

## **EAST AYRSHIRE COUNCIL**

**DEVELOPMENT SERVICES PLANNING COMMITTEE: 13 DECEMBER 2005**

**04/1260/OL: PROPOSED DEMOLITION OF EXISTING FACTORY AND  
ERECTION OF FLATTED RESIDENTIAL DEVELOPMENT AT NELSON  
STREET BROWN STREET NEWMILNS  
BY TRAVIS HOMES LTD**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 A site plan accompanying this outline planning application indicates 39 one and a half, two and three storey flatted residential units on the site. An indicative layout for the proposal shows properties fronting on to both Nelson Street and Brown Street, Newmilns with garden ground and residents parking within the site.

#### **2. RECOMMENDATION**

**It is recommended that the application be approved subject to the conditions on the attached sheet and that the issue of the decision notice be withheld until the Solicitor to the Council has concluded with the applicant an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to secure the appropriate contribution in terms of the Sports, Leisure and Recreation Fund under policy TLR 5.**

#### **3. CONCLUSIONS**

3.1 As indicated in the report the application is not considered to be in accordance with the terms of the Development Plan. Therefore it should be refused unless material considerations indicate otherwise.

3.2 As per Section 6 of the report there are material considerations relevant to the application and it is considered that due to the reinvestment of capital revenue released by the proposal in an existing Newmilns Industry, these are of sufficient weight to merit the approval of the application.

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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### 04/1260/OL: PROPOSED DEMOLITION OF EXISTING FACTORY AND ERECTION OF FLATTED RESIDENTIAL DEVELOPMENT AT NELSON STREET BROWN STREET NEWMILNS BY TRAVIS HOMES LTD

#### 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 an outline planning application which is to be considered by the Development Services (Planning) Committee under the scheme of delegation due to the fact that the application is the subject of objections.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The U shaped 0.5 hectare application site consists of the vacant former Hood and Morton textile factory fronting onto Nelson Street, a car-park utilised by Vesuvius and a vacant two storey sandstone building onto Brown Street. The application site is bounded on Nelson Street by a 3 storey residential block and by two storey-terraced houses on Brown Street. The southern side of Brown Street, opposite the site, is mainly storey and a half houses. The site is bounded to the west by existing factory units.

2.2 **Proposed Development:** A site plan accompanying this outline planning application indicates 39 one and a half, two and three storey flatted residential units on the site. An indicative layout for the proposal shows properties fronting on to both Nelson Street and Brown Street, Newmilns with garden ground and residents parking within the site.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no objection to the proposal subject to the attachment of appropriate conditions addressing the issues of parking provision, junction sightlines, road geometry and existing residents parking. It should be noted that this may result in the requirement for a residents parking zone within the locality.

***Conditions can be attached to any grant of planning consent addressing these matters. Roads would require to promote a traffic order to secure on-street residents parking.***

3.2 East Ayrshire Council's Roads and Transportation Division (Flooding Section) are satisfied that the proposed development would not reduce the flood plain available for the River Irvine in the locality as the scheme will have a similar footprint to the existing factory building. However they recommend that conditions be attached to any grant of planning consent ensuring that the buildings are constructed in accordance with SPP7 Planning and Flooding.

***A condition can be attached to any grant of planning consent addressing these matters.***

3.3 Transco have no objection to the proposal subject to appropriate working conditions being adhered to.

***A note can be attached to any grant of planning consent addressing this matter.***

3.4 Scottish Environment Protection Agency have indicated that all foul drainage should be connected to the public sewer and they indicate that written assurance should be provided by Scottish Water confirming that the additional flow will not cause or contribute to the premature operation of the consented storm overflows.

***A condition can be attached to any grant of planning consent in relation to this matter.***

3.5 SEPA have a particular interest in pollution of controlled waters arising from any ground contamination at the site. SEPA expects that the Local Authority would require that a risk assessment be undertaken (as described in PAN 33) which should consider whether or not contaminants are entering or are likely to enter controlled waters and at what concentration.

