

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 02 JUNE 2006

**06/0257/RM: RESIDENTIAL DEVELOPMENT OFF B7064 ADJACENT
MOORFIELD ROUNDABOUT MOORFIELD, KILMARNOCK
BY ROBERTSON HOMES LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Reserved Matters permission is sought for the erection of 75 dwellinghouses.

The development comprises the following components:

- 8 semi-detached houses of 2 storey in height of 3 bedroom accommodation;
- 9 detached houses of 2 storey in height of 3 bedroom accommodation;
- 41 detached houses of 2 storey in height of 4 bedroom accommodation;
- 5 detached houses of 2½ storey in height of 5 bedroom accommodation ;
- 12 detached houses of 2 storey in height of 5 bedroom accommodation;
- Materials of the dwellings comprise grey roof tile, the use of buff re-constituted stone to front elevations with white roughcast and buff or red facing brick;
- The proposed dwellings are sited in 4 cul-de-sacs with six dwellings fronting onto the distributor road;
- Boundary treatment includes the use of feature screen walls and timber screen fencing.
- Landscaping details include a 5 metre landscape strip adjacent to Annanhill Golf Course and landscaping to the front of the site adjacent to the distributor road.
- A future northerly footpath link.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report the application is 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.

3.2 As indicated in Section 6 of the report there are relevant material considerations. The concerns of the objector are noted however they are not considered to be of sufficient weight to justify a recommendation of refusal. Environmental Health have indicated that they would be unable to investigate complaints of noise from industrial premises which have been pre-existing for a considerable period of time without previous history of complaint. Onus is placed on the house builder to advise prospective purchasers of the noise environment surrounding the development and that Environmental Health would take no action in response to complaints unless the nature of the activity of the adjacent industrial premises changes to a significant degree.

3.3 The proposed development meets the terms of the outline planning permission, the general terms of the associated Legal Agreement and Policies RES 22 and ENV 7 of the Adopted EALP. The proposed development will add to the amenity of the area, by providing a range of modern housing of different sizes to meet housing demand. The landscaped wildlife corridor adjacent to Annanhill Golf Course will complement and enhance the 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 reserved matters application which is to be considered by the Local Planning Committee under the scheme of delegation as it is subject to objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a site area of 10 acres. Outline planning permission was granted on 01 August 2003 for residential development. The outline site was split into 4 main areas - Site A, B1, B2 and C and includes details of a linear park, distributor road, SUDS ponds and landscaping. This present application relates to Site B1.

2.2 The site is agricultural land and is bounded to the north by derelict land, and Annanhill Golf Course to the south by the distributor road landscaping and SUDS pond and Site C presently being developed by Bellway Homes, to the west by the proposed linear park existing industrial premises and to the east by Annanhill Golf Course and Site B2.

2.3 **Proposed Development:** Reserved Matters permission is sought for the erection of 75 dwellinghouses.

The development comprises the following components:

- 8 semi-detached houses of 2 storey in height of 3 bedroom accommodation;
- 9 detached houses of 2 storey in height of 3 bedroom accommodation;
- 41 detached houses of 2 storey in height of 4 bedroom accommodation;

- 5 detached houses of 2½ storey in height of 5 bedroom accommodation ;
- 12 detached houses of 2 storey in height of 5 bedroom accommodation;
- Materials of the dwellings comprise grey roof tile, the use of buff re-constituted stone to front elevations with white roughcast and buff or red facing brick;
- The proposed dwellings are sited in 4 cul-de-sacs with six dwellings fronting onto the distributor road;
- Boundary treatment includes the use of feature screen walls and timber screen fencing.
- Landscaping details include a 5 metre landscape strip adjacent to Annanhill Golf Course and landscaping to the front of the site adjacent to the distributor road.
- A future northerly footpath link.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no objections and have recommended that the mineshaft adjacent to Plots 29-30 will require the developer to submit stabilisation proposals prior to the commencement of building works on site.

The requirements of the Roads Division can be addressed by attaching a condition to any grant of planning permission.

3.2 Scottish Water have advised that the developer should consider utilising a SUDS system with regard to the treatment of surface water.

Two SUDS ponds are proposed for the overall residential development and this development will utilise this SUDS system.

