

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 5 SEPTEMBER 2003

03/0414/FL: PROPOSED CONSTRUCTION OF 11 HOUSES 68 IRVINE ROAD KILMAURS BY ALEXANDER MORTON HOMES SCOTLAND LTD.

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to clear and level the site and erect 11 detached dwellinghouses served by a new vehicular and pedestrian access off Irvine Road Kilmaurs. The design of the houses is of a larger type property varying from five houses being a full two storeys in height at the rear of the site decreasing in height to six houses of one and half storeys in height towards the front of the site on Irvine Road. At their ridge height the one and a half storey houses are approximately 1m lower in height than the larger villa. The houses face in towards the access road. A landscaped area and extended footway is detailed along the front of the site.

1.2 The external walls of the houses are proposed to be finished in a drydash render with feature stone detailing . The roofs are confirmed as being finished in a concrete roof tile. The houses are provided with sufficient private amenity space in compliance with the Councils Policy requirements.

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 indicated in Section 5 of this report the proposed development is considered to be in accordance with the Development Plan. Therefore given the terms of the Town & Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise . As indicated in Section 6 of the report there are material considerations relevant to this application but on this occasion they are not considered to outweigh the provisions of the Development Plan.

CONTRARY DECISION NOTE

Should the committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control the application will not require to be referred to the Development Services Committee as this will not represent a significant breach of council policy.

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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NORTHERN AREA LOCAL PLANNING COMMITTEE: 5 SEPTEMBER 2003

03/0414/FL: PROPOSED CONSTRUCTION OF 11 HOUSES 68 IRVINE ROAD KILMAURS BY ALEXANDER MORTON HOMES SCOTLAND LTD.

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which requires to be considered by the Local Planning Committee under the scheme of delegation as the proposed development is a larger application of local significance and is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** Currently the site consists of a bus garage / depot with areas of circulation and parking space attached. The site has been operating as a bus garage for more than two years now but only received planning permission following the submission of a retrospective application.

That application was considered by the Northern Area Local Planning Committee on 26 October 2001 where the application was refused contrary to the recommendation of the Head of Planning and Building Control.

The applicants appealed the decision to the Scottish Ministers who allowed the Appeal on 1st May 2002 and approved planning permission subject to a number of conditions. The conditions combined with the degree of complaints from the adjacent residents have resulted in the bus Company seeking alternative more suitable premises whilst marketing the site for residential purposes. The site is abutted on two sides by existing residential properties and to the north by agricultural fields. Accordingly it was considered that the use of the site for residential purposes was the most appropriate option. Outline planning permission was issued for the use of the site for residential purposes on the 7th of February 2003.

2.2 **Proposed Development:** It is proposed to clear and level the site and erect 11 detached dwellinghouses served by a new vehicular and pedestrian access off Irvine Road Kilmaurs. The design of the houses is of a larger type property varying from five houses being a full two storeys in height at the rear of

the site decreasing in height to six houses of one and half storeys in height towards the front of the site on Irvine Road. At their ridge height the one and a half storey houses are approximately 1m lower in height than the larger villa. The houses face in towards the access road. A landscaped area and extended footway is detailed along the front of the site.

2.3 The external walls of the houses are proposed to be finished in a drydash render with feature stone detailing . The roofs are confirmed as being finished in a concrete roof tile. The houses are provided with sufficient private amenity space in compliance with the Councils Policy requirements.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Councils Roads and Transportation Division have commented on two issues as follows:

1. The amended plan which involved the formation of an internal hammerhead as an alternative to the roundel initially sought. They advise that the proposal before the Committee will be acceptable provided significant traffic calming measures are installed on Irvine Road.

There have been separate discussions between the applicants and the Roads Division on this matter and an indicative plan has been prepared (Plan A) which demonstrates the extent of the works considered necessary by the Roads Division to permit the hammerhead solution within the site. If the Committee are of a mind to approve the application measures to accord with this plan can be secured by means of a suspensive condition.

2. The method for the disposal of surface water from the site is not included in the proposal. The Roads Division have confirmed a preference that the surface water from the development be treated in accordance with the principles of Sustainable Urban Drainage and thereafter accepted into the public sewerage system.

This issue can be addressed by means of a condition if the Committee is of a mind to approve the application.

3.2 Scottish Environment Protection Agency have confirmed that they have no objection to the proposal . They have confirmed that a condition should be applied if permission is approved to ensure that surface water from the site is treated in accordance with the principles of Sustainable Urban Drainage.

A condition to this effect can be attached if the Committee agree to approve the application.

3.3 Scottish Water have advised that they have no objections to the application. They have however confirmed a number of their standard requirements that will be secured through their own Statutory Powers. For example, they would seek a separation of foul and surface water drainage and recommend use of a sustainable urban drainage system to handle surface water from the development.

Noted. The provision of a Sustainable Urban Drainage System can be secured by means of a condition.

3.4 The Coal Authority have confirmed that they do not anticipate any ground stability issues will impact on the ability of the proposal to be implemented.

