

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 20 JANUARY 2006

**05/0842/FL 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 seeks full planning permission for residential development on the site with associated traffic calming to West Donington Street and Burn Road. The proposal aims to provide 32, two storey semi-detached houses and a single detached house and incorporates a play area and landscaped areas within the scheme. The proposal provides houses fronting onto both Burn Road and West Donington Street, Darvel.

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 the financial contribution to the TLR5 fund, as referred to in paragraphs 5.5 and 7.1 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, and assuming any refusal is not based on the principle of residential

development, 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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Report by Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation, as it is subject of objections and it exceeds 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 1.02 hectares 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 have been removed from the site.

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 seeks full planning permission for residential development on the site with associated traffic calming to West Donington Street and Burn Road. The proposal aims to provide 32, two storey semi-detached houses and a single detached house and incorporates a play area and landscaped areas within the scheme. The proposal provides houses fronting onto both Burn Road and West Donington Street, Darvel.

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 relating to the traffic calming and the 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 however will remove their objection if the developer can demonstrate that the development will not have a detrimental impact on their assets or that suitable infrastructure can be put in place to support the development.

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

3.3 East Ayrshire Council's 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 Scottish Environment Protection Agency have no objection to the proposal however would offer the following comments. All foul drainage from the site should be connected to the public sewer and written confirmation from Scottish Water should be provided confirming that the additional flow from the development will not result, cause or contribute to the premature operation of consented storm overflows and that sufficient capacity exists at the receiving waste water treatment works to adequately treat any increase in foul drainage.

A note can be attached to any grant of planning permission bringing this matter to the attention of the developer.

A risk assessment should be carried out assessing the contamination of the site and its effects on controlled waters.

Surface water from the proposal development shall be treated in accordance with the Ciria Guide for Sustainable Urban Drainage Systems.

Conditions can be attached to any grant of planning consent relating to these matters.

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

Noted.

4. REPRESENTATIONS

Three letters of objection have been received in relation to this matter.

4.1 A 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. A condition should be attached to the planning permission requiring a wall to be erected along West Donnington Street to reduce the noise impact of the business on the houses.

The Council's Environmental Health Section indicate 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 be a case to answer.

It is not considered appropriate in terms of the streetscape to erect a boundary wall along the West Donnington Street elevation of the proposed housing site.

4.2 A second letter of objection received from an individual indicates that they do not want the road altered outside their house as this may result in the bridging of the damp proof course and lead to damp problems for the property. The noise from large vehicles going over speed humps will cause noise and vibration detracting from the enjoyment of their house.

The Roads Division would ensure that any proposed road works were appropriately authorised and supervised and therefore they should not have a detrimental impact on any adjacent property. In relation to the speed humps it is considered that providing the vehicles are adhering to the appropriate speed limits the noise and vibration from vehicle movements should not be significantly detrimental to the adjoining houses.

4.3 The third objector is Scottish Water whose views have been outlined in Section 3.2 above.

Noted.

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 RES 4 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. The proposed layout provides strong street frontages to both West Donnington Street and Burn Road.

- (ii) transportation and infrastructure implications;

The Consultees with the exception of Scottish Water do not raise any significant transport or infrastructure issues for the development, the developer would have to address the provision of appropriate foul drainage connection.

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

The proposal aims to provide semi detached two storey units which are compatible with the adjacent housing types .

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

The proposed development complies with the design requirements of the Council's Design Guidance.

5.5 Policy RES19 requires all housing developers to provide areas of recreational and amenity open space in their developments to the indicative basic standards set out in Schedule 3 of the Local Plan. The policy states also that the precise type, size, location and design of the open space required is dependent on the extent of existing open space provision in the vicinity and the recreational and amenity needs of the wider area.

Schedule 3 of the East Ayrshire Local Plan states that for a development of over 30 units, 300 sq m of open space must be provided for every 10 houses. To meet this requirement, the proposal therefore requires to provide at least 1200 sq metres of public open space.

As the applicant has agreed to delete plot 33 from the proposal in favour of public open space the proposal now provides over 1450 sq metres of public open space. It is proposed to attach a condition to the granting of any planning consent in relation to the deletion of Plot 33 from the proposal.

5.6 Policy RES 20 states that, in formulating their development proposals, developers should ensure that the provision of open space meets seven stated criteria, as follows:-

- (i) that areas of open space are of a size and configuration that is easily maintainable. The policy advocates that larger areas of well located, consolidated open space should be provided in preference to a series of smaller, individual areas scattered throughout the proposed

development site;

It is considered that the location and provision of open space within the development is appropriately located and designed.

- (ii) that proposed areas of open space link, wherever possible, with other areas of adjacent existing open space;

There are no existing areas of open space at the boundaries of the site.

