

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 16 FEBRUARY 2007

**05/1146/FL: PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING
THREE TERRACED HOUSES AND SIX FLATS AND THE DEMOLITION OF
THE HOUSE AT 19 TITCHFIELD STREET, GALSTON
BY STRATHMORE HOLDINGS**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposal involves the demolition of the house at No.19 Titchfield Street and the erection of nine residential units. The scheme has been altered from the original submission and now comprises three terraced houses and a two storey block of six flats. It is proposed that the properties be finished in a roughcast with plain grey concrete tiles. The proposal also includes the provision of an access lane leading to a rear car park containing 12 spaces and access points to the properties at 5 and 7 Gas Lane.

2. RECOMMENDATION

2.1 **It is recommended that the application be approved subject to the conditions indicated on the attached sheet and that the issuing of the planning decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal agreement with the applicants in respect of a financial contribution to the TLR5 fund, as referred to in paragraphs 5.6 and 7.1 of the report.**

3. CONCLUSIONS

3.1 As stated in the report the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 of the report there are material considerations relevant to the application however, it is considered that these are not of such significant weight as to merit refusal of an application whose implementation will successfully complete the frontage to Titchfield Street.

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 the application will not require to be referred to the Development Services Committee because such a decision would not represent a significant departure from 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.

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 16 FEBRUARY 2007

05/1146/FL: PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING THREE TERRACED HOUSES AND SIX FLATS AND THE DEMOLITION OF THE HOUSE AT 19 TITCHFIELD STREET, GALSTON BY STRATHMORE HOLDINGS

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 planning application which is to be considered by the Local Planning Committee under the scheme of delegation, since it has been subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site relates to a gap site on the northern side of Titchfield Street and the adjoining property at No. 19 Titchfield Street, including its rear garden area. To the north, the site abuts the rear gardens of the detached properties in Gas Lane and Bowling Green Lane. To the east and west, the site abuts the rear gardens of the terraced properties on Titchfield Street. On the opposite side of Titchfield Street, to the south of the site, it faces onto traditional terraced properties.

2.2 **Proposed Development:** The proposal involves the demolition of the house at No.19 Titchfield Street and the erection of nine residential units. The scheme has been altered from the original submission and now comprises three terraced houses and a two storey block of six flats. It is proposed that the properties be finished in a roughcast with plain grey concrete tiles. The proposal also includes the provision of an access lane leading to a rear car park containing 12 spaces and access points to the properties at 5 and 7 Gas Lane.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division advise that they have no objections to the latest amended proposals.

Noted.

3.2 East Ayrshire Council Roads and Transportation Division, Flooding Section advise that the flood study of the area by the consultants preparing the Galston Flood Prevention Scheme indicates that the site will be unaffected by flooding during a 1 in 200 year flood event, therefore, there are no objections to the proposals relating to flooding.

Noted.

3.3 East Ayrshire Council's Environmental Health Section offer the following :

- a) Demolition work should be undertaken in accordance with the relevant Code of Practice and all demolition wastes disposed of to the satisfaction of the waste regulatory authority.
- b) Demolition and subsequent site construction works should not cause any nuisance to existing occupiers in the vicinity through dust, smoke or noise.
- c) With regard to the last mentioned point any potentially noisy site working should be restricted to normal day shift operation Monday to Friday, and exclude Saturday afternoon and Sunday.

“The eastern part of this site was formally occupied by Valley Motors garage and petrol filling station, therefore the potential for soil contamination from this activity cannot be ruled out”.

The Section advise that a full site investigation is required in line with PAN33 to assess the risk of exposure to contaminants in the soil to key receptors. The Petroleum Officer has advised that 2x4000 gallon underground storage tanks were possibly removed from this location but this cannot definitely be confirmed. Any subsurface tanks and associated pipe work should be removed prior to any site investigation taking place. They advise that standard contaminated land conditions should be applied to the application.

