

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 21 FEBRUARY 2003**

**02/0758/OL: PROPOSED RESIDENTIAL DEVELOPMENT AT 64 DEAN STREET,  
KILMARNOCK BY TOWNHOLM PROPERTIES LTD**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Outline planning consent is sought to develop the site for residential purposes. Being in outline, no details of the type, size or design of dwellings are provided. In correspondence with this Division, the applicant has however tentatively intimated that the likely development would be for flats.

**2. RECOMMENDATION**

**2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.**

**3. CONCLUSIONS**

3.1 As is indicated at Section 5 of the report, the application is considered to be in accordance with the Adopted Local Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application and they are supportive of the application.

3.2 The proposal complies with Policy RES 4 of the EALP. The proposal is acceptable in principle and it is not considered that it will detrimentally affect surrounding properties in terms of amenity or road safety. The proposed use will remove a vacant and derelict site which will help to improve the visual amenity of the area.

**CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee as there would be no significant breach of Council policy.

**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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#### 02/0758/OL: PROPOSED RESIDENTIAL DEVELOPMENT AT 64 DEAN STREET, KILMARNOCK BY TOWNHOLM PROPERTIES LTD

#### Report by Head of Planning and Building Control

### 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 as it is subject to objection.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located at 64 Dean Street, Kilmarnock to the north of the town centre at the vacant site of the former Budget Tyre and Exhaust Depot. The site extends to some 1485 sq m on the east side of Dean Street and is surrounded by residential properties. The site steps up above road level within the site and presently accommodates a relatively modern industrial building.

2.2 **Proposed Development:** Outline planning consent is sought to develop the site for residential purposes. Being in outline, no details of the type, size or design of dwellings are provided. In correspondence with this Division, the applicant has however tentatively intimated that the likely development would be for flats.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 The Coal Authority and Transco have no objections in respect of the proposed development.

***Noted.***

3.2 Scottish Environment Protection Agency (SEPA) have advised as follows:

- (i) There are no objections provided that the foul drainage is connected to the public sewer and the applicant should consult with Scottish Water in this regard;
- (ii) The applicant should obtain a written assurance from Scottish Water stating that additional flow arising from the site will not cause the premature operation of consented storm overflows;

(iii) It is possible that previous uses at the site as a motor service station may have resulted in land contamination although no details have been received relating to the site history or condition;

(iv) It is requested that surface water from the site is treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Design Manual for Scotland and Northern Ireland published by CIRIA in March 2000.

***The requirements of SEPA can be addressed by attaching appropriate conditions and notes to any grant of outline planning consent.***

3.3 The North West Kilmarnock Community Council have not replied to their consultation letter at the time of writing this report.

***Noted.***

3.4 Scottish Water have objected to the application and advise the following:-

Objection is offered on the basis that the proposed development drains to the public sewerage system. The cost of providing infrastructure to serve the development is outwith Scottish Water's "reasonable cost" obligations in terms of the Sewerage (Scotland) Act 1968. The objection would be withdrawn if the applicant either bears the cost of the increase in capacity of Scottish Waters existing infrastructure to accommodate their development and/or promotes a scheme that does not compromise the quality and quantity of discharging from the existing sewerage system and which is in terms satisfactory to them.

Contact must be made with Scottish Water (Developer Services) to discuss how the proposed development would be best served with a public water supply.

***The requirements of Scottish Water can be addressed by attaching a condition and a note to any grant of outline planning consent.***

3.5 East Ayrshire Council Roads and Transportation Division have advised that the site has a wide frontage onto Dean Street and should be able to provide a single access point into the development for either a road junction or a car park with the minimum sightline standard of  $x = 2.5\text{m}$  and  $y = 90\text{m}$  being achievable. It would appear that the applicant has no fixed plans as to how the site will be developed but has indicated it is likely to be terraced properties rather than detached. That type of development could be served by a road, car park or housing court from a single point of access on to Dean Street.