- (iii) That the proposed areas of open space are safe and secure, overlooked if possible by adjacent properties;

The proposed open space is overlooked by several properties and is of a safe and secure design.

- (iv) that play areas, kick about areas and games pitches are provided as required by the Council's Head of Leisure Services;

The Council's Outdoor Service have no objection to the level of play equipment proposed.

- (v) that play equipment and facilities for the disabled and those with special needs are provided as considered appropriate;

It is proposed to attach a condition to any grant of planning permission addressing the type of play equipment required within the development site.

- (vi) that areas of open space are attractively planted and, where appropriate, use plant species to encourage wildlife; and

The application incorporates various areas of landscaping within the site. It is proposed to attach a condition to any grant of planning permission addressing the landscaping requirement within the development site.

- (vii) that all open spaces are provided, as appropriate, with footpaths for both access and leisure walking, linking with adjacent open spaces wherever possible.

There are no existing areas of open space at the boundaries of the site.

5.7 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 policy also allows those standards quoted to be relaxed in respect of the conversion of existing properties to flats where this can be fully justified by the developer and where considered appropriate by the Planning Authority.

The proposed development adheres to the Council's minimum 100 sq m of private garden ground for each of the proposed dwellinghouses

5.8 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 been asked to make a contribution on the basis of the TLR 5 policy mechanisms but has indicated that he wishes to contribute a fixed sum of £ 10,000 to the TLR5 fund.

5.9 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, the planning history 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.

Planning History

6.5 Outline planning application 04/1022/OL for residential development was approved by the Planning Committee on 18 February 2005, subject to a Section 75 Legal Agreement. Said Legal Agreement has not been concluded.

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 TLR 5 will require a formal legal agreement to be entered into between the Council and the applicant. 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 with the applicants in respect of the financial contribution to the TLR5 fund, as referred to in paragraphs 5.5 and 7.1 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, and assuming any refusal is not based on the principle of residential development, 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

12 January 2006
(CSI/MMM)

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).
7. Planning History.

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

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0842/FL

Site of Proposal:	West Donington Street Former Bonfab Factory West Donington Street DARVEL KA17 0AP
Nature of Proposal:	Proposed Residential Development
Name & Address of Applicant:	Carleton House Ltd Grange House 11 Grange Place KILMARNOCK KA1 2AB
Name & Address of Agent:	Munro Architects 23 Portland Road KILMARNOCK KA1 2BT

DPOs Reference: CSI/MMM

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

1. The proposed development shall be carried out in accordance with the application form received on 23 June 2005 and the amended plans received by the Planning Authority on 07 November, 08 December and 22 December 2005.

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

2. Notwithstanding the approved plans Plot 33 is deleted from the proposal and said area shall be incorporated into and utilised for public open space.

REASON To ensure that the development achieves the appropriate area of public open space.

3. 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.

4. Notwithstanding the approved plans details of all fences, walls, including entrance features and pillars, within the development shall be submitted to and approved in writing by the Planning Authority prior to the commencement of the development and implemented thereafter as approved. All rear garden fences shall be 1.8 metre high.

REASON In the interests of residential amenity

5. A landscaping scheme including the treatment of the boundary of the site/areas for public open space/play areas and means of enclosure of these areas, shall be submitted to and approved in writing by the Planning Authority prior to commencement of any development, and shall be implemented not later than the next appropriate planting season after completion of the houses. The scheme shall include details of the provision to be made for the maintenance of soft and hard landscaped areas, and shall be maintained thereafter in accordance with these details.

REASON To ensure that adequate provision of public open space is provided, to an adequate standard, and that it is subsequently maintained, in the interest of residential and visual amenity.

6. Notwithstanding the plans hereby approved written details and samples of all external materials to be used on the houses shall be submitted to and approved in writing by the Planning Authority prior to the commencement of the development. Thereafter only the approved materials shall be utilised within the development.

REASON In the interests of visual amenity.

7. Prior to the commencement of the development details of the play equipment within the agreed play area and its subsequent maintenance shall be submitted to and approved in writing by the Planning Authority. Thereafter said approved play equipment shall be installed to the satisfaction of the Planning Authority prior to the occupation of the first dwellinghouse on site.

REASON In the interests of residential amenity.

8. 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.

9. No development shall commence on site until Road Traffic calming has been agreed by the Planning Authority and has subsequently been installed prior to the occupation of the first dwellinghouse to adjoining roads all to the satisfaction of the Planning Authority.

REASON In the interest of Road Safety.

10. 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.

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

REASON In the interests of residential amenity.

12. Prior to the commencement of the development details of the type and position of security fences shall be submitted to and approved in writing by the Planning Authority.

REASON In the interests of residential amenity.

13. Prior to the commencement of the development details of the type and position of security and site lighting shall be submitted to, and approved in writing by, the Planning Authority.

REASON

NOTE TO APPLICANT:-

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.**