The developer has submitted a Ground Investigation Report which Environmental Health have accepted. The remaining matters raised can be dealt with through the imposition of planning conditions and notes on any planning consent.

3.4 Scottish Water formally object to the proposal, however, the objection can be deemed to be withdrawn if the Planning Authority attaches relevant conditions relating to the following points:

“No development shall commence until evidence is exhibited to this Planning Authority that an agreement has been reached by the applicant with Scottish Water for the provision of a drainage and/or water scheme to serve the development.

There are currently constraint issues at the wastewater network system in the area. Therefore, Scottish Water objects to this application. Scottish Water will however, remove the objection if the developer can demonstrate that the

development will not have an impact on our assets, or that suitable infrastructure can be put in place to support the development.

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water supports the principal of a Sustainable Urban Drainage System (SUDS) and the developer should consider utilising this in the surface water drainage design. It is important to note that Scottish Water will not adopt surface drainage systems that require the flows to be pumped.

The developer should write to our Planning and Development Services Department, to discuss whether the existing water supply may need upgrading in view of the alterations proposed in this application.”

Planning conditions and advisory notes can be attached to any grant of planning consent to address these matters.

3.5 Scottish Environment Protection Agency (SEPA) have no objection in principle to the proposal, however have asked that the developer address the following issues;

Foul drainage, surface water, domestic water issues, waste issue, contaminated land and construction works issues.

These matters can be addressed through the imposition of the appropriate planning conditions and notes to any planning consent.

3.6 The Architectural Heritage Society of Scotland consider the materials to be inappropriate given the location and would expect to see timber sash and case windows and slate roofs, or at least good quality substitutes.

Only a small part of the site lies within the Outstanding Conservation Area. The use of UPVC windows is acceptable in general terms, although with improved millwork definition being secured by conditions. Appropriate roofing materials can also be conditioned.

3.7 West of Scotland Archaeological Service advise that there are no known archaeological issues raised by the proposal.

Noted.

3.8 Galston Community Council raised no objections to the proposal.

Noted.

4. REPRESENTATIONS

Five Letters of objections have been received to this proposal. The objectors raise the following concerns;

4.1 Concern have been expressed about the size, scale, setting and number of units proposed on this site and that the proposal is overdevelopment and contrary to the character and appearance of the Conservation Area.

The consent granted in 2000 was for a similar number and scale of development on the site. It is considered that this proposal, with the terracing along the frontage and the flats leading into the site, does respect the character and appearance of the surrounding area, whilst presenting a viable development for the site, which has remained vacant for many years.

4.2 The proposal is considered to be overdevelopment given the number of units proposed and as the flats fail to achieve the amenity ground sizes required.

The number and size of the units are considered acceptable and do not create an over developed appearance to the site. In terms of the open space provision, Schedule 4 of the Local Plan does allow the Council discretion to relax these standards where considered appropriate. In this case, it is considered that given the location of the site within Galston and as the site has remained undeveloped for many years, this relaxation is acceptable to facilitate redevelopment of the site.

4.3 A number of concerns have been raised regarding loss of access to neighbouring properties and possible difficulties this may cause for emergency vehicles and deliveries.

The question of access through the site to neighbouring properties is a private legal matter between the parties concerned and not a material planning consideration. However, it is proposed to re-impose a similar condition to that on the 2000 consent, to keep clear any established rights of access through the site during construction.

4.4 The height of the proposal, particularly the flatted element will create an unacceptable loss of light and overshadowing to the neighbouring properties.

Given the orientation of the development and the nature of the adjoining properties, it is not considered that the development will significantly affect any neighbouring properties.

4.5 Concern has been expressed that the provision of a pathway next to No.11 Titchfield Street could result in anti-social activities occurring in this area, to the detriment of the amenity of the neighbouring properties.

The provision of a pathway helps provide a degree of separation to the existing properties on Titchfield Street and provide the residents of the flats with an alternative access. The developer has shown the provision of a gated access at this point, therefore, it is unlikely any anti-social activities will occur in this area.

