

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 18 FEBRUARY 2005**

**04/1022/OL PROPOSED RESIDENTIAL DEVELOPMENT  
AT FORMER BONFAB FACTORY WEST DONINGTON STREET DARVEL  
BY CARLETON HOUSE LTD**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 The proposal aims to gain outline planning permission for residential use of the site. The proposal would result in the removal of all the redundant factory buildings on the site. No specific number of houses has been stated.

**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 under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the financial contribution to the TLR5 fund, as referred to in paragraphs 5.5 and 7.2 of the report.**

**3. CONCLUSIONS**

3.1 As indicated 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. As indicated in section 6 of the report there are material considerations relevant to the application however it is not considered that these are of such significant weight as to merit the refusal of the application.

**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 substantial 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.

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NORTHERN AREA LOCAL PLANNING COMMITTEE:18 FEBRUARY 2005

### 04/1022/OL PROPOSED RESIDENTIAL DEVELOPMENT AT FORMER BONFAB FACTORY WEST DONINGTON STREET DARVEL BY CARLETON HOUSE 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 Local Planning Committee under the scheme of delegation, as it is subject of an objection and is likely to exceed 10 units in number.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is the former Bonfab Factory unit located on the corner of West Donington Street and Burn Road, Darvel. The 1.02hectares application site is bounded to the east by residential units and by the higher ground of the former Irvine Valley railway line to the north. The factory buildings remain on the site at present.

2.2 The surrounding area contains a mix of industrial and residential properties. The southern side of West Donington Street opposite the application site contains a haulage yard , a pipe works, as well as a residential flatted block. The western side of Burn Road opposite the site contains several industrial uses.

2.3 **Proposed Development:** The proposal aims to gain outline planning permission for residential use of the site. The proposal would result in the removal of all the redundant factory buildings on the site. No specific number of houses has been stated.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have no objection to the proposal provided any subsequent housing development takes full account of existing accesses on West Donington Street and Burn Road. In addition, traffic calming may be required as part of any reserved matters application this to be implemented on adjoining roads prior to the occupation of the proposed residential units. The drainage of the proposed development should take account of the need for Sustainable Urban Drainage Systems.

***Appropriate planning conditions can be attached to the grant of any planning permission for this development addressing these matters.***

3.2 Scottish Water indicated that they object to the proposal due to the costs of providing infrastructure to serve the development being outwith Scottish Water's Reasonable Cost obligations in terms of the Sewerage (Scotland) Act 1968. Scottish Water have indicated that they would remove their objections if the applicant either A) bears the cost of the increase in capacity of Scottish Waters existing infrastructure to accommodate their development and/or B) promotes a scheme that does not compromise the quality and quantity of discharge from the existing sewerage system and which is in terms satisfactory to Scottish Water.

***A note can be attached to any grant of planning permission informing the applicant of Scottish Water's position.***

3.3 East Ayrshire Council Environmental Health and Waste Management Section have indicated that they have no objection to the proposal provided appropriate conditions addressing the potential contamination issues of developing a former textile manufacturing site are attached to any grant of planning permission. With regard to the impact of existing industrial units on the residential amenity of the proposed development, any possible complaints against the existing industrial units thereafter would largely depend on the seriousness of the problem. Any measurements would be weighted to take cognisance of the long established nature of the business, but there would be limitations as to how far this weighting could be extended and ultimately there might in the worst circumstances be a case to answer.

***Appropriate planning conditions can be attached to the grant of any planning permission for this development addressing contamination issues.***

3.4 Darvel Community Council have not responded in relation to the proposal.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 One letter of representation as been received from a Haulage firm located adjacent to the site. Said letter indicates that they have concern that house purchasers buy a property in the full knowledge of surrounding businesses only to complain at a later date that they are there. This may present potential problems relating to the future renewal of our Company's Operating Licence.

***The Council's Environmental Health Section indicate above that the requirement for action in relation to a complaint would largely***

***depend on the seriousness of the problem. Any measurements would be weighted to take cognisance of the long established nature of the business, but there would be limitations as to how far this weighting could be extended and ultimately there might in the worst circumstances be a case to answer.***

## **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 (2003).

### Ayrshire Joint Structure Plan.

5.2 There are no structure plan policies directly relevant to this application.

### East Ayrshire Local Plan

5.3 Policy IND8 states that proposals for alternative uses of land or premises currently or formerly used for industrial purposes shall be considered acceptable subject to a set of three criteria being met, as follows:

- (i) the proposed use not being detrimental to surrounding established uses;

***It is considered that housing development will not be detrimental to surrounding uses which are mixed use in nature.***

- (ii) the proposal meeting with the requirement of all other relevant Local Plan policies; and

***The proposal accords with the other relevant policies of the Local Plan.***

- (iii) the existence of alternative industrial or business land or premises with potential for future employment use within the settlement concerned.