***A condition can be attached to any grant of planning consent in relation to this matter.***

3.6 SEPA consider that the treatment of surface water should be addressed through a Sustainable Urban Drainage System.

***A condition can be attached to any grant of planning consent in relation to this matter.***

3.7 SEPA indicate that while the site is not known to flood, the Centre of Ecology and Hydrology indicative 100 years flood maps would appear to suggest

that the site lies within this flood envelope and may therefore be at risk from flooding.

***Following the submission of a flood risk assessment the Council's Roads and Transportation Division Flooding Section are satisfied that the flood envelope for the River Irvine will not be affected. A condition can be attached to any grant of planning consent in relation to this matter.***

3.8 West of Scotland Archaeology Service have indicated that lace making in Newmilns dates from 1864 and that there should be a standing building survey of the property prior to the commencement of the development.

***A condition can be attached to any grant of planning consent in relation to this matter.***

3.9 Newmilns Community Council has indicated that they object to the proposal on the following grounds:

3.10 If you look at the 'East Ayrshire Council's Strategic Plan' we are sure the site is shown for industrial development. The closing of the factory will lead to more unemployment in the community and this is more important at present than a housing development.

***The majority of the site is identified in the East Ayrshire Local Plan as a safeguarded industrial site.***

3.11 How many Council Houses are vacant in our Community; at a rough count 45 at present? Why should the Council agree to a private Company building more and thus reducing the income potential of the present stock? This developer is not saying what market he is looking at or maybe turn the community further into a ghost site by using it for a dormitory for Glasgow now that the A77 is improved.

***East Ayrshire Housing Department have indicated that there are approximately 20 vacant council residential properties (mainly flats) in Newmilns. This is not an issue that is material to the determination of this application for a different type of housing tenure. This is an outline planning application and the applicant is not required to indicate the end user group of the proposed development. The majority of the site is however identified in the East Ayrshire Local Plan as a safeguarded industrial site.***

3.12 Up to recently the house owners at the foot of Brown Street complained bitterly that the employees of Vesuvius UK. were parking at their front doors? To

alleviate this problem Vesuvius leased the corner of Brown Street and Nelson Street from Hood & Morton and built a car park for their staff. We must be very careful that we do not create insurmountable problems for this business that causes them to move their factory down south or to Europe to get nearer steel supplies and better facilities. They are at present our largest employers in the Community.

***The loss of the workers parking in the area would have a detrimental impact on the street parking facilities for the immediate residents and the factory workers in the area. However, the Council's Roads Division have indicated that a review of parking in the area would be required as part of any planning approval which may result in a residential parking scheme for the area. A condition can be attached to any grant of planning consent addressing this matter.***

3.13 Part of the site will be on Nelson Street adjacent to the river. Will the bank take the weight of such buildings?

***If the proposal was to gain planning consent all building works would be structurally assessed to conform with the requirements of Building Standards.***

3.14 East Ayrshire Council recycling requirements will mean that there are a large number of bins that need to be accommodated within the site; these will be visually unacceptable if not properly addressed.

***A condition can be attached to any grant of planning consent relating to the location and design of bin storage areas.***

3.15 We cannot have any cars parking in Brown Street as the front of the houses have reached saturation point. Also we cannot have any parked in Nelson Street as the street narrows and such a practice would prohibit vehicles from passing them.

***The Roads Division have indicated that various roads requirements in relation to junction improvements, parking provision, roads geometry and existing residents parking would need to be addressed by condition as part of any planning approval for this site.***

3.16 East Ayrshire Council's Business Development Manager indicates that there has been a reduction in the number of businesses involved in textile manufacture throughout the communities of the Irvine Valley. This has resulted in a large amount of factory accommodation becoming available and being exposed to the market. The areas of space the construction and layout of the buildings are not compatible with modern business needs and as a result, many buildings have

been on the market for a considerable time with no prospect of demand for the future use in their existing form.

The levels of rental being achieved in the area are insufficient to justify the investment required to divide and reconfigure existing buildings into smaller areas of business accommodation which are attractive to the market and which comply with all necessary regulatory standards.