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 (EALP).

Ayrshire Joint Structure Plan

5.2 With regard to the Ayrshire Joint Structure Plan Policies ADS3 and G1 are relevant to this proposal. Policy ADS3 indicates that new residential development shall be located within settlements as defined by Local Plans.

The proposal accords with the requirements of this policy.

5.3 Policy G1 indicates that three Ayrshire Council's shall, in providing for new development, give priority to the use of land within existing settlements.

The proposal accords with the requirements of this policy.

East Ayrshire Local Plan

5.4 Policy RES1 encourages and supports the residential development of those Development Opportunity Sites identified for housing purposes on the individual Local Plan maps and reserves them for residential and associated recreational and amenity open space development.

The principle of housing development at this location is acceptable in planning policy terms as the site is identified as residential development opportunity site 106H.

5.5 Policy RES22 requires all developers to observe the minimum standards for the provision of private open space detailed in Schedule 4 of the Local Plan.

The proposed development does meet the Council's minimum private open space standards for the houses within the layout. There is a slight reduction in the open space for the flats, however, given the location of the site this is considered acceptable and the policy allows an element of discretion in this regard.

5.6 Policy TLR5 states that the Council will request all potential developers of residential sites comprising four or more houses, to enter into a Section 75 Agreement with the Authority for contributions towards the provision of appropriate leisure and recreational facilities within the area to which the development relates.

The applicants have indicated that they are willing to make a contribution to the TLR5 fund.

5.7 Policy ENV4 seeks to ensure that all development within or affecting the setting of a Conservation Area or affecting the appearance or setting of a Listed Building, is sympathetic to the area or building concerned in terms of its layout, size, scale, design, siting, materials and colour finish. The policy also states that development proposals should seek to preserve, enhance or incorporate features, which contribute positively to the character or appearance of the area and have due regard to the architectural and historic qualities of the area or building concerned.

The majority of the site lies adjacent to the boundary of Galston Outstanding Conservation Area and, as such, the design must be to an acceptable standard. The proposed design is considered to be acceptable in this location and with the use of appropriate conditions the materials and styles proposed will be compatible with all the surrounding properties.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the letters of representation, the planning history and the impact on the amenity of the area.

Consultation Responses

6.2 The consultation responses are detailed in Section 3 of the report and do not indicate that the application should be refused.

Representations

6.3 The representations received have been summarised in Section 4 of the report and are not considered to be of such weight as to merit refusal of the application. The design of the proposal allows for adequate access to be maintained and the proposal is not considered to be overdevelopment.

Planning History

6.4 Planning Application KL/E/79/131/D was granted conditional planning consent for five houses by the former Kilmarnock and Loudoun District Council on 01 December 1988.

6.5 Planning Application 00/0194/FL was granted conditional consent for five terraced houses and four flats with 130% car parking on 22 December 2000.

Impact on the Amenity of the Area

6.6 It is considered that the proposed development would not have a detrimental impact on the established character or amenity of the surrounding area. The materials and design of the properties proposed subject to appropriate conditions, reflect the architectural style and character of the surrounding area. Given the present vacant and unattractive appearance of the site within the town, this appropriate redevelopment can only enhance the visual and residential amenity of this part of Galston.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 The applicant's agreement to make a contribution to the Sports, Leisure and Recreation Fund in terms of Policy TLR5, will require a formal Legal Agreement to be entered into between the Council and the applicant.

8. CONCLUSIONS

8.1 As stated in the report the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6 of the report there are material considerations relevant to the application however, it is considered that these are not of such significant weight as to merit refusal of an application whose implementation will successfully complete the frontage to Titchfield Street.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet and that the issuing of the planning decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal agreement with the applicants in respect of a financial contribution to the TLR5 fund, as referred to in paragraphs 5.6 and 7.1 of the report.