Noted

3.5 The Council's Environmental Health and Waste Management Service has been consulted in respect of potential contamination issues from the existing and previous use of the premises. In support of the application in respect of these issues the applicants submitted a soil investigation report.

The Environmental Health Service have responded advising that they have no objection to the application provided that potential contamination issues are addressed. This aspect can be addressed by means of a condition if the Committee agree to approve the application.

3.6 Scottish Power Systems have advised that they have cabling and overhead apparatus within the site that may be affected by the application.

It is understood that the applicants intend to liaise with Scottish Power in an effort to have the overhead apparatus relocated. Such work in itself would not require the benefit of planning permission given the capacity of the apparatus involved. The matter can be attached as a note to a planning approval if the Committee agreed to approve the application.

4. REPRESENTATIONS

4.1 A total of five letters of objection have been submitted in respect of this application from adjacent residents whom, whilst generally supportive of the principle of residential use, object on the following basis:

4.2 Two storey houses at the proximity proposed will affect the daylighting to my house.

This aspect has been assessed. The original application involved the construction of eleven villas. The layout has been altered to that currently before the Committee which is more mixed (as stated above para 2.2). These alterations relate to the substitution of a lower house type in the more sensitive areas which has assisted in addressing concerns of this nature. There remain areas where the potential for over looking is still significant (see Section 5 below) and it is considered that these matters should be addressed by means of conditions.

4.3 The upstairs windows of some of the proposed houses will deprive me of my privacy.

See above response to 4.2.

4.4 The proposal will result in a traffic hazard for both pedestrians and vehicles using the site.

Noted; See East Ayrshire Council Roads Division response, para. 3.1 above.

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.

5.2 As the Structure Plan offers policy advice of a strategic nature it is considered appropriate to assess the application chiefly against the terms of the Local Plan. However, Policy G1 of the Structure Plan gives priority to new development being directed to land within existing settlements.

5.3 The relevant policy in the plan is Policy RES 4 which confirms design and environmental criteria against which applications are required to be assessed.

Policy RES 4

“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 Developer and Design Guidance.

The application has been assessed against the terms of these requirements. It raises no insurmountable transport and infrastructure issues. Additionally it is considered to be in accordance with the other requirements as follows;

5.4 Compatibility with surrounding land uses

The amended submission with the mix of house types is considered to be acceptable. The house types detailed indicate a transition from modern proportioned one and a half storey houses to villas as you move north into the site. Currently the surrounding house types are predominantly bungalows having a shallow ridge height of approximately 5.5 metres. This serves to exaggerate the difference between the proposed houses initially.

This area of Kilmaurs however has been the subject of recent applications involving more contemporary proportions which are similar to the house types proposed. Accordingly it is not considered that the house types area sufficiently different from those established to justify securing an alternative design.

5.5 Impact on adjacent properties

The majority of the houses have sufficient separation distance between them and the adjacent housing to allow the proposal with no significant detrimental impact on the amenity of those houses. It is however accepted that there will be some limited impact on the existing houses. Currently those houses do enjoy a relatively open outlook but the level of impact is considered to be within the parameters of acceptability in respect of current Council policies and given the general improvement to the area. There are circumstances in respect of the houses proposed in plots 1,2 10 and 11 where the rear dormer windows proposed would lead to an unacceptable degree of over looking into either rear garden areas or apartments of houses.

It is considered that the upper floor arrangement of these house can be redesigned to achieve a satisfactory relationship which may involve the use of velux roof-lights as an alternative to dormer windows or the repositioning of bedrooms to the gables of the houses. It is considered that these matters can reasonably be addressed by means of conditions should the Committee agree to approve the application.

5.6 Compliance with the Council's Design Guidance

The application has been assessed against the terms of this guidance and found to be acceptable with the houses also having sufficient private amenity space and off street parking provision.

6. **ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS**

6.1 The other material considerations relevant to the consideration of this application are the consultation responses, the letters of objection and the impact the proposal will have on the area.

6.2 Consultation Responses

The issues raised through the consultation process have been considered and as stated above have been found not to merit any refusal of the application. Certain matters will require to be secured by means of condition if the Committee agree to approve the application.

6.3 Representations

The representations lodged in respect of this application have similarly been assessed and whilst they raise valid concerns, are not considered to raise issues of sufficient weight to justify the refusal of the application in this instance. Certain of the points raised require alterations to the application, which can be appropriately addressed through the attachment of conditions. (See paragraph 5.5).

6.4 Impact on the amenity of the area

This issue has been assessed and found to be acceptable with no significant detrimental impact on the amenity of the area. Indeed it is considered that the proposal will result the general improvement of the area and indeed be to the benefit of residents whose properties currently abut the site.

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 Section 5 of this report the proposed development is considered to be in accordance with the Development Plan. Therefore given the terms of the Town & Country Planning (Scotland) Act 1997 the application should

be approved unless material considerations indicate otherwise . As indicated in Section 6 of the report there are material considerations relevant to this application but on this occasion they are not considered to outweigh the provisions of the Development Plan.