3.3 Each Ayrshire Council's Environmental Health and Waste Management Section have no objections subject to noisy work on the site during construction being restricted to 8.00 am to 7.00 pm Monday to Friday, 8.00 am - 1.00 pm on a Saturday and no noisy work on a Sunday. Particular cognisance should be paid to the close proximity of residences in the area. Noise from the works during construction should be at such a level as will not cause annoyance or detriment to the amenity of the area. With regard to the adjacent industrial premises, they have advised that they would be able to investigate complaints of nuisance arising from noise at McMillan Rome's premises only where activities at that site

changed significantly from the existing, for example, where the factory began to operate a night shift. The developer should be fully appraised of this and be placed under an obligation to make prospective purchasers aware of this situation.

The requirements of Environmental Health with regard to hours of construction and noise levels can be addressed by attaching conditions to any grant of planning consent. It is considered that the hours of construction should be restricted to after 08:00 hours and before 17:00 hours Monday to Friday, after 08:00 hours to 13:00 hours on a Saturday and no work on a Sunday which are standard hours of construction applied to other development sites in East Ayrshire including the adjacent Bellway housing site. With regard to any noise nuisance generated from the adjacent industrial premises, this is addressed in response to section 4.2 below.

3.4 Health and Safety Executive, Scotland Gas Networks and Grange Howard Community Council have no adverse comments to make regarding the proposed development.

Noted.

3.5 Scottish Power have an operational substation and/or underground apparatus and/or overhead lines within the area of the proposals.

A note can be attached to any grant of planning permission advising the applicant to make early contact with Scottish Power regarding their apparatus in the area.

3.6 East Ayrshire Council Outdoor Amenities have concerns regarding some trees within the site. They advise that a number of trees will become too big for their location and medium sized upright growing trees which will not become too tall or grow too wide should be planted. All of the trees should be bare stemmed 12 – 14 cm girth and rootballed. BS 5837 (2005) sections 10, 13 and 14 which give recommendations on new plantings should be adhered to.

The advice of Outdoor Amenities can be addressed by attaching a condition regarding the submission of detailed landscaping proposals within the application site.

3.6 SEPA have confirmed that site control SUDS has been agreed for the site which consist of wetland ponds and filter trenches for roads. They recommend the use of porous surfacing for dwellings. Construction works associated with the development must be carried out with due regard to SEPA's guidelines on avoidance of pollution.

The SUD's system for the overall development has been approved by a separate planning permission. The advice of SEPA regarding the surfacing of driveways can be addressed by the materials proposed for the driveway. With regard to the advice of SEPA relating to construction works a note can be attached to any grant of planning permission.

4. REPRESENTATIONS

4.1 There is one objector to the proposed development and their grounds of objection are as follows:-

4.2 Their site is within close proximity to Site B1 and their engineering activities generate an unavoidable high level of noise and depending on their work load they are often required to work late evenings, weekend and at times night shift. Given the nature of their operations and working requirements, if this development proceeds it would lead to confrontation with residents.

The applicant has carried out a noise assessment of the adjacent industrial uses and this report has been passed to Environmental Health. They have agreed that the stated noise levels are unlikely to give rise to serious concerns about noise from W McMillan Rome's premises. Environmental Health have indicated that they would be unable to investigate complaints of noise from premises which, as in this case, have been pre-existing for a considerable period of time without previous history of complaint. They recommend that the developer be required to advise prospective purchasers of the noise environment surrounding the development and that they would take no action in response to complaints unless the nature and scope of the activity at McMillan Rome's premises changes to a significant degree.

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.

Ayrshire Joint Structure Plan (AJSP)

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

East Ayrshire Local Plan

5.3 The principle of residential development on this site has been established with the approval of the outline planning consent no. 03/0313/OL and therefore it is not necessary to assess the principle of this residential development application against the policies of the EALP.

5.3 Policy RES 22 requires the minimum private open space criteria and standards to be met of 100 square metres per dwellinghouse.

A design brief which forms part of the legal agreement associated with the outline permission and covering this site, requires that all 4-5 bedroom houses have a minimum of 150 square metres of rear garden ground which is above the standards required by Policy RES 22. 75% of all 4-5 bedroom dwellinghouses met this requirement of 150 square metres of rear garden ground and 4 metre gable to gable distances and 80% of the 4-5 bedroom houses comply with at least one of these criteria.

