

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 04 MAY 2001

**00/0462/FL: MIXED RESIDENTIAL DEVELOPMENT – 76 UNITS
FORGE STREET, KILMARNOCK
BY KLIN HOMES**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the erection of 76 residential units comprise the following house types:

- 22 flats - 2 of 1 bedroom and the rest of 2 bedroom accommodation.
- 23 semi-detached houses – 13 of 2 bedroom and 10 of 3 bedroom accommodation.
- 4 semi-detached bungalows of 2 bedroom accommodation.
- 1 detached bungalow of 2 bedroom accommodation.
- 5 detached houses of 3 bedroom accommodation.
- 21 terraced, 2 and 3 bedroom properties.

All houses are two storey in height apart from the five bungalows. Eighteen flats will be formed in a 3 storey building located in the centre of the development site. Open space will be provided both to the rear and front of these flatted units. A parking area is proposed to the front of the terraced and cottage flats adjacent to West Langlands Street together with an open space strip. A toddlers play area is proposed to the rear of the site.

1.2 Thirty-two visitor car parking spaces are provided for the development. Access to the site would be taken from Forge Street. Materials proposed are facing brick, render and concrete roof tiles.

2. RECOMMENDATION

2.1 The application should be approved subject to the conditions indicated on the enclosed sheet.

3. SUMMARY OF ANALYSIS

3.1 As is indicated at paragraph 5.2 of the report the proposed development is contrary to the industrial policies of the Adopted Local Plan. Therefore given the terms

of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be refused unless material considerations indicate otherwise.

3.2 As has been indicated in paragraph 6.3 of the report the East Ayrshire Local Plan Finalised Version with Modifications is supportive of this proposal. With regard to the development failing to meet the public and private open space standards as required by the above plan, it is considered that justification can be made in this instance due to the location of the development site, its relationship with surrounding properties and the nature of the development which would secure the removal of a derelict vacant site. Usable public open space has been provided and it contributes to upgrading the general amenity of the area.

3.3 The development would add considerably to the amenity of the area by developing a derelict vacant site and replacing it with a well designed housing development encompassing a mixture of different housing types.

Alan Neish
Head of Planning and Building Control

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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00/0462/FL: MIXED RESIDENTIAL DEVELOPMENT – 76 UNITS
FORGE STREET, KILMARNOCK
BY KLIN HOMES

Report by Head of Planning & Building Control

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 a large scale residential development of area significance which accords with the East Ayrshire Local Plan Finalised Version with Modifications.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is 2.18 hectares in area and it is the site of the former Britannia works. All buildings have been cleared and the site is presently a vacant development site. It is surrounded to the north by the main Kilmarnock to Glasgow railway line, to the south by residential and commercial properties, to the east by Parks car showroom and vacant buildings and to the west by a mixture of commercial properties.

2.2 **Proposed Development:** Full planning consent is sought for the erection of 76 residential units comprise the following house types:

- 22 flats - 2 of 1 bedroom and the rest of 2 bedroom accommodation.
- 23 semi-detached houses – 13 of 2 bedroom and 10 of 3 bedroom accommodation.
- 4 semi-detached bungalows of 2 bedroom accommodation.
- 1 detached bungalow of 2 bedroom accommodation.
- 5 detached houses of 3 bedroom accommodation.
- 21 terraced, 2 and 3 bedroom properties.

All houses are two storey in height apart from the five bungalows. Eighteen flats will be formed in a 3 storey building located in the centre of the development site. Open space will be provided both to the rear and front of these flatted units. A parking area is proposed to the front of the terraced and cottage flats adjacent to West Langlands Street together with an open space strip. A toddlers play area is proposed to the rear of the site.

2.3 Thirty-two visitor car parking spaces are provided for the development. Access to the site would be taken from Forge Street. Materials proposed are facing brick, render and concrete roof tiles.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads Division have commented that the Forge Street/West Langland Street junction should be fashioned as a mini-roundabout which can be constructed within the road boundary. In addition they require the relocation of the traffic calming at plots 72 and 73.