***There is alternative industrial land available within the settlement of Darvel.***

5.4 Policy RES4 states that, within Settlement Boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or

other redevelopment sites, including those sites created through the large scale demolition of existing housing, not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed against a set of four stated criteria, as follows:

- (i) impact on the surrounding natural and built environment and adjacent uses;

***It is considered that the development of the site for residential purposes will not adversely impact on the surrounding natural and built environment and adjacent uses.***

- (ii) transportation and infrastructure implications;

***The Consultees do not raise any significant transport or infrastructure issues for the development, (the developer would have to address the provision of appropriate foul drainage).***

- (iii) compatibility with surrounding densities and housing types; and

***The application is in outline only and there are no details of proposed house types. An indicative plan has been lodged but this does not form part of the application.***

- (iv) compliance with the Council's Development Promotion and Design Guidance.

***The application is in outline only and there are no details of proposed house types or design details submitted for approval at this time. Any subsequent application for the development site would require to comply with the Council's design guidance.***

5.5 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 he wishes to contribute a fixed sum of £ 10,000 to the TLR5 fund.***

5.6 In conclusion it is considered that the proposal is in accordance with the Development Plan.

## **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 The consultation responses 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.

### Impact on the amenity of the area

6.4 The circumstances of the site are such that it is considered that the proposal can be accommodated, subject to the attachment of appropriate planning conditions to any grant of planning consent, with no detriment to the area.

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

7.1 There are no financial implications for the Council in determining this application.

7.2 The applicants agreement to make a contribution to the Sports, Leisure and Recreation Fund in terms of Policy TLR 5 will require a legal agreement to be entered into between the Council and the applicant under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997. The applicant has confirmed his preparedness to submit a fixed sum of £10,000:00.

## **8. CONCLUSION**

8.1 As indicated 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. As indicated in section 6 of the report there are material considerations relevant to the application however it is not considered that these are of such significant weight as to merit the refusal of the application.

## **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 under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the financial contribution to the TLR5 fund, as referred to in paragraphs 5.5 and 7.2 of the report.

### **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 substantial departure from Council Policy.

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

9 February 2005

CSI/IMB

FV/DVM

### **LIST OF BACKGROUND PAPERS**

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

***Implementation Officer: Dave Morris***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/1022/0L

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Site of Proposal: Former Bonfab Factory  
West Donington Street  
DARVEL

Nature of Proposal: Proposed Residential Development

Name & Address of Applicant: Carleton House Ltd  
11 Grange Place  
KILMARNOCK  
KA1 2AB

Name & Address of Agent: Munro Architects  
23 Portland Road  
KILMARNOCK  
KA1 2BT

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DPOs Reference: CSI/IMB

The above OUTLINE application should be approved 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 dwellinghouses;
  - (c) The means of drainage and sewage disposal;
  - (d) Details of the access arrangements;
  - (e) The provision for open space and associated maintenance arrangements;
  - (f) The provision for car parking;
  - (g) The boundary walls/fences to be erected;
  - (h) The landscaping of the site and associated maintenance arrangements;
  - (i) Existing and finished floor levels/ground levels.

REASON The approval is in outline only.

2) 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:

- (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 proposed.
- (iv) Measures to deal with unsuspected contamination discovered during construction works;

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

3) Under the terms of Condition 2 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 has been carried out in accordance with the remediation plan and to the Authority’s satisfaction.

4) No development shall commence on site until road Traffic calming has been agreed by the Planning Authority and subsequently been provided to adjoining roads all to the satisfaction of the Planning Authority.

REASON In the interest of Road Safety.

5) Any development of the application site shall take account of the existing vehicle access points on the adjacent roads.

REASON In the interest of Road Safety.

6) Further to condition 1 (c) above, a Sustainable Urban Drainage System (SUDS) to treat and minimise surface water run-off within the site shall be developed in accordance with plans to be submitted to and approved by the Planning Authority and to the requirements of the Scottish Environment Protection Agency (SEPA). The SUDS system shall be in place prior to the occupation of any of the houses.

REASON In order to facilitate the disposal of surface water run-off as a result of the development.

7) Permission is hereby granted in outline only and the "site plan as proposed", (-) 01A, is not approved.

REASON The application is only in Outline and the indicative details shown on this drawing are not considered an appropriate development solution.

**Note:**

The applicant should make early contact with Scottish Water (35 Glenburn Road, Prestwick, KA9 2NS, Tel 0845 601 8855) to discuss the issue of the connection to the public sewerage system which they have indicated is outwith their "reasonable cost" legislations.

**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.**