

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 13 MAY 2005**

**04/1271/FL: ERECTION OF 12 NO. DETACHED DWELLINGHOUSES  
(TOGETHER WITH ALL RELATED ANCILLARY WORKS)  
AT FORMER ROWALLAN CREAMERY SITE, GLASGOW ROAD,  
KILMARNOCK  
BY DAVID WILSON HOMES**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 It is proposed to make alterations to the previous planning consent 03/0923/FL by changing the house types on 12 plots within the front section of the development. The road layout of the proposal does not alter from the original approved scheme however there are minor variations to the position of some of the residential units.

1.2 In terms of finishes, it is proposed to finish all the dwellinghouses with grey concrete roof tiles, and facing brick clad walls as per the original scheme.

**2. RECOMMENDATION**

**2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheets but that the decision notice be withheld until the Solicitor to the Council has concluded with the applicants a Minute of Variation in respect of the existing Section 75 Agreement relating to the site and addressing the matter raised in paragraph 7.1 of the report.**

**3. CONCLUSIONS**

3.1 The proposed development accords with the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

3.2 As is indicated in Section 6 of the Report, the material considerations are supportive 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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**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, due to the nature of the proposed development which comprises of 12 residential units.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The site extends to approximately 0.76 hectares and is located on the eastern side of Glasgow Road at the northern end of Kilmarnock. The site was previously occupied by buildings associated with the former Rowallan Creamery. The application site is the front section of the former Rowallan Creamery compound.

2.2 **Proposed Development:** It is proposed to make alterations to the previous planning consent 03/0923/FL by changing the house types on 12 plots within the front section of the development. The road layout of the proposal does not alter from the original approved scheme however there are minor variations to the position of some of the residential units.

2.3 In terms of finishes, it is proposed to finish all the dwellinghouses with grey concrete roof tiles, and facing brick clad walls as per the original scheme.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no objection to the proposed layout subject to the application of conditions.

*Noted.*

3.2 Scottish Water does not object to the application, supports the use of a Sustainable Urban Drainage System and clarifies that connection to their infrastructure for water supply or waste water disposal is dependent on the spare capacity at the time the appropriate applications are made to them.

***Noted.***

3.3 The Scottish Environment Protection Agency (SEPA) has stated that they have no objection in principle to the proposed development. All foul drainage from the site should be connected to the public sewer. Written confirmation should be sought from Scottish Water to ensure that the additional flow arising from this development will not cause or contribute to the premature operation of consented storm overflows and that sufficient capacity exists within the network to adequately treat the increased load.

3.4 Any planning permission granted should include a condition requiring the applicant to treat surface water from the site in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland, which was published by CIRIA in March 2000.

3.5 It is possible that previous uses at the site as a creamery may have resulted in land contamination although no details have been received relating to the site history or its condition. With regard to the National Waste Strategy Local Area Waste Plan, suitable provision should be made with regard to space for waste storage at individual properties and the development as a whole. Such provision should be in line with the Council's collection plans to address the recycling, composting, recovery, and disposal targets contained within the Area Waste Plan and implementation plan.

***All issues raised by SEPA have been addressed through the attachment of conditions to the original planning permission 03/0923/FL.***

3.6 Southcraigs Dean Community Council have not responded at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 No letters of objection have been received in relation to this 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 relevant to this application.

***Noted.***

### East Ayrshire Local Plan

5.3 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:

***The proposed substitute house types are compatible with the built environment and surrounding uses.***

- (ii) transportation and infrastructure implications;

***See comments provided in Section 3 of the Report.***

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

***The proposal is considered broadly compatible with surrounding densities and house types.***

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

***The proposed houses are considered to be appropriate in the circumstances of this site.***

5.4 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.