Both these issues can be addressed by the use of conditions.

3.2 West of Scotland Water have commented that the developer should be satisfied that relative levels are such as will allow the development to be connected at a reasonable gradient. Their permission should be sought to connect to the public sewerage system and to discuss whether diversion or protection of the public sewer is required. A totally separate drainage system will be required. Due to the excessive amount of surface run-off from the site it may be necessary to provide attenuation within the curtilage. Sustainable Urban Drainage Systems should be employed on the surface water drainage system.

A note can be attached to any planning consent if granted that the applicant makes early contact with West of Scotland Water regarding their requirements. The applicant is aware that Sustainable Urban Drainage Systems should be employed regarding the surface water drainage system.

3.3 Scottish Environment Protection Agency have no objections provided drainage arrangements are to their satisfaction. With regard to surface water run off this must not cause or contribute to the premature operation of any downstream combined sewer overflows. Due to the nature of the industries which previously occupied this site it is possible that there may be some areas of ground contamination.

The applicant is aware that the surface run off should be treated by Sustainable Urban Drainage Systems. A condition can be attached to any consent addressing site contamination investigations.

3.4 Department of Community Services: Environmental Health and Waste Management have commented that the previous industrial history of the site and the present condition of the ground surface should justify some site investigation works to ensure that there is no residual industrial contamination remaining on site. There should be investigation also of the extent to which there may be a breaking up of the existing large areas of concrete. In a previous site where there was an extensive area of concrete site works involved, the breaking up and crushing of site material as part of the site preparation works resulted in considerable complaint about noise and particularly

dust. They would ask that conditions are attached to any planning consent if granted to control noise from site activities and no dust nuisance being created from any site operations. Whilst the activities immediately on either side of the development site are more of a commercial nature and should not cause any significant noise or other problems to residents of the site, there is a possibility of occasional railway noise due to the presence of the lines to the rear of the site.

It may be pertinent for the applicants to take cognisance of the presence of the railway when planning the detail design and layout of the development.

The comments of Environmental Health regarding noise, dust and site ground conditions can be addressed by attaching conditions to any grant of planning consent. With regard to the relationship between the proposed houses along the northern boundary and the railway line, screen planting is proposed along the boundary. Furthermore any people purchasing these properties will be aware that these properties are in close proximity to a railway line.

3.5 The Coal Authority have commented that a prudent developer should seek appropriate technical advice before works are undertaken on site.

A note can be attached to any planning consent granted to advise the applicant to satisfy himself as to the suitability of the site for construction purposes.

3.6 Bonnyton & Woodstock Community Council have not responded to the consultation letter.

Noted.

3.7 Railtrack have no objections and require that a 1.8 metre high fence is provided along the mutual boundary, and trees/shrubs planted adjacent to the railway boundary. These shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Any new lighting should not dazzle train drivers. All operations including use of cranes must at all times be carried out in a 'fail safe' manner.

There is a 3 metre wall along the northern boundary of the site adjacent to the railway line. It is considered that the erection of a 1.8 metre high fence is not required along this boundary. A landscaping scheme will be required to be submitted and the comments of Railtrack regarding shrubs would be addressed at that time.

4. REPRESENTATIONS

4.1 No letters of representation have been received to the proposed development.

5. ASSESSMENT AGAINST THE 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 Adopted Ayrshire Joint Structure Plan (1999) and the Adopted Kilmarnock Local Plan (1985). The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against Policy 4.2.5. This policy only permits certain types of industrial development in those areas identified as industrial areas. Policy 4.1.5 encourages new housing development outwith defined sites where the site is an infill site that is vacant or degraded and where the use would not adversely affect or be affected by adjacent uses.

The proposed development is contrary to the industrial policies of the Adopted Local Plan. It is considered that the proposal complies with Policy 4.1.5 in that it addresses a derelict site without detriment to adjacent uses.

