

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 21 MAY 2004

**04/0272/FL: DEMOLITION OF EXISTING FACTORY AND ERECTION OF
4 DETACHED DWELLINGHOUSES
AT MAIRS ROAD, TEMPLE STREET, DARVEL
BY TAURUS CONSTRUCTION**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to clear the entire site and construct 4 detached dwellinghouses predominantly in the Temple Street side of the site in a cul-de-sac arrangement.

1.2 The application currently before the Committee involves an amended scheme from an earlier submission that involved development of a new house fronting Mairs Road proper. In discussing deficiencies in the design of that house with the applicant and given the promotion of a new Conservation Area in that part of Darvel, the applicant elected to delete that house and that part of the site from his current plans and proceed only with this application at this stage.

1.3 The design of the houses is detailed as being one and a half storeys in height with brick finish and concrete roofing tiles. A new turning head is detailed with adequate off street parking provided on site.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions on the attached sheet but that consent not be issued until the Solicitor to the Council has concluded an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matter detailed in paragraph 7.2 of the report.

CONTRARY DECISION NOTE

Should the Committee agree to refuse the application contrary to the recommendation of the Head of Planning and Building Standards the application will not require to be referred to the Development Services Committee as it would not constitute a significant breach of Council policy.

3. CONCLUSIONS

3.1 As indicated in section 5 of the report the application is considered to accord with the terms of the development plan and should be approved unless material considerations indicate otherwise. The relevant considerations are indicated in the report and are considered on balance to support the favourable development plan position. Chief amongst these are the use of a brownfield site within the settlement boundary of Darvel, the positive consultation responses and the ability through the amendment of the earlier application to secure at a later date an appropriate opportunity to achieve a satisfactory solution in the Conservation Area.

CONTRARY DECISION NOTE

Should the Committee agree to refuse the application contrary to the recommendation of the Head of Planning and Building Standards the application will not require to be referred to the Development Services Committee as it would not constitute a significant breach of 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 a full application for planning permission which requires to be considered by the local planning committee under the scheme of delegation as it is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The current site includes an area of unkempt land at the southern end of Temple Street and extends through to the existing vacant single storey factory that fronts Mairs Road, Darvel. In total the application site is detailed as being approximately 0.2 ha in area, is well enclosed and bounded in the main by other residential properties aside from where it abuts the local nursery school on its southeast side.

2.2 **Proposed development:** It is proposed to clear the entire site and construct 4 detached dwellinghouses predominantly in the Temple Street side of the site in a cul-de-sac arrangement.

2.3 The application currently before the Committee involves an amended scheme from an earlier submission that involved development of a new house fronting Mairs Road proper. In discussing deficiencies in the design of that house with the applicant and given the promotion of a new Conservation Area in that part of Darvel, the applicant elected to delete that house and that part of the site from his current plans and proceed only with this application at this stage.

2.4 The design of the houses is detailed as being one and a half storeys in height with brick finish and concrete roofing tiles. A new turning head is detailed with adequate off street parking provided on site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Water have advised that they have no objection to the application. They confirm that there is an existing water main adjacent to the site which may be suitable for connection.

Additionally they advise that there is a public sewerage system to which a connection can be made from the proposed development. They advise that contact should be made with their office for the relevant permissions for these connections.

Noted. These aspects can be secured by means of a note attached to a consent if the Committee are of a mind to approve the application.

3.2 East Ayrshire Councils Roads and Transportation Division have confirmed that they have no objection to the proposed details.

Noted.

3.3 East Ayrshire Council's Neighbourhood Services Department has confirmed that the east most house should be sited a minimum of 8 metres from the boundary with the house on the adjacent site on Ronaldcoup Road. This is to provide sufficient separation from a mature sycamore tree that is protected by a Tree Preservation Order.

The house has been sited to achieve the recommended distance.

3.4 The Council's Environmental Services have advised that they do not anticipate any contamination issues as a result of the demolition of the factory. They confirm that the matter of the presence of asbestos in the unit will be appropriately addressed at the stage of Building Warrant assessment

Noted.

3.5 Scottish Power ,Power Systems have advised that they have apparatus within the site and that they should be contacted prior to the commencement of work on site to discuss the scope of any necessary diversion work.

Noted. A note can be attached to any consent in this regard.

3.6 Transco have responded to the consultation in similar terms to Power Systems and a note to the same effect can be attached to the planning permission if the Committee are of a mind to approve the application.

3.7 The Coal Authority have confirmed that they do not anticipate any ground stability issue to impacting on the ability of the site to be developed on the basis of the application.

Noted.

