

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 10 JUNE 2005

**05/0265/OL: PROPOSED OUTLINE APPLICATION FOR RESIDENTIAL
DEVELOPMENT (13 FLATS)
AT 6-8 BROWN STREET, STEWARTON, KA3 5AW
BY LPM LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The application is for outline permission only and therefore no details have been submitted in respect of design, scale materials etc. The applicant does indicate that the site is for 13 flats. The applicants have advised that they are willing to contribute towards the Council's Sports, Leisure and Recreation Fund to be secured by an appropriate legal agreement.

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 matters detailed in paragraphs 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 and therefore should be approved unless material considerations indicate otherwise.

3.2 As per Section 6 of the report there are material considerations relevant to the application however it is not considered that these are of sufficient weight to merit the refusal of the application given the application of appropriate conditions and the applicants acceptance of a legal agreement as detailed in Section 7 above.

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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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, due to the fact that the application is subject of objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located on the site of a former public house at 6-8 Brown Street, Stewarton. The public house has been vacant since January 2004. The site is accessed from Brown Street and covers an area of 0.10 hectares. The land that surrounds the site is occupied by a mixture of small scale retail units and residential properties, with the exception of the vacant former Kuwait garage site to the north on Brown Street.

2.2 **Proposed Development:** The application is for outline permission only and therefore no details have been submitted in respect of design, scale materials etc. The applicant does indicate that the site is for 13 flats. The applicants have advised that they are willing to contribute towards the Council's Sports, Leisure and Recreation Fund to be secured by an appropriate legal agreement.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no objection to the application subject to appropriate roads conditions relating to access, sightlines of 2.5 metres x 70 metres, work required to the footway over the frontage of the site and parking standards.

Appropriately worded conditions can be attached to any grant of planning permission for the proposed development to ensure that the roads issues within the site are addressed.

3.2 Scottish Power have raised no objections in principle to the proposed development

Noted.

3.3 Scottish Water objects to the proposal given that the cost of providing infrastructure to serve the development is likely to be beyond Scottish Water's "reasonable cost". However they have indicated that they are willing to remove their objection if the applicant can demonstrate that the development will not have an impact on Scottish Water's assets, or that suitable infrastructure can be put in place to support the development.

A note can be attached to any grant of planning consent addressing this matter and promoting appropriate discussions between the developer and Scottish Water.

3.4 The Scottish Environment Protection Agency (SEPA) have not responded in relation to the application.

Noted.

3.5 The Architectural Heritage Society of Scotland have raised no objection in principle to the re-development of this site but give full support to a sympathetically well designed replacement building.

Noted.

3.6 West of Scotland Archaeology Service have not responded in relation to the proposal.

Noted.

3.7 Stewarton and District Community Council offer no real objections to the proposal however comment that the site has potential for a more community based use rather than more housing.

Noted.

3.8 The Coal Authority offer no adverse comments.

Noted.

3.9 East Ayrshire Council's Education Department have no objections to the proposal however indicate that they cannot guarantee school provision at the local schools for the children from this proposed development.

In the event that local schools cannot accept children, they would be transferred to the nearest school with spaces available.

4. REPRESENTATIONS

Two letters of representation have been received in relation to the proposal. The objections are detailed as follows:-

4.1 The proposal would cause an unacceptable level of noise, pollution and disruption to an area in close proximity to residential properties, with the construction phase taking approximately nine to twelve months. Construction work has been ongoing at a site in Avenue Square for approximately six months and has caused a significant level of chaos, noise and inconvenience.

Noise and pollution complaints during the construction of the development are matters that should be brought to the attention of the East Ayrshire Council's Environmental Health Service however the Council could impose a condition restricting the hours of construction on the reserved matters or full application. The construction work in relation to the site in Avenue Square is not relevant to the consideration of this application.

4.2 There are too many new houses being built in Stewarton where every vacant site in Stewarton is being developed for residential use.

The current application seeks to utilise a brown field site in Stewarton and the applicant has submitted evidence that efforts were made to market the site for a commercial use (see section 5 of this report).

4.3 Impact on the water supply, sewerage works and school capacity.

The matter in relation to water supply and sewerage treatment will require to be resolved at the time of a full application between the applicant and Scottish Water. East Ayrshire Council's Education Department do not object to the proposal and advise that if the catchment area school is full, pupils will be re-directed to alternative locations.

4.4 There is a lack of recreational facilities in Stewarton.

The applicants are willing to contribute towards the Council's Sports, Leisure and Recreation Fund which will be used in itself, or to lever in external funding to meet identified deficiencies in sport, leisure and recreational facilities.

4.5 The proposal will be too close to the boundary wall at 21 Avenue Square and will impact on the privacy of this property.

The application is in outline only and no details have been submitted at this stage in relation to proximity to neighbouring properties. Such details will be assessed on receipt of any detailed application.