5.6 Policy ENV 7 expects all developers to fully comply with the Council's Design Guidance document. The Design Guidance requires that all development is based on good design practice and incorporates sensitive design features in keeping with good design principles. A sense of place should be created using distinctive housing designs, good use of the natural features of the development site and the formation of new attractive open space and public amenity features through sensitive landscaping and parking. Housing layouts shall include a variety of house types of differing sizes suitable for a wide range of households. The height and position of houses must not have an oppressive, overshadowing or visually intrusive impact on neighbouring properties.

The applicant has submitted a design statement which states that the development proposals for the site are a direct response to the design brief which forms part of the legal agreement for the site to create a high quality residential development with a distinctive pleasant environment and homes to be proud of. The approach to the site is via the new central spine road along the edge of the landscaped SUDS pond. A new T-junction forms the entrance to the site with the houses close to this being accessed from secondary roads/driveways parallel to the main access road to create an open atmosphere. Curved entrance feature walls of reconstituted stone delineate the site entrance and create a welcoming gateway. The remaining length of frontage to the access road is defined by a low level reconstituted stone wall with planting to the rear. A 5 metre wide wildlife corridor is positioned along the boundary to

Annanhill Golf Course which provides a pleasant green perimeter to the development. The first contact with the site at the south west corner is heavily planted to provide a natural start to the housing area. Throughout the site, landscaped pockets are placed in front of gable fencing facing onto the street helping to soften these edges.

There is a mixture of 3/4/5 bedroom detached and semi-detached houses with all types chosen from the high quality end of the applicant's range to reflect the importance of the site. The materials are to be kept uniform throughout the site with a single colour of render. The street frontage benefits from varying roof heights, bay windows, a mix of roof eaves and gable features due to the range of house types. These combine to present a rich and interesting frontage to all roads. Elevational treatment is traditional in nature with high quality materials used to enhance this character. Quality reconstituted stone and facing brick, white render and grey concrete roofing tile with feature reconstituted stone lintels and mock lead canopies assist to create a pleasant distinctive residential development of real quality.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation replies and representation received detailed in Sections 3 and 4 of the report and the site's planning history.

Consultations and Representations Received

6.2 The consultations and representations received have been fully addressed in Sections 3 and 4 of the report. It is not considered that the consultees have raised any adverse comments. With regard to the concerns of the objector, the advice of Environmental Health addresses their concerns and is fully detailed in Section 4.2.

Planning History

6.3 03/0313/OL: Residential Development and Improved Joint Access - Land East of Moorfield Roundabout, Crosshouse Road, Kilmarnock. This outline application was approved on 01 August 2003 and included approval of a framework plan which divided the application site into 4 main sites. The present application under consideration involves Site B1 located to the north-east of the distributor road. The framework plan also identified the location and extent of public open space, the provision of two attenuation ponds, structural landscaping and the location of the main internal spine road.

6.4 A Section 75 Legal Agreement is associated with the above outline planning consent and the application site. The Legal Agreement affects this application specifically with regard to the provision, phasing and implementation of the strategic open space, strategic play area, football pitch with changing facilities and structural planting and the implementation of the design brief.

6.5 04/0848/FL: Construction of Internal Spine Road including Temporary Buffers and Installation of Foul and Surface Water Infrastructure approved on 25 October 2004. This permission gave full approval for the internal spine road and SUDS pond. The landscaping of the spine road and SUDS ponds are controlled through this permission.

6.6 05/0431/RM: Proposed Construction of Spine Access Road together with SUDS Pond and Associated Landscaping, Linear Park with Amenity Facilities, Buffer Landscape Zones, Site C with 88 no. Houses. This application was withdrawn by Bellway Homes.

6.7 05/0746/RM: Construct 85 No. Houses and Associated Landscaping and Linear Park with Amenity Facilities and Buffer Landscape Zones Site C. This application was approved on 19 August 2005 and is presently being implemented on site by Bellway Homes.

6.8 06/0286/RM: Residential development with associated roads, landscaping and SUDS pond at Site A submitted by Bellway Homes. This application for 53 detached and flatted dwellings is still being considered.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report the application is 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.