3.8 Scottish Environment Protection Agency have advised that they have no objection to the application on the understanding that the proposal will be connected to the public sewer. They have requested that surface water from the development be treated in accordance with the principles of Sustainable Urban Drainage Systems Design Manual.

Noted. The aspect of securing a SUDS system can be addressed by means of a condition.

3.9 Historic Scotland has offered informal comments on the relationship of the house to the adjacent listed nursery on Ranoldcoup Road. Specifically they refer to views into the site from the road and aspects across the nursery.

They confirm a number of conditions which are in the main met due to the repositioning of the houses and the lower level of the site from the Ranoldcoup Road properties.

4. REPRESENTATIONS

In response to this current application one letter of objection has been received as follows:-

4.1 The proposal does not maintain the building line in Temple Street

It is considered that this aspect is not of significance given the mixed character of the housing in the area. Indeed the conclusion of the street in the manner proposed is considered appropriate.

4.2 The proposed access arrangement adjacent to the footway to Mairs Road is a cause for concern in connection with safety aspects.

The Councils Roads Division have confirmed that they are satisfied with the details put forward.

4.3 Our large Sycamore Tree could be affected by the proposed house in plot 2.

Noted. This aspect has been assessed and it is considered that the siting of the house and the lower site level will ensure that the tree

should remain unaffected. It is likely that some crown work will be required. This aspect can be secured by means of condition.

4.4 The design of the houses is not up to an appropriate standard given the location in or adjacent to the proposed new Conservation Area.

This aspect has been considered and indeed the application has been altered to reflect those discussions with the removal of the house fronting Mairs Road. The arrangement of the house and design is considered appropriate given that the character of Temple Street is so mixed and the development will not enjoy a main frontage or aspect to the Conservation Area if confirmed. Further more the design of the houses as one and a half storey assists in reducing their impact.

5. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

5.1 Section 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 provide that applications for planning permission should 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)

It is considered appropriate to assess the matter against the terms of the local plan, specifically against the terms of the following policies.

5.2 Policy IND 8 relates to proposals involving the new use of land or buildings formerly used as industrial premises.

The application has been assessed against the criteria of this policy and found to be acceptable.

5.3 Policy RES 4 relates to applications involving the redevelopment of sites within settlement boundary's.

The application has been found to accord with the terms therein in respect of design, allocation of private amenity space and impact on the built environment of the locality.

5.4 Policy ENV4 relates to design considerations for applications within or affecting a Conservation Area.

In this instance the Conservation Area has yet to be confirmed but the history of the application to date confirms that this matter has

been considered and indeed the current proposal has been amended as a result of discussions with the applicant. As discussed above in section 4 it is considered that the extent and design of this application can be supported as having no detrimental impact on the main aspects of the promoted Conservation Area.

The application is therefore considered to accord with terms of the development plan

5.5 Policy TLR 5 which provides for the final contribution to sport and leisure fund has been discussed with the applicants and they are willing to make a contribution.

6. ASSESSMENT AGAINST THE MATERIAL CONSIDERATIONS

6.1 The material considerations in respect of this application are the consultation responses and the letter of objection.

These are assessed in Sections 3 and 4 of the report respectively and on balance are not considered to raise sufficient matters to warrant the refusal of the application. Indeed the consultations are supportive of the application and the majority of the concerns raised by the objector have in the divisions view been satisfactorily addressed.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

7.2 A Section 75 agreement under the Town and Country Planning (Scotland) Act 1997 will be required to secure the funds contributed under Policy TLR5.

8. CONCLUSIONS

8.1 As indicated in section 5 of the report the application is considered to accord with the terms of the development plan and should be approved unless material considerations indicate otherwise. The relevant considerations are indicated in the report and are considered on balance to support the favourable development plan position. Chief amongst these are the use of a brownfield site within the settlement boundary of Darvel, the positive consultation responses and the ability through the amendment of the earlier application to secure at a

later date an appropriate opportunity to achieve a satisfactory solution in the Conservation Area.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions on the attached sheet but that consent not be issued until the Solicitor to the Council has concluded an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matter detailed in paragraph 7.2 of the report.

CONTRARY DECISION NOTE

Should the Committee agree to refuse the application contrary to the recommendation of the Head of Planning and Building Standards the application will not require to be referred to the Development Services Committee as it would not constitute a significant breach of Council policy.

Alan Neish
Head of Planning, Development and Building Standards

13 May 2004 (IW/SA)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Statutory notes/Certificates.
2. Letter of objection.
3. Consultation responses.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted East Ayrshire Local Plan.
6. Application 03/0999/FL.