5.3 There is no conflict between the proposed development and the terms of the Adopted Ayrshire Joint Structure Plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principle material considerations relevant to the determination of this application are the East Ayrshire Local Plan Finalised Version with modifications, consultations received and the planning history of the site.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan Finalised Version with modifications should be considered a prime material consideration.

6.3 The site is identified as a miscellaneous opportunity site in the above plan whereby the Council will encourage and support the development of the site for appropriate residential, business, industrial or storage and distribution use.

The proposed development is consistent with the above policy.

6.4 Policy RES19 and RES22 relate to residential open space provision. Policy RES22 requires developers to observe the minimum private open space criteria and standards detailed in Schedule 4 of the Local Plan.

A significant number of terraced and semi-detached properties fail to provide the required private open space as detailed in Schedule 4 of the Local Plan. The applicant has submitted a justification of why he has been unable to meet the above standards. The width of the dwelling determines the width of the plot and he believes that if a 70 square metre garden is to be achieved for each terrace house this would mean a 17 metre long rear garden for an average 2 bedroom house. This would result in a very long thin garden which would be out of keeping with the house and the surrounding housing layout.

It is accepted that many of the terraced and semi-detached houses meet the 1.5 x ground floor area for private garden ground, however they fail to achieve the associated 70m² minimum requirement. However it is considered a relaxation to the standards may be justified in this instance due to the location of the site, the nature of the surrounding properties and the condition of the application site. The site is in close proximity to the town centre and is surrounded by a mixture of commercial and residential properties. The build form is very dense in this area. Many of the residential properties are flats which have limited garden ground. The proposed development will remove a derelict site and at the same time improve the general amenity of the area through the erection of a well designed housing layout.

6.5 Policy RES22 requires all housing developers to provide areas of recreational and amenity open space as an integral part of their development proposals and make provision for future maintenance. A development of this size would require approximately 2,250 square metres of public open space.

The proposed development fails to meet the above requirements. The applicant has made an effort to provide usable open space through the provision of a toddlers play area and by proposing landscaping along West Langland Street, the entrance road to the development, along the boundary with the railway line and in front of the proposed flats. This proposed landscaping will soften the impact of the development and improve the streetscape. It is considered that a relaxation to this policy be justified in this instance as the public open space provided is usable and integrated within the development. The development will also improve a vacant and unsightly site, which is in close proximity to the town centre.

6.6 A previous outline planning application for residential development on the same site was withdrawn on 12 April 1999.

6.7 The applicant initially objected to the site being designated as an industrial site within the East Ayrshire Consultative Draft Local Plan and proposed that the site be identified as a development opportunity comprising a variety of uses including housing. The East Ayrshire Local Plan Finalised Version with Modifications has identified the site as a miscellaneous opportunity being appropriate for residential, business, industrial or storage and distribution use. Therefore the objection to the East Ayrshire Local Plan has been resolved.

7. FINANCIAL AND LEGAL IMPLCATIONS

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

8. CONCLUSIONS

8.1 As is indicated at paragraph 5.2 the proposed development is contrary to the industrial policies of the Adopted Local Plan. Therefore given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be refused unless material considerations indicate otherwise.

8.2 As has been indicated in paragraph 6.3 the East Ayrshire Local Plan Finalised Version with Modifications is supportive of this proposal. With regard to the development failing to meet the public and private open space standards as required by the above plan, it is considered that justification can be made in this instance due to the location of the development site, its relationship with surrounding properties and the nature of the development which would secure the removal of a derelict vacant site. Usable public open space has been provided and it contributes to upgrading the general amenity of the area.

8.3 The development would add considerably to the amenity of the area by developing a derelict vacant site and replacing it with a well designed housing development encompassing a mixture of different housing types.