***The application site has been identified in the East Ayrshire Local Plan as safeguarded industrial land for business, industrial and storage and distribution uses falling within Classes 4, 5 & 6 of the Use Classes Order.***

***It is noted that there is currently a surplus in the market place for industrial land and the style of the existing buildings is not compatible with modern business requirements.***

3.17 Scottish Water has indicated that the provision of infrastructure to serve this development is likely to be beyond reasonable cost. Therefore Scottish Water objects to the proposal. However Scottish Water has indicated that they will withdraw their objection if the developer can demonstrate that the development will not have a detrimental impact on their assets.

***This a frequent response from Scottish Water that need not prohibit development of the site, subject to the applicant securing a form of development serviced and financed to the satisfaction of Scottish Water.***

#### **4. REPRESENTATIONS**

Three letters of objection have been received in relation to this application. In addition to the views of the Community Council, three letters of support have also been received one from the applicant, one from the Darvel Improvement Group and one from Loudoun Valley Trust. The objection letters state:-

4.1 There is no indication of parking for the proposal.

***A notional parking layout is shown on the indicative layout however the Council's Roads Division have indicated that any grant of planning permission for the proposal would require to address the issues of factory workers parking, existing and proposed resident parking as well as other roads matters in the area. A condition can be attached to any grant of planning consent addressing this matter.***

4.2 The proposal will impact on our privacy.

***There is no doubt that any residential development over two storey will reduce the privacy of the objectors garden however as the proposal is an outline application this aspect cannot be fully assessed at this stage.***

4.3 Will our vehicle and pedestrian access be maintained?

***No access provision has been shown on the indicative layout to the rear of the property at Brown Street however access and egress arrangements over the site are private legal matters which the objector requires to clarify with the owners of the site.***

4.4 The large flats will interrupt our natural light.

***The outline planning application proposes three storey flats to the north of the objector's property which would be replacing an existing tall factory unit. It is considered that any proposed flats would not significantly impact on the natural light into the objector's house. However this matter would be fully assessed as part of any Reserved Matters application.***

4.5 The flats will be out of keeping with the other properties on the road.

***The design of the proposal would be fully assessed at the Reserved Matters application stage to ensure compliance with the Council's Design Guidance.***

4.6 How will I maintain my property?

***The maintenance of the objector's property is a private legal matter, which the objector requires to clarify with the owners of the site.***

4.7 How will services be provided to the site?

***It is the developers responsibility to ensure that the site can be properly serviced. This, however, would more usually be assessed in detail at the Reserved Matters stage, should consent be granted.***

4.8 Will any of the flats be for old people or for a housing association?

***The applicant has not specified and is not required to specify a user group for the development.***

4.9 In their letter of support the applicant has indicated that the proposed site has been marketed by the land owner, Morton Young & Borland (Scotland ) Ltd, in order to finance the ongoing investment and consolidation in their existing business at Stoneygate Road, Newmilns. Morton Young & Borland (Scotland) Ltd is a new company which has arisen out of the amalgamation of various business concerns within the Irvine Valley. The number of jobs currently involved at their two sites in Stoneygate Road, Newmilns and Smith and Archibald Factory, Darvel is 90 and it is these jobs which the company seek to secure by consolidating operations at the Newmilns Factory with the funds raised by the sale of Greenholm Mill (Application Site). The site has been marketed for industrial use however no buyers have been found. This situation is unlike many of the previous applications that have been submitted for former mill sites in the Valley as this project would involve a reinvestment of finance within the Irvine Valley. If the proposal goes ahead and the Darvel factory became vacant, it could be utilised as a heritage visitor centre building for lace making.

***It is considered that the proposal does not accord with the requirements of Policy W4 of the Ayrshire Joint Structure Plan and Policy IND5 of the East Ayrshire Local Plan as the site is an identified safeguarded industrial site. However, it is noted that the owners of the site indicate that the money raised from the sale of the site would be utilised in the consolidation of the existing factories into the Stoneygate Road factory. With regard to the proposed use of the Darvel building this matter would require to be the subject of a separate planning application and legal agreement, and therefore is not relevant to the determination of this proposal.***

4.10 Darvel Improvement Group are supportive of the proposal as it may help to consolidate the lace industry in the Irvine Valley and may create the opportunity to set up a lace heritage museum in Darvel museum.

