the Planning Authority and thereafter implemented prior to the occupation of any of the houses.

REASON

12. No demolition, site clearance or building operations shall be commenced until chestnut pale fencing of a height not less than 1.2 metres has been erected around the trees on the western boundary of Plots 4 and 5. The fencing shall enclose either:

(a) the area described by the limit of the spread of the branches of the tree;

or

(b) a radius of 5 metres from the trunk of the tree, whichever is the greater.

Such fencing shall be maintained during the course of development, and no storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed.

REASON To ensure the retention of the maximum number of trees on the site and their protection from damage in the interests of visual amenity.

13. Notwithstanding the plans hereby approved, the access road and car parking area shall be completed to basecourse level prior to the occupation of the first house and shall be completed prior to occupation of the fifth house on site.

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

14. The septic tank and soakaway or other means of drainage shall be designed and constructed in accordance with the current Code of Practice BS6297: 1983.

15. Notwithstanding the plans hereby approved, any septic tank provided to serve the development shall be sited in such a position as will enable it to be emptied by the tanker.

REASON In the interests of public safety.

16. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any order or enactment replacing this, no extensions or garages (unless forming part of the approved layout plan) shall be erected on the site, unless a further specific planning application is submitted to and approved by the Planning Authority.

REASON To enable the Planning Authority to ensure that such structures are provided in a manner compatible with the visual amenity of the area.

17. Details of a planting scheme to be placed along the east and south boundary of the site, where the access road abuts the open countryside, shall be submitted to and approved by the Planning Authority prior to the commencement of development on site. This scheme shall provide a "softened" and defensible natural boundary to the site along this point.

REASON In the interests of visual amenity.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**