9. RECOMMENDATION

9.1 The application should be approved subject to the conditions indicated on the enclosed sheet.

Alan Neish
Head of Planning and Building Control

24 April 2001 (PC/MS)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Adopted Kilmarnock Local Plan.
5. East Ayrshire Local Plan Finalised Version with Modifications.
6. Planning Application No: 96/0199/OL.

Anyone wishing to inspect the above papers please contact Pamela Clifford on (01563) 576772.

Implementation Officer: Dave Morris

i:CentrallPC/000462

Form TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 00/0462/FL

Location	Forge Street KILMARNOCK KA1 2QP
Nature of Proposal	Proposed Mixed Residential Development (76 units)
Name & Address of Applicant	KLIN Homes 27 John Finnie Street KILMARNOCK KA1 1BL
Name & Address of Agent	BSP Architects 3 Claremont Place GLASGOW G3 7YR

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 and plans received on 6 June 2000 and the amended plans received by the Planning Authority on 28 July 2000, 31 August 2000, 20 & 26 March 2001.

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

2. Notwithstanding the plans hereby approved, details/samples of the external materials to be used in the construction of all houses and flats shall be submitted to and approved by the Planning Authority prior to the commencement of development.

REASON In the interest of visual amenity.

3. Details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site.

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

4. Notwithstanding the plans hereby approved, and the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, any garages associated with the development shall be of permanent construction and finished in the same materials as the dwellinghouses to which they relate.

REASON To ensure that any garages are an appropriate match with the approved dwellinghouses in the interests of visual amenity.

5. A landscaping scheme including the treatment of the boundary of the site, areas for public open space, play areas and details of play equipment shall be submitted to and approved by the Planning Authority prior to commencement of any development, and shall be implemented not later than the next appropriate planting season after that phase of the development has been carried out to which it relates.

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. All construction traffic and traffic associated with the residential development shall use Forge Street and at no time shall use the access servicing the adjacent Bonnyton Industrial Units.

REASON In the interests of road safety.

7. The applicant shall investigate the extent to which the long term usage of the site has resulted in residual site contamination, and prior to the commencement of development confirm in writing to the Planning Authority what remedial measures he intends to pursue in that regard, including if necessary the removal from site of any hazardous material by a suitably qualified contractor. No development shall commence on site before the Planning Authority has agreed the extent of remedial measures.

REASON In the interests of residential amenity and public safety.

8. The development hereby approved shall be undertaken without detriment to neighbouring residential properties by virtue of noise, dust or general disturbance.

REASON In the interests of residential amenity and to prevent such established amenity being adversely affected.

9. No construction work, site clearance or preparation works shall take place before 0700 hours and after 1700 hours on Mondays to Saturdays nor at any time on Sundays.

REASON In the interests of residential amenity.

10. No materials other than top soil shall be brought into the site for the purposes of infilling or upraising ground levels without the prior written consent of the Planning Authority.

REASON In order to control the development of the site and the materials used in any making up of ground levels.

11. Notwithstanding the approved plans, details of the treatment of the boundary of the site adjacent to West Langland Street and along the eastern and western boundaries shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented prior to the occupation of adjacent houses.

REASON In the interests of visual amenity.

12. Notwithstanding the submitted plans, the build-outs shown on the general layout plan submitted on 26 March 2001 (Drawing No: K.101.101H) of the junction of West Langlands Street and Forge Street are hereby not approved. A mini-roundabout shall be provided at this junction and details of its design and its location shall be submitted to and approved by the Planning Authority and thereafter implemented on site prior to the occupation of any houses.

REASON In the interests of road safety.

13. Notwithstanding the submitted plans, the raised platform feature adjacent to Plot 72 and 73 is not hereby approved. Details of an alternative traffic calming feature shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented prior to the occupation of house plots 72 & 73.

REASON In the interest of road safety.

NOTES

1. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.
2. The developer shall make early contact with the Scottish Environment Protection Agency and West of Scotland Water to confirm their request to utilise a Sustainable Urban Drainage System with regard to surface water and a separate drainage system.

**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.**

AGENDA