***The support of the proposal is noted however the proposal does not include the provision of a lace heritage.***

4.11 Loudoun Valley Trust indicate that the industrial area of Stoneygate Road, beyond Vesuvius, provides adequate opportunity for further industrial development and attraction of industry. In deed there are both vacant and redundant buildings still in this location, which suggests a lack of demand and interest for industrial and commercial uses locally.

***Noted.***

## **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that 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).

#### Ayrshire Joint Structure Plan

5.2 Policy W4 of the Ayrshire Joint Structure Plan indicates that local plans will identify, review and maintain an adequate supply of local industrial land to meet future needs and seek to review surplus industrial land for other uses.

***The application site is identified in the East Ayrshire Local Plan as safeguarded industrial site and as such should be retained to accord with the aims of the Structure Plan.***

#### East Ayrshire Local Plan

5.3 Policy IND 5 of the East Ayrshire Local Plan indicates that the Council will safeguard those established industrial areas as shown on the Local Plan Maps for Business, Industrial and Storage and Distribution uses falling within Classes 4,5,and 6 of the Use Classes Order.

***The majority of the application site is identified as a safeguarded industrial site within the Local Plan maps of the East Ayrshire Local Plan (adopted in April 2003). Therefore the proposal to change the use of the site from industrial to residential would not accord with the requirements of the Local Plan and Structure Plan. However it is noted that the applicant has submitted information to show that similar sites in the area have also been marketed over a number of years and that no written offers have been received for them. The Business Development Manager also supports the proposal as there is an over supply of redundant industrial premises.***

5.4 Policy TLR5 of the Adopted Local Plan confirms that developers will be requested to enter into an agreement with the Council to make contributions to the provision of appropriate leisure and recreational facilities in the local area.

***The applicant has indicated that they are willing to make the appropriate contribution to the SLR5 fund.***

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

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representations received and the impact on the amenity of the area.

## Consultation Responses

6.2 While the Community Council consultation is not supportive of the proposal the majority of the consultation responses raise various matters which can be addressed through the attachment of conditions to any grant of planning permission.

## Representations

6.3 The objections received have been summarised in Section 4 of the report and are not supportive of the application, although in many respects they touch on issues more usually addressed at the Reserved Matters stage or through the attachment of appropriate planning condition to any grant of consent. The site owner indicates that the release of capital revenue from the sale of the site would allow for a reinvestment in the existing business which is located in the Irvine Valley thus safeguarding the employment of 90 individuals.

## Impact on the amenity of the area

6.4 It is noted that the introduction of residential units into this designated industrial area of Newmilns may lead to the erosion of the industrial land within the town. However it is considered that the area of industrial land is not suitable in its current condition to meet the needs of modern industry. It is also considered that the proposal will release a capital revenue for the site owners which they intend to reinvest in their existing business in Newmilns thus safeguarding 90 jobs.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial implications, for the Council in the determination of this application. A Section 75 would be required in relation to the TL5 Fund contribution.

## **8. CONCLUSIONS**

8.1 As indicated in the report the application is not considered to be in accordance with the terms of the Development Plan. Therefore it should be refused unless material considerations indicate otherwise.

8.2 As per Section 6 of the report there are material considerations relevant to the application and it is considered that due to the reinvestment of capital revenue released by the proposal in an existing Newmilns Industry, these are of sufficient weight to merit the approval of the application.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions on the attached sheet and that the issue of the decision notice be withheld until the Solicitor to the Council has concluded with the applicant an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to secure the appropriate contribution in terms of the Sports, Leisure and Recreation Fund under policy TLR 5.**

**Alan Neish  
Head of Planning, Development and Building Standards**

05 December 2005  
(CSI/RH)

041260OLNelsonStreetBrownStreetNewmilnsRH

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).

