

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 30 JUNE 2005

**05/0327/FL: PROPOSED RESIDENTIAL DEVELOPMENT OF 12 NO.
FLATTED DWELLINGS
AT 64 DEAN STREET, KILMARNOCK
BY JACKSON DUNN DEVELOPMENTS LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of 12 two-bedroom flatted dwellings. The proposed building is of a contemporary design, with an integral pend giving access to 20 car parking spaces, open space and bin storage facilities to the rear. To the northern boundary of the application site the building is 2 storeys in height, rising to 3 storeys to the centre of the building and rising again to 4 storeys in height to the southern boundary of the site adjacent to the existing 4 storey flatted dwellings. Materials proposed are the use of a slate substitute tile and off-white smooth render. The proposed flats above ground floor with a frontage to Dean Street have balconies with recessed balconies proposed on the fourth floor flats.

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 the report the application is considered to be in accordance with the Development Plan. Therefore given the terms of Sections 25 and 37 of the Town and Country Plan (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 As indicated at Section 6 of the report there are material considerations relevant to this application and they are supportive of the development. The consultation responses received have no adverse comments to make in relation to the development. It is considered that the development is of an appropriate size, scale and design that is compatible with the character of the surrounding area. The development has been designed and sited to minimise its impact on the amenity of adjacent properties. The proposed development will remove a derelict vacant site and replace it with a modern residential development.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards it will not require to be referred to the Development Services Committee as there would be no significant breach of Council policy.

Alan Neish

Head of Planning, Development and Building Standards

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, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this 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 it is a larger application which accords with the East Ayrshire Local Plan and is of area significance.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site extends to approximately 1485 square metres in area and comprises a vacant building and its curtilage. The site was previously used as a garage, which closed a number of years ago. The site is surrounded to the north, south and east by dwellinghouses. Immediately to the south of the application site there is a 4-storey flatted development built in the 1970s while to the east of the application site on the other side of Dean Street there is a similar 3-storey flatted development, also constructed in the 1970s. To the north of the application site there are single storey and one-and-a-half storey traditional dwellings and to the west of the application site there is vacant ground.

2.2 **Proposed Development:** Full planning permission is sought for the erection of 12 two-bedroom flatted dwellings. The proposed building is of a contemporary design, with an integral pend giving access to 20 car parking spaces, open space and bin storage facilities to the rear. To the northern boundary of the application site the building is 2 storeys in height, rising to 3 storeys to the centre of the building and rising again to 4 storeys in height to the southern boundary of the site adjacent to the existing 4 storey flatted dwellings. Materials proposed are the use of a slate substitute tile and off-white smooth render. The proposed flats above ground floor with a frontage to Dean Street have balconies with recessed balconies proposed on the fourth floor flats.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division, have no objections to the proposed development subject to conditions regarding re-surfacing of the footway, sightlines, the discharge of surface water and keeping Dean Street free of dirt, mud and materials arising from the works.

The requirements of the Roads Division can be addressed by attaching suitably worded conditions to any grant of planning consent.

3.2 East Ayrshire Council's Environmental Health and Waste Management Division have no objections to the proposed development but have advised that due to the site's usage as a petrol filling station and garage, the potential for soil contamination cannot be ruled out. A full site investigation is required in line with PAN 33 to assess the risk of exposure to contaminants in the soil (if present) to key receptors.

The requirements of Environmental Health can be addressed by attaching a condition to any grant of planning consent regarding a full site investigation in terms of contamination matters.

3.3 East Ayrshire Council's Trading Standards Petroleum Officer has advised that the site was previously a retail filling station until its closure in 1980. There were 3 tanks recorded as being on site, all installed in 1960. The tanks were steam cleaned on 10 April 1980 but there is no record on file to state if the tanks were infilled with any type of material on site.

The underground tank manholes can still be clearly seen on the left side of the existing forecourt. There are 5 underground manholes positioned here.

There is a further manhole positioned on the right of the forecourt. This also contained an earth infill; investigation should be carried out in this area to establish if another underground tank is located here.

Before any de-commissioning works begin on site the appointed specialist contractor should send in a site specific risk assessment and safety method statement for the removal of all underground tanks and pipework on site.

The requirements of the Petroleum Officer can be addressed by attaching a suitably worded condition to any grant of planning consent.