***Details regarding proposed access and internal road layout and car parking will be provided at the reserved matters stage.***

3.6 East Ayrshire Council Environmental Health and Waste Management have no objection but consider it worthwhile for the applicant to carry out some basic enquiries on the application site as there could be evidence of an old pump island which would indicate underground fuel storage huts on site. In view of the proposed

residential use, checks should be undertaken to confirm the previous useage and whether any tanks are on site. If so, it should be established whether these were removed to the satisfaction of the Petroleum Inspector and the site rendered safe for future use.

***It is recommended that should members choose to grant planning permission a condition be incorporated that requires site investigations be carried out to determine and address site contamination.***

#### **4. REPRESENTATIONS RECEIVED**

Two letters of objection has been received (one of which is from Scottish Water is detailed in Section 3.4 of the report), and the points raised are as follows:-

4.1 An increase in traffic at this point in Dean Street will further the present ongoing deterioration of the building at 15 Gillsburn Gardens. Increased weight pressure on the road will act transversely adding to the subsidence being experienced. It is understood Building Control are monitoring this problem.

***Noted. Building Control are aware of the concerns of a resident on the opposite side of Dean Street. Any issues of subsidence etc will be addressed in the consideration of the Building Warrant application.***

4.2 Residents of Gillsburn Gardens wishing to cross Dean Street either to the bus stop or the shops, will be placed in greater jeopardy from traffic entering or leaving this site. A high number of Gillsburn residents are elderly and there is a fairly regular flow of pedestrians using the pavement skirting the site which is approximately 46 metres long. As well as the elderly, many are mothers with go-chairs and small children walking past the site on their way to the shops.

***The Roads Division have no objection to the principle of residential development on the site and do not consider that the concern raised is of relevance given that it is proposed to develop the garage site for residential purposes which will generate similar traffic levels to that previously experienced. The exact details of the location of the vehicle access will be submitted at the detailed stage and consequently will be required to meet the necessary road safety criteria.***

#### **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 (1999) and the Adopted Kilmarnock Local Plan which 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 4.1.5. This Policy allows residential development up to a maximum of 10 dwellinghouses within the Kilmarnock settlement boundary on suitable sites. This is also subject to whether the site is an infill site on vacant or degraded land and not likely to be detrimental to or be adversely affected by adjacent uses.

***The proposed development is in outline and seeks planning permission for the acceptance of residential development in principle. Exact details as to the type, layout, external finish of houses and vehicular access thereto would be established at the reserved matters stage. The proposed residential development is consistent with the requirements of this policy.***

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

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

6.1 The other material considerations relevant to the determination of this application are the East Ayrshire Local Plan Finalised Version with Modifications (EALP), consultations and representations received which are detailed in Sections 3 and 4 of the report.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate the greater weight should be attached to more recent expressions of policy. The Council has agreed that the EALP should be considered as a prime material consideration. Policy RES4 is directly relevant.

6.3 Policy RES4 encourages sympathetic residential development of gap, infill or other redevelopment sites subject to an assessment of the proposal against the surrounding natural and built environment and adjacent uses, transportation and infrastructure implications and in terms of compatibility with surrounding densities and housing types and compliance with the Council's Design Guidance.

***It is considered that residential development will not have an adverse impact on surrounding uses as the neighbourhood is largely residential in nature. The application is in outline and as such, no design and layout details have been submitted at this stage. The principle of housing development in this location is acceptable and complies with the above policy.***

6.4 It is not considered that any aspect of the consultations or representations received indicate that the application should be refused.

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

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 Section 5 of the report, the application is considered to be in accordance with the Adopted Local Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application and they are supportive of the application.

8.2 The proposal complies with Policy RES 4 of the EALP. The proposal is acceptable in principle and it is not considered that it will detrimentally affect surrounding properties in terms of amenity or road safety. The proposed use will remove a vacant and derelict site which will help to improve the visual amenity of the area.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.**

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee as there would be no significant breach of Council policy.

**Alan Neish**  
**Head of Planning and Building Control**

12 February 2003  
(FMF/MS)

FV/DVM

## LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Consultation Responses.
3. Statutory Notices/Certificates.
4. Representations.