8.2 As indicated in Section 6 of the report there are relevant material considerations. The concerns of the objector are noted however they are not considered to be of sufficient weight to justify a recommendation of refusal. Environmental Health have indicated that they would be unable to investigate

complaints of noise from industrial premises which have been pre-existing for a considerable period of time without previous history of complaint. Onus is placed on the house builder to advise prospective purchasers of the noise environment surrounding the development and that Environmental Health would take no action in response to complaints unless the nature of the activity of the adjacent industrial premises changes to a significant degree.

8.3 The proposed development meets the terms of the outline planning permission, the general terms of the associated Legal Agreement and Policies RES 22 and ENV 7 of the Adopted EALP. The proposed development will add to the amenity of the area, by providing a range of modern housing of different sizes to meet housing demand. The landscaped wildlife corridor adjacent to Annanhill Golf Course will complement and enhance the residential development.

9. RECOMMENDATION

9.1 It is recommended that the application should be approved subject to the conditions indicated 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

24 May 2006
(PC/RH)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Letter of Objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. Planning Application Nos: 03/0313/OL; 04/0848/FL; 05/0431/RM;
05/0746/RM, 06/0286/RM

Anyone wishing to inspect the above papers please contact Pamela Clifford, Principal Planning Officer, on 01563 576798.

Implementation Officer: Dave Morris

060257RM

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0257/RM

Site of Proposal: Off B7064 Adjacent Moorfield Roundabout,
Moorfield, KILMARNOCK KA1 2RS

Nature of Proposal: Proposed Residential Development.

Name & Address
of Applicant: Robertson Homes Ltd
Lomond Court
Castle Business Park
STIRLING FK9 4TU

Name & Address of Agent:

DPOs Reference: PC/RH

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

1. The proposed development shall be carried out in accordance with the application form and plans submitted on 03 April 2006 as amended by the engineering layout plan drawing No. 205028-101P7, topographical survey and proposed site layout plan drawing No. KIL SITE 01M submitted on 04 May 2006

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

2. Notwithstanding the submitted plans, details and samples of all external materials to be used in the construction of the dwellings shall be submitted to and approved by the Planning Authority in writing prior to the commencement of development on site and implemented thereafter as approved.

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

3. Notwithstanding the submitted plans, details and samples of all external materials to be used in the road/footway/driveway surfaces shall be submitted to and approved by the Planning Authority in writing prior to the commencement of development on site and shall be implemented thereafter as approved.

REASON In the interests of visual amenity.

4. All future occupants of the proposed dwellings shall be made fully aware of the location of the play areas, details of the play equipment, football pitch and changing facilities, landscaped area and maintenance arrangements for these items prior to the purchase of any dwellinghouse. Details of how future occupants of the proposed dwellings are to be informed of these approved items shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented thereafter as approved.

REASON To ensure potential residents are fully aware of the location and type of the play equipment, landscaping, football pitches and maintenance arrangements in the interests of residential amenity.

5. During the period of construction works, the developer of the site shall ensure that adequate and continuing measures are taken such 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.

6. No external construction work, site clearance or preparation works shall take place before 08:00 hours and after 17:00 hours on Monday to Friday before 08:00 hours and after 13:00 hours on Saturday, nor at any time on Sunday.

REASON In the interests of residential amenity.

7. Noise from the site shall not result in the background noise level LA90 increasing by more than 3dB(A) over a one hour measurement period measured at the nearest noise-sensitive dwelling.

REASON In the interests of the residential amenity of adjacent properties.

8. Notwithstanding the approved plans, a phasing plan for the development of the residential units and completion of all roads, footpaths to final wearing surface and street signs, street lights within the reserved matters application site shall be submitted to and approved by the Planning Authority in writing prior to the commencement of development on site. The approved phasing plan shall thereafter be adhered to at all times.

REASON In the interests of road safety and residential amenity.

9. Notwithstanding the approved plans, details of all street lights and street signs shall be submitted to and approved by the Planning Authority prior to the

commencement of development on site and shall be implemented according to the phasing plan approved under Condition 8 above.

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

10. Notwithstanding the details indicated in drawing no. MOORSTD016 plans, details of the design and construction of all fences and walls including retaining 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 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.