3.4 Scottish Water and Blackwater SAC (formerly Transco) have not responded to their consultation letter at the time of writing this report.

Noted.

3.5 Scottish Environment Protection Agency (SEPA) have no objection and have advised that surface water should be treated in accordance with the principles of SUDS.

The requirements of SEPA with regard to SUDS can be addressed by attaching a condition and notes to any grant of planning consent.

3.6 The North West Kilmarnock Community Council have no objections to the proposed development.

Noted.

4. REPRESENTATIONS

4.1 There are no objections to the proposed development.

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 are 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 (1999) and the Adopted East Ayrshire Local Plan (EALP).

Ayrshire Joint Structure Plan (AJSP)

5.2 The proposed development does not raise issues of a strategic nature.

East Ayrshire Local Plan

5.3 Policy RES 4 encourages the sympathetic residential development of gap, infill or other re-development sites which are to be assessed against the four stated 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;
- (iv) Compliance with the Council's Development Promotion and Design Guidance.

The proposed development is considered to accord with Policy RES 4 as it is compatible with the surrounding housing and uses. The proposed development respects the differing storey heights from the northern boundary of the application site where the adjoining dwellings are single or one-and-a-half storeys in height

to the southern boundary of the application site where the adjoining flatted dwellings are 4 storeys in height. The Roads Division have not raised any adverse comments. Other consultees have not raised any adverse comments in terms of infrastructure provision. The development has also been assessed against the Council's Design Guidance in Section 5.4 below and it is considered to be consistent with this Guidance.

5.4 Policy ENV 7 requires developers to comply with the Council's Design Guidance. The Design Guidance requires that house design of infill sites recognises and reflects the scale, design features, density and materials of surrounding buildings and reflects and respects the built form of the surrounding area so as to integrate with existing buildings. The height and position of houses should not have an oppressive, overshadowing or visually intrusive impact on neighbouring properties.

It is considered that the proposed development accords with Policy ENV 7 and the Design Guidance as the development has been designed and sited to minimise its impact on adjacent residential properties whilst being compatible with the surrounding area in terms of its height and design.

The proposed flatted dwellings are not visually intrusive nor will they have an overbearing or oppressive impact on adjoining dwellings.

5.5 The applicant has been asked to contribute to the Sports, Leisure and Recreation Fund in terms of Policy TLR5 of the EALP. They have not responded to this request to date.

5.6 The proposed development accords with Policy RES 22 as sufficient amenity open space has been provided for the development.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultations which are detailed in Section 3 of the report and the planning history of the site.

Consultations Received

6.2 The consultations have been fully addressed in Section 3 of the report. It is not considered that any aspects of the consultation responses raise any issues that would warrant the refusal of this application.

Planning History

6.3 Outline planning permission (02/0758/OL) for residential development was granted planning consent on 21 February 2003 on the same site as the present application under consideration.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report the application is considered to be in accordance with the Development Plan. Therefore given the terms of Sections 25 and 37 of the Town and Country Plan (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

8.2 As indicated at Section 6 of the report there are material considerations relevant to this application and they are supportive of the development. The consultation responses received have no adverse comments to make in relation to the development. It is considered that the development is of an appropriate size, scale and design that is compatible with the character of the surrounding area. The development has been designed and sited to minimise its impact on the amenity of adjacent properties. The proposed development will remove a derelict vacant site and replace it with a modern residential development.

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, Development and Building Standards it will not require to be referred to the Development Services Committee as there would be no significant breach of Council policy.

Alan Neish
Head of Planning, Development and Building Standards

20 June 2005
(BD/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Adopted East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan.
6. Planning Application Nos. 02/0758/OL

Anyone wishing to inspect the above papers please contact Barry Douglas on 01563 576770.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0327/FL

Site of Proposal:	64 Dean Street KILMARNOCK
Nature of Proposal:	Proposed Erection of 12 No. 2-Bedroomed Flatted Dwellings and Demolition of Existing Garage
Name & Address of Applicant:	Jackson Dun developments Ltd 51 Main Street WEST KILBRIDE KA23 9AW
Name & Address of Agent:	Mr M Hickey Inkdesign 1/1 14 Grantley Gardens GLASGOW G41 3PZ

DPOs Reference: (BD/MMM)

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

1. All of the car parking spaces shown on the site plan hereby approved shall be formed prior to the occupation of any of the residential units to which this permission relates.