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 contrary to the recommendation of the Head of Planning and Building Control the application will not require to be referred to the Development Services Committee as this will not represent a significant breach of council policy.

Alan Neish
Head of Planning and Building Control

27 August 2003
(IW/IMB)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form /plans.
2. Statutory Notices /Certificates.
3. Consultation responses.
4. Ayrshire Joint Structure Plan.
5. Adopted East Ayrshire Local Plan.
6. Representations.
7. Council agreed Design Guidance

Anyone wishing to inspect the above papers please contact Ian Walker on 01563 676769.

Implementation Officer: Alan Neish

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0414/FL

Site of Proposal: 68 Irvine Road
KILMAURS

Nature of Proposal: Proposed construction of 11 houses.

Name & Address of Applicant: Alexander Morton Homes Scotland Ltd
59a Templehill
TROON
Ayrshire
KA10 6BQ

Name & Address of Agent: Nicoll Design
184 Main Street
PRESTWICK
KA9 1PG

DPOs Reference: (IW/IMB)

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 12 May 2003 and amended plans as follows:

1. proposed site layout, 7 August 2003
2. Nightingale House Type, 7 August 2003

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

2. Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall accords with Planning Advice Note 33, and BS10175 and shall contain details of proposals to deal with contamination to include:

- i. the nature, extent and type(s) of contamination on the site

- ii. measures to treat/remove contamination to ensure the site is fit for the use proposed.
- iii. measures to deal with contamination during construction works.
- iv. Confirmation of the condition of the site on completion of decontamination measures.

Before any residential unit is occupied, the measures to decontaminate the site shall be fully implemented as approved by the planning Authority.

REASON In the interest of residential amenity and public safety.

3. Notwithstanding the plans hereby approved details/samples of the external finishes to be used, including windows, shall be submitted to and approved in writing by the Planning Authority before any development commences on the site.

REASON In the interests of visual amenity.

4. Notwithstanding the submitted plans details of the design and construction of the boundary treatment of 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 and residential amenity.

5. Notwithstanding the details of the houses hereby approved the rear dormer windows in the upper floor of the Nightingale House type in Plots 1, 2, 10 and 11 are not approved. Further details of the manner of provision of upper accommodation in these houses shall be submitted to and approved by the Planning Authority prior to the commencement of construction of these houses. The submitted details shall solely utilise roof-lights for the purposes of providing day-light to upper apartments.

REASON In the interests of visual amenity.

6. No work shall commence on site until a scheme to accord with Sustainable Urban Drainage Systems design manual for Scotland and Northern Ireland to deal with surface water drainage from the site has been submitted to and approved in writing by the Planning Authority.

REASON To ensure that adequate drainage is provided in the interests of public safety/health.

7. Prior to the commencement of any works on site, the applicant shall submit to and have approved by the Planning Authority, a landscaping scheme for the site. This scheme shall indicate the number and species of trees and

shrubs to be introduced to the front landscaped area within the development site. The scheme approved under this condition shall be implemented not later than the first planting season after the development has been carried out. The scheme shall also include provision for the future maintenance of landscaped areas within the development site.

REASON To ensure that appropriate provision is made for landscaping within the site and for its future maintenance.

8. The applicant shall take reasonable steps including as necessary the installation and effective use of a wheel washing facility within the site, to ensure that no mud or other debris is carried out from the site onto the public road during the construction phase.

REASON In the interests of road safety.

9. Details submitted in pursuance of condition No. 4 shall provide for a feature wall to the south boundary of Plot Nos. 1 and 11.

REASON In the interests of visual amenity.

10. Prior to the occupation of the first house the new footpath indicated to the south boundary of the site shall be constructed to the satisfaction of the Council's Roads Division.

REASON In the interests of road safety.

11. Prior to the occupation of the first house, the traffic calming measures to accord with the Plan (A) attached shall have been completed. These measures shall comply with the Road Humps (Scotland) Regulations 1990.

REASON In the interests of road safety.

12. No construction work, site clearance or preparation work shall take place before 07.00 a.m. or after 17.00 p.m. hours Monday to Saturday and not at any time on Sunday.

REASON In the interests of residential amenity.

NOTES:

1. Prior to the commencement of any works on site for the development hereby approved, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.

2. The developer shall make early contact with Scottish Water and the Scottish Environment Protection Agency to confirm their request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.
3. The Council does not currently have a general agreement with Scottish Water 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.
4. Early contact is strongly suggested with Scottish Water on 0845 601 8855 and Transco on 0141 418 40923 to discuss permissions for connection/drainage to equipment.
5. Early contact with the Council's Roads and Transportation Division is recommended to discuss access and traffic calming issues. The applicant is also advised to note that an internal road will require to be provided with a standard residential turning head and in terms of a SUDS system, the Roads Division will require the road drainage to be either discharged into the public sewer or a watercourse. The design of any SUDS system into which road surface water is to pass will require the approval of the roads and Transportation Division.
6. Early contact with Scottish Power Systems on 0141 5674113 is strongly recommended to discuss the extent of any measures required to accommodate existing apparatus on site.

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