***As the proposed application is for the substitution of house types the issues of recreational areas and amenity open space have been addressed in the original planning permission .***

5.5 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 substitute house types are compatible with schedule 4 of the Local Plan.***

5.6 Policy IND 8 states that proposals for alternative uses of land on premises currently or formerly used for industrial purposes shall be considered acceptable subject to the following criteria: -

- (i) the proposed use not being detrimental to surrounding established uses;
- (ii) the proposal meeting with the requirements of all other relevant Local Plan policies; and
- (iii) the existence of alternative industrial or business land or premises with potential for future employment use with the settlement concerned.

***The use of the former industrial land for housing was justified in the determination of the original planning application for the residential use of the site.***

5.7 Policy TLR 5 states that the Council will request all potential developers of residential sites comprising four or more houses, to enter into a Section 75 Agreement with the Authority for contributions towards the provision of appropriate leisure and recreational facilities within the area to which the development relates. Contributions will be at a level to be agreed by the Council, based on the expected number of houses and the level of need in a particular area for particular facilities.

***The applicant entered into a Section 75 Agreement to provide a financial contribution of 1% of development costs to the Council under the terms of this policy as part of the original application. It would be appropriate for the Council to enter into a Minute of***

***Variation of the original Section 75 Agreement to ensure that the contribution requirement remained applicable to houses constructed under any new consent.***

5.8 Policy ENV 18 states that in cases where a development is proposed on land which is known or suspected to be contaminated, the Council will require the developer to investigate and identify the nature of the contamination and detail the remedial measures to be undertaken to treat or remove the contamination, as an integral part of any submitted planning application. In this regard, developers will be required to carry out a Risk Assessment of the development site as detailed in PAN 33 (revised 2000): Development of Contaminated Land, Annex 1.

***A Site Investigation Report has been submitted by the applicant and conditions were attached to the grant of the original planning permission addressing this matter.***

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and the planning history of the site.

### Consultation Responses

6.2 The consultation responses do not indicate that the application should be refused.

### Planning History

6.3 Planning application 03/0923/FL was approved for the erection of 41 houses at the site on 20 January 2005.

6.4 03/0097/FL: A full planning application for the erection of 42 no. new dwellinghouses along with ancillary works at the site was withdrawn on 12 September 2003.

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

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

7.2 The existing Section 75 Agreement relating to a contribution to the Sports Leisure Recreation Fund makes reference to the original larger application and would require to be varied to tie this consent into the same requirements.

## **8. CONCLUSIONS**

8.1 The proposed development accords with the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

8.2 As is indicated in Section 6 of the Report, the material considerations are supportive of the application.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheets but that the decision notice be withheld until the Solicitor to the Council has concluded with the applicants a Minute of Variation in respect of the existing Section 75 Agreement relating to the site and addressing the matter raised in paragraph 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**

05 May 2005  
(CSI/MMM)

FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
4. Consultation Responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).
7. Planning application reference 03/0097/FL & 03/0923/FL.

Anyone wishing to inspect the above background papers should contact Craig Iles 01563 576772.

***Implementation Officer: Dave Morris***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/1271/FL

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Site of Proposal: Former Rowallan Creamery  
Glasgow Road  
KILMARNOCK  
KA3 6AB

Nature of Proposal: Proposed Erection of 12 Detached  
Dwellinghouses Together with all Related  
Ancillary Works

Name & Address of Applicant: David Wilson Homes  
251 Springhill Parkway  
GLASGOW  
G69 6GA

Name & Address of Agent:

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DPOs Reference: CSI/MMM

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

1. Apart from where the conditions listed below require otherwise, the proposed development shall be carried out in accordance with the application form received on 24 December 2004 and the amended plans received by the Planning Authority on 21 April 2005.

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

2. The houses hereby approved shall be constructed in conjunction and accordance with the Planning Permission 03/0923/FL.

REASON To ensure the development is carried out as part of the overall approved housing development.

3. The road hump adjacent to Plot 2 is not hereby approved and shall be re-located over the driveway to that plot.

REASON In the interests of road safety.

4. The 12 houses hereby approved shall not be occupied until there has been provided an access road constructed to road base level and extending as far as the proposed turning circle located further within the wider development site.

REASON In the interests of road safety.

**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.**