Anyone wishing to inspect the above papers please contact Craig Iles, Senior Planning Officer on 01563 576772.

***Implementation Officer: Alan Neish***

041260OLNelsonStreetBrownStreetNewmilnsRH

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/1260/OL

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Site of Proposal: Former Hood and Morton Factory & Co Ltd  
Factory  
Nelson Street/Brown Street  
NEWMILNS  
KA16 9AP

Nature of Proposal: Proposed Demolition of Existing Factory and  
Erection of New Flatted Development

Name & Address of Applicant: Travis Homes Ltd  
Balgraymill Farm  
Off Cutstraw Road  
Fenwick  
KILMARNOCK  
KA3 6BB

Name & Address of Agent:

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DPOs Reference: CSI/RH

The above OUTLINE application should be GRANTED subject to the following conditions:

1. Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby reserved.

- (a) The layout of the site;
- (b) The size, height, design and external appearance of the proposed dwellings;
- (c) The means of drainage and sewage disposal;
- (d) The provision for open space and associated maintenance arrangements;
- (e) The provision for car parking;
- (f) The boundary walls/fences to be erected;
- (g) The landscaping of the site and associated maintenance arrangements;
- (h) Existing and finished site levels/floor levels.

REASON The approval is in outline only.

2. Prior to the commencement of the development, a traffic management scheme shall be submitted to and approved in writing by the Planning Authority addressing the traffic management arrangements for the application site and the locality. Said traffic management scheme will address the relocation of existing off and on street parking, the needs of the proposed development, the needs of the adjacent industrial premises in relation to the application site and any improvements to the road network in the locality.

REASON In the interests of road safety and residential amenity.

3. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has received the prior approval of the Planning Authority and which is fully compliant with the Terms of Reference which will be issued by the West of Scotland Archaeology Service on behalf of the Planning Authority.

REASON To ensure that appropriate archaeological work is undertaken before the development commences.

4. Prior to the commencement of works 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. Prior to the occupation of any dwellinghouse within the site, the SUDS arrangement approved under the terms of this condition shall be installed and be fully operational.

REASON To ensure the provision of adequate surface water drainage within the site.

5. External construction works shall take place only between the hours of 8.00am to 6.00pm Monday to Friday and 9.00 am to 1.00 p.m. on Saturday and at no time on a Sunday.

REASON In the interests of residential amenity.

6. No development shall begin on site (with the exception of site investigative works), until a comprehensive contaminated land investigation has been submitted to, and approved in writing by, the Planning Authority. The investigation shall be conducted in line with BS 10175: 2001 Code of Practice for "*The investigation of potentially contaminated sites*" and will contain details of proposals to deal with contamination (if present) to include:

? The nature, extent and type(s) of contamination on the site;

- ? A site specific risk assessment of all relevant pollutant linkages;
- ? Remedial measures to treat/remove contamination to ensure the site is fit for the use proposed;
- ? Measures to deal with unsuspected contamination discovered during construction works.

REASON To ensure potential risks arising from previous site uses have been fully assessed.

7. If the application is approved, under the terms of Condition 4 above, and prior to any further site development, the developer shall submit a report, confirming that the remedial works have been carried out in accordance with the remediation plan.

REASON To provide verification that remediation of the site has been carried out in accordance with the remediation plan and to the Authority's satisfaction.

8. Prior to the commencement of the development a flood risk assessment in accordance with SPP7 Planning and Flooding shall be submitted to and approved by the Planning Authority. Said flood risk assessment shall detail the flood risk to the development site and adjacent properties of the existing watercourse and any proposed works to said watercourse. Details of said works to the watercourse and the flood risk assessment shall be submitted to and approved in writing by the Planning Authority prior to the commencement of the development on the site.

REASON To ensure the proposed development will not create a flood risk to the other properties or be at risk itself.

9. Notwithstanding the approved plans, details of the provision to be made 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.

#### NOTE

1. The developer shall make contact with Scotland Gas Networks (95 Kilbirnie Street, Glasgow, G5 8JD, Tel: 0800 111 999) with regards to excavation works on or near to a gas main.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
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