CONTRARY DECISION NOTICE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards the application will not require to be referred to the Development Services Committee because such a decision would not represent a significant departure from Council Policy.

Alan Neish
Head of Planning, Development and Building Standards

08 February 2007
(WS/RH)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Letters of Objection.
5. Adopted East Ayrshire Local Plan (2003)
6. Planning Application KL/E/79/131/D
7. Planning Application 00/0194/FL
8. Terra Tek, Report on Ground Investigation dated 21 March 2005.

Anyone wishing to inspect the above papers please contact William Stewart, Principal Planning Officer on (01563) 578165.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/1146/FL

Site of Proposal: Vacant land between 11 & 21 Titchfield Street Galston KA4 8AP

Nature of Proposal: Proposed Demolition of No. 19 Titchfield Street and construction of 8 dwellings (3 houses and 6 flats)

Name & Address of Applicant: Strathmore Holdings
116 Strathmore Road
GLASGOW

Name & Address of Agent: Daly Planning & Design
58 Gartmore Road
PAISLEY
PA1 3NQ

DPOs Reference: WS /RH

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

1. No houses or flats shall be occupied until the access road and car-parking area are completed to basecourse level and any necessary drainage system has been installed. Thereafter, the final wearing surfaces shall be completed prior to the occupation of the last two flats on site.

REASON In the interests of highway safety and residential amenity.

2. Notwithstanding the submitted plans, samples of all external materials, including roofing material, entrance doors and window bands shall be submitted to and agreed in writing by the Planning Authority prior to any work commencing on site, and thereafter implemented as approved.

REASON In the interests of the visual amenity of the surrounding area.

3. Notwithstanding the submitted plans, the use of plain grey concrete roof tiles and double windows, not having a smooth rendered central mullion, is not hereby approved. The details to be submitted further to condition 2 above shall allow for the use of a slate substitute tile replicating in terms of thickness and apparent surface dimensions the appearance of natural slate. Where double windows are used, they shall be separated by a rendered mullion whose forward face aligns with and is on the same surface plane as the forward face of the respective window band.

REASON In the interests of visual amenity.

4. There shall be access available through the site to the properties in Gas Lane at all times during the construction phase. Such access shall be free from obstruction and open to vehicular use at all times.

REASON To maintain access to adjacent properties.

5. During construction the applicant/developer 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 materials carried from the site by construction and any other vehicles.

REASON In the interests of road safety and the amenity of the surrounding area.

6. Construction works and deliveries to the site shall only take place between the hours of 08:00am and 6:00pm Monday to Friday, 08:00am to 1:00pm on a Saturday and at no time on a Sunday.

REASON In the interests of the amenity of the surrounding area.

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

REASON To ensure that adequate drainage is provided.

8. Following submission of the Ground Investigation Report dated 21 March 2005 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 any remediation plan.

REASON To provide verification that remediation of the site has been carried out in accordance with remediation plan and ground investigation report.

9. A landscaping scheme showing number, species and sizes together with the intended maintenance regime, shall be submitted to and agreed in writing by the Planning Authority prior to any work commencing on site. The approved scheme shall be implemented in the first planting season following occupation of the first house and maintained thereafter as agreed.

REASON In the interests of the amenity of the surrounding area.

10. Prior to any works commencing on site, the developer shall confirm in writing to the Planning Authority that they can achieve all the necessary connections to Scottish Water's infrastructure.

REASON To ensure satisfactory water and drainage connections for the development.

NOTES

1. The applicant is advised to contact Scottish Water, prior to commencing any works on site, to discuss connections to the public network.

2. The applicant is advised to contact the Council's Roads and Transportation Division prior to commencing any works on site, to ensure he has all the necessary permits and/or consents.

3. Demolition work should be undertaken in accordance with the relevant Code of Practice and all demolition wastes disposed of to the satisfaction of the waste regulatory authority.

4. Demolition and subsequent site construction works should not cause any nuisance to existing occupiers in the vicinity through dust, smoke or noise.

**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.**