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 related to the assessment of this application.

East Ayrshire Local Plan

5.3 Policy RTC11 encourages and supports the reuse of vacant properties formerly in Schedule 5 use and the redevelopment of gap or infill sites within town centres for appropriate similar Schedule 5 uses. The re-use of such properties or the redevelopment of the land to an appropriate residential or other alternative use not included in Schedule 5 will be acceptable only where two stated criteria can be met, as follows:

- i) it can be demonstrated, to the satisfaction of the Council, that an appropriate use falling within the Classes described in Schedule 5 cannot be found; and

The applicant has submitted letters to confirm that no purchasers could be found for the public house given its poor state of repair and that there is a significant amount of competition in Stewarton. It is accepted that a similar appropriate Schedule 5 use could not be found.

- ii) the proposed use of the property is sympathetic to the character and amenity of the area concerned.

Housing use at this location is considered to be sympathetic to the character and amenity of the area concerned.

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 principle of housing at this location would have minimal impact on the surrounding natural and built environment.

- (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 water infrastructure).

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

The application is in outline only therefore no detailed design has been submitted.

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

The application is in outline only and there are no details submitted for approval at this time. Any subsequent application for the development site would require to comply with the Council's Design Guidance. However, it is considered that there would be merit in requiring that any development of the site was confined to two or two and a half storeys in height in the interests of visual amenity.

5.5 The applicant has been requested to confirm a contribution to the Leisure and recreation fund under Policy TLR5 of the Adopted East Ayrshire Local Plan.

The applicant has indicated that they would be willing to make a contribution to the TLR5 Fund at the requested level of 1% of construction costs.

In conclusion it is considered that the proposal is in accordance with the provisions of 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 of the site 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 proposed residential use for the site is considered sympathetic to the character and amenity of this area as detailed with no detriment to the area.

Planning History

6.5 There are no previous planning applications submitted for the site.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 The applicant has agreed to enter into a legal agreement with the Council in regard to a contribution in terms of Policy TLR5.

8. CONCLUSIONS

8.1 As indicated in the report the application is considered to be in accordance with the terms of the Development Plan and therefore should be approved unless material considerations indicate otherwise. Control should be exercised over the height of any development in the interests of visual amenity.

8.2 As per Section 6 of the report there are material considerations relevant to the application however it is not considered that these are of sufficient weight to merit the refusal of the application given the application of appropriate conditions and the applicants acceptance of a legal agreement as detailed in Section 7 above.

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 matters detailed in paragraphs 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, 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

01 June 2005
(GC/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

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

Anyone wishing to inspect the above papers please contact Gillian Craig on 01563 576769.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0265/FL

Site of Proposal: 6-8 Brown Street
Stewarton
KILMARNOCK KA3 5AW

Nature of Proposal: Proposed Outline Application For Residential
Development (13 Flats)

Name & Address of Applicant: LPM Ltd
220 Ayr Road
Newton Mearns
GLASGOW G77 6DR

Name & Address of Agent: MGP Architects
Cathcart House
20 Cathcart Street
AYR KA7 1BJ

DPOs Reference: 05/0265/OL

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 under mentioned matters hereby reserved.
 - (a) The layout of the site;
 - (b) The size, height, design and external appearance of the proposed building(s);
 - (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. Access to the private car park for the development shall be constructed in accordance with fig 5.6 of the Roads Development Guide.

REASON In the interests of road safety.

3. Notwithstanding the submitted plans the visibility splay areas of 2.5 metres by 70 metres shall be provided at the junction of the access to the development with the public road with no obstruction to visibility greater than 1 metre in height being allowed within these areas.

REASON To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.

REASON In the interests of road safety.

4. The existing public footway over the frontage of the development shall be reconstructed to an adoptable road standard prior to occupation of the flats.

REASON In the interests of road safety.

5. The parking standard for the flats shall be one space per dwelling for residents and 0.5 space per dwelling for visitors.

REASON To ensure that adequate parking provision is available in relation to the approved development and thereby to secure the interests of road safety and residential amenity.

6. The details to be submitted further to condition 1 above shall allow for any development being restricted to two or two and a half storeys in height.

REASON In the interests of visual amenity.

7. Notwithstanding the details shown on the submitted plans, consent is not hereby granted in respect of the new build footprint, car parking or associated landscaping shown on the site layout/location plan.

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

NOTES TO APPLICANT

1. 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 beyond their "reasonable cost" legislations.

2. Where a pond or gap between buildings form part of the access then the ability to see pedestrians from vehicles exiting the access must be considered.
3. The applicant should contact Scottish Power (St Vincent Crescent, Glasgow, G3 8LT, Tel: 0141 567 4155) with regard to alteration or protection of apparatus within or adjacent to the site.
4. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.

**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.**