11. Notwithstanding the approved plans, details of the proposed bin storage facilities to accommodate 3 bins shall be submitted to and approved by the Planning Authority in writing prior to the commencement of development on site and shall be thereafter implemented prior to the occupation of any dwellinghouse.

REASON To ensure adequate bin storage facilities in relation to the 3-bin re-cycling programme.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 or any order revoking and re-enacting that Order, Classes 1, 3, 4, 5 and 7 of Schedule 1 of the 1992 Order are not hereby permitted in terms of the rear curtilage of Plots 1 to 14.

REASON The proposed gardens are within the HSE exclusion zone for the Eaglesham - Kilmarnock gas pipeline.

13. No materials other than topsoil shall be brought into the site for the purposes of infilling or upraising ground levels without the prior written consent of the Planning Authority.

REASON In order to control the development of the site and materials used in the making up of ground levels.

14. Notwithstanding the approved plans, the centre area of the roundel shall be landscaped. Details of the landscaping of this area shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented in the first available planting season after the application of the final wearing surface.

REASON In the interests of visual and residential amenity.

15. Notwithstanding the approved plans, details of landscaping and the maintenance arrangements within the site approved by this permission and the area around the pylon shall be submitted to and approved by the Planning Authority prior to the commencement of any development on this site and shall be implemented prior to the occupation of the dwellinghouse to which it relates. The proposed landscaping around the pylon shall be implemented prior to the occupation of the houses within Plots 42 and 43.

REASON To ensure the landscaping and maintenance details are acceptable in the interests of residential amenity.

16. The propose footpath to the distributor road shall be implemented prior to the occupation of any dwellinghouses within the cul-de-sac to which it relates.

REASON In the interests of residential amenity.

17. Notwithstanding the submitted plans, details of the design materials and height of the proposed boundary wall adjacent to the landscaping of the distributor road shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented prior to the occupation of any dwellinghouses on the site. These details shall include the erection of a low stone wall.

REASON In the interests of visual and residential amenity .

18. Any changes in finished floor levels and road ground levels approved under condition 1 shall be notified to and approved by the Planning Authority prior to their implementation.

REASON In the interests of visual and residential amenity.

19. The proposed footpath link to the linear park shall be implemented for use prior to the occupation of any dwellinghouses on site.

REASON To allow access to the linear park from the approved development in the interests of visual and residential amenity.

20. All future occupants of the proposed dwellings shall be made fully aware of the industrial activity at McMillan Rome's nearby premises and that the pre-existing nature of these premises will be a factor in the Council's response to any future complaints raised about the impact of operations at said premises. Details of how occupants of the proposed dwellings are to be informed shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented thereafter as approved.

REASON To ensure residents are fully aware of the adjacent industrial activity in terms of noise and disturbance.

21. Notwithstanding the approved plans, details of the proposed stabilisation works to the mineshaft adjacent to Plots 29 - 30 shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented prior to the occupation of the dwellinghouses on Plots 29 and 30.

REASON In the interests of public safety.

22. The proposed future northern footpath link between Plots 21 and 22 shall be formed and completed to final wearing surface prior to the occupation of these dwellinghouses. Details of the treatment of this footpath link and its relationship to the adjacent dwellinghouses shall be submitted to and approved by the Planning Authority and shall be implemented thereafter as approved.

REASON To ensure that the footpath link is provided and is to an acceptable standard.

23. Notwithstanding the approved plans, details of the treatment of the boundary to the adjacent car park for the proposed changing facilities and football pitch shall be submitted to and approved by the Planning Authority and shall be implemented prior to the occupation of the dwellinghouses on Plots 15 and 16.

REASON In the interests of visual and residential amenity.

NOTES:-

1. It is strongly recommended that the developer advises all potential house purchasers of the presence of a main gas pipeline within the site and that there is an identified Exclusion Zone where no development can take place within this area, (see condition 12).
2. The applicant is advised to make early contact with Scottish Power, St Vincent Street, Glasgow G3 8LT (0141 567 4171) regarding their apparatus within the application site.
3. The applicant is advised to adhere to SEPA's guidelines on avoidance of pollution with regard to construction works.

**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.**