

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 16 MARCH 2007

**06/0897/OL PROPOSED RESIDENTIAL DEVELOPMENT
AT FORMER SMITH & ARCHIBALD FACTORY, WEST DONINGTON
STREET, DARVEL
BY CARLETON HOUSE LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposal seeks outline planning permission to establish the principle of residential development on the site.

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 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.

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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 to objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is the former Smith & Archibald Factory unit located on the corner of West Donington Street and Burn Road, Darvel. The rear gardens of 60-90 West Main Street front onto West Donnington Street at this location. The 1.16 hectares application site is bounded to the east by new residential units and by the higher ground of the former Irvine Valley railway line to the north. The factory buildings on the site are vacant. The surrounding area contains a mix of industrial and residential properties. An open water course (The Mathew Burn) is located on the eastern boundary of the site. The burn traverses Darvel in a north south direction and is culverted over most of its length through the town.

2.2 **Proposed Development:** The proposal seeks outline planning permission to establish the principle of residential development on 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 suspensive conditions relating to a flood risk assessment on the adjacent burn, a traffic statement addressing potential traffic calming and restrictions in relation to access to and egress from the site.

Appropriate suspensive planning conditions can be attached to the grant of any planning permission for this development addressing these matters. It should be noted that any traffic calming measures

required following assessment of the traffic statement and any flood risk works required following a flood risk assessment would require to be included in any reserved matters or future full planning applications.

3.2 Scottish Water have not responded to the proposal at the time of writing this report.

Noted.

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.

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

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

Noted.

3.5 Scotland Gas Networks advise of the presence of a gas main in the vicinity. The developer is advised to confirm the position of the mains using hand dug trail holes. No mechanical excavation shall take place in the proximity of the gas main.

Noted.

4. REPRESENTATIONS

The proposal was advertised in the Kilmarnock Standard. One letter of objection has been received in relation to this proposal. The objector raised the following concerns;

4.1 Active industrial sites should be safeguarded against this sort of development.

The application site is not an identified industrial site and therefore is not protected from development of this nature.

4.2 The railway embankment should not be removed as it is part of the local landscape and provides privacy, acts as an acoustic barrier and creates a rural environment.

The current proposal does not include the removal or alteration of the railway embankment.

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, although predominantly residential.

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

The proposal accords with 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 TLR5 of the Adopted East Ayrshire 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 upon completion of the first house.

5.5 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.

Planning History

6.4 Planning application 03/0244/FL for the use of the premises as a MOT centre with ancillary car repair and other use within the same class was approved on 20 June 2003.

6.5 Planning application 01/0695/FL for a proposed change of use and alterations to for MOT Testing Station and erection of 2.0m high fence was conditionally approved on 02 November 2001.

Impact on the amenity of the area

6.6 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 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.

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 significant departure from Council Policy.

Alan Neish
Head of Planning, Development and Building Standards

07 March 2007
CSI/RH
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 Application 03/0244/FL.
8. Planning Application 01/0695/FL.

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

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 06/0897/OL

Site of Proposal: SMITH AND ARCHIBALD FACTORY SITE
WEST DONNINGTON ST/BURN ROAD
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

DPOs Reference: <<CSI/RH>>>

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

1. Prior to the commencement of development a transport statement assessing the impact of the development on the surrounding area shall be submitted to and approved by the Planning Authority. Said transport assessment shall assess the need for traffic calming and access points onto the public highway. These requirements will be incorporated into any subsequent detailed planning application for this site.

REASON In the interest of road safety.

2. Any reserved matters/full planning application shall address the impact of the development on the adjacent water course and the associated flooding risk. Said assessment shall take account of potential floor levels of new residential development and the relationship of the development to the burn.

REASON To ensure the development does not detrimentally effect the adjacent watercourse and that the houses are constructed above any 1 in 200 year flood event level.

3. No development shall begin on site (with the exception of site investigate work), 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) the 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 contaminated discovered during construction works

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

4. Further to Condition 3 above and prior to any further site development the developer shall submit a report, confirming that the remedial work has been carried out in accordance with the remedial plan.

REASON

NOTE

1. The applicant should note that any engineering works require through the traffic assessment process will require to be the subject of a separate planning application.

2. The applicant is advised to contact Scotland Gas Networks, 95 Kilbirnie Street, Glasgow, G5 8JD (0141 418 4093) prior to commencing any works on site.

**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.**