REASON To ensure that the required car parking facilities exist within the site in order to discourage residents parking vehicles on the public road.

2. Prior to any work commencing on site, details and samples of all external finishes shall be submitted to and approved in writing by the Planning Authority and thereafter shall be implemented on site as approved. These details shall include the use of either natural slate or a good quality slate substitute tile, the use of either stone or facing brick and render and modern materials such as timber cladding and metal work.

REASON In the interests of visual amenity.

3. Notwithstanding the submitted plans and prior to any work commencing on site details and samples of the proposed design and materials of the windows shall be submitted to and approved by the Planning Authority and shall be implemented on site as approved.

REASON In the interests of visual amenity.

4. No development shall begin on site with the exception of the site investigative works until a scheme to deal with the contamination arising from the long term usage of the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:

- i) The nature, extent and type(s) of contamination on the site;
- ii) A site specific risk assessment of all relevant pollutant linkages;
- iii) Remedial measures to treat/remove contamination to ensure the site is fit for the use of proposed use;
- iv) Measures to deal with unsuspected contamination discovered during construction works;
- v) Condition of the site on completion of de-contamination measures;
- vi) Details of measures to remove all pipes, interceptor and underground storage tanks on site as a filling station use and remedial measures to fill the ground levels facing their removal.

REASON In the interests of public safety.

5. Before any residential unit is occupied the measures to de-contaminate the site shall be fully implemented as approved by the Planning Authority.

REASON In the interests of residential amenity.

6. On completion of the remedial works approved under the terms of Condition 3 above, and prior to any of the residential units being occupied, the developer shall submit a report which will be approved in writing by the Planning Authority confirming that the works have been carried out in accordance with the remediation plan.

REASON To provide verification that remediation of contamination has been carried out in accordance with the remediation plan.

7. A landscaping scheme for the amenity open space areas and the boundary of the site shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented not later than the next appropriate planting season after the occupation of the first residential property. The scheme shall include details of the maintenance arrangements and the landscaping shall thereafter be maintained in accordance with these details.

REASON To ensure that the site is adequately landscaped and is subsequently maintained in the interests of residential and visual amenity.

8. Before any work commences on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved in writing by the Planning Authority. The Sustainable Urban Drainage System shall thereafter be formed and maintained on site in accordance with the approved details prior to the occupation of any of the residential units.

REASON To ensure that adequate drainage is provided.

9. During the period of construction works, the developer of the site shall ensure that adequate and continuing measures are taken to ensure that roads and footpaths adjoining the site are maintained free from mud and other material carried from the site by construction and any other vehicles.

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

10. The development hereby approved shall be undertaken without detriment to neighbouring residential properties by virtue of noise, dirt or general disturbance.

REASON In the interests of amenity and to prevent such established amenity being adversely affected.

11. No external construction work, site clearance or preparation works shall take place before 08.00 hours and after 17.00 hours on Mondays to Fridays, before 8:00 hours and after 13:00 hours on Saturdays, nor at any time on Sundays.

REASON In the interests of residential amenity.

12. Notwithstanding the approved plans, details of the provision for the storage of refuse bins and the treatment of these areas shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on site and implemented on site as approved prior to the occupation of any residential units. These details shall take cognisance of the storage needs of the Council's three bin re-cycling system.

REASON To ensure adequate access to and treatment of bin storage accommodation provision in the interests of the amenity of the area.

13. No burning of waste or other materials shall take place on site at any time.

REASON In the interests of the amenity of the area.

14. Notwithstanding the submitted plans details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site and shall thereafter be implemented as approved.

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

15. Notwithstanding the submitted plans, details of the treatment of the northern, southern and western boundaries of the site shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented as approved prior to the occupation of any residential units.

REASON In the interests of visual and residential amenity.

NOTES:-

1. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.
2. The applicant should ensure that prior to development commencing on site, they have secured agreement from Scottish Water regarding the suitability of all proposed drainage connections and the suitability of the existing infrastructure to accommodate such connection.
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 arrangements 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. SUDS shall be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.

**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.**