Anyone wishing to inspect the above papers please contact Ian Walker on 01563 576769.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Site of Proposal: Temple Street/Mairs Road
DARVEL

Nature of Proposal: Proposed Demolition of Existing Factory
Building and Erection of 4 Detached
Dwellinghouses

Name & Address of Applicant: Taurus Construction
21 Smillie Place
KILMARNOCK KA2 OLY

Name & Address of Agent: Ayrshire Design
1 Hestan Place
KILMARNOCK KA3 2JR

DPOs Reference: IW/SA

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 17 March 2004 and the amended site plans received by the Planning Authority on 7 May 2004.

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

(2) Notwithstanding the plans hereby approved details/samples of the finishing materials to be used shall be submitted to and approved by the Planning Authority before any development commences on the site and thereafter implemented as approved.

REASON In the interest of visual amenity.

(3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order revoking and re-enacting that order, permitted development classes 1 and 3 of Schedule 1 of the said Order are hereby removed in relation to the application site.

REASON To enable the Planning Authority to retain control over future development on the site in the interests of residential amenity.

(4) Notwithstanding the submitted plans details of the design and construction of all boundary treatment on the site shall be submitted to and approved by the Planning Authority before any development commences on the site and thereafter implemented as approved.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

(5) Details to be submitted in pursuance of condition 3 above shall provide for the formation of a wall of minimum height of 1.8 m to the south of plots 3 and 4, said wall to be completed prior to the occupation of the final of the two plots.

REASON In the interests of visual amenity.

(6) Details of the landscaping treatment, management and timescale for completion of the area to the south of plots 3 and 4 shall be submitted for the approval of the Planning Authority and thereafter implemented in accordance with those details.

REASON In the interests of visual amenity.

(7) The road works as per the approved plans shall be completed to the satisfaction of the Planning Authority prior to the occupation of the first dwellinghouse.

REASON In the interest of residential amenity and road safety.

(8) Notwithstanding the terms of Condition 1 above, prior to the commencement of works on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved in writing by the Planning Authority. Prior to the occupation of any dwellinghouses within the site, the SUDS arrangement approved under the terms of this condition shall be installed and be fully operational.

REASON To ensure for the provision of adequate surface water drainage within the site.

(9) External construction works shall take place only between 8.00 a.m. and 6.00 p.m. Monday to Friday, and between 9.00 a.m. and 5.00 p.m. on Saturday. No such works shall be undertaken at any time on Sunday.

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

(10) Details confirming the maintenance of the existing ground level of the site and proposed floor levels of the houses shall be submitted to, for approval by, the Planning Authority and therefore be implemented in accordance with the details approved.

REASON In the interests of visual amenity.

(11) Prior to any works on site, details of any trees works to the protected Sycamore Tree overhanging the site shall be submitted for the approval of the Planning Authority. Said works shall be carried out by a qualified arboriculturalist as approved.

REASON In the interests of preserving the tree.

(12) No demolition, site clearance or building operations shall be commenced until chestnut pale fencing of a height not less than 1.2 metres has been erected across a line 7 metres from the rear boundary of Plot 2.

Such fencing shall be maintained during the course of development, and no storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed.

REASON To ensure the protection of the mature tree to the east of the site in the interests of visual amenity.

NOTES TO APPLICANT:-

1. Prior to the commencement of development on the site, the applicant should satisfy himself as to the suitability of the site for construction purposes.
2. A copy of the consultation responses received from Transco, Scottish Water and The Coal Authority are attached. The developer is strongly advised to note same and take any appropriate recommended action.
3. SEPA have advised that all drainage arrangements should be to the public sewer and consideration given to the use of Sustainable Urban Drainage (SUDS) techniques for the disposal of surface water. SEPA have further advised that any waste arising should be disposed of at a suitably authorised site. The developer is advised to contact SEPA at 2 Alloway Place, Ayr, KA7 2AA, Tel 01292 294 000, particularly with regard to confirming the

consequences, if any, of surface water drainage connection to the public sewer.

4. The applicant should make early contact with Scottish Water at their office at 35 Glenburn Road, Prestwick, KA9 2NS, Tel 0845 601 8855.
5. Following the advice in Note 4 above, the developer is advised that the Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific arrangements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA. The developer should not assume that East Ayrshire Council will undertake maintenance unless there is a site specific agreement to that effect. Where the developer makes his own maintenance arrangements, the Council will require to be convinced that these will work without impact on Council interests.
6. The applicant will require to secure the necessary Roads Construction Consent, details of which should be discussed with the Roads and Transportation Division of East Ayrshire Council.
7. The applicant should contact Scottish Power to discuss alteration/protection of their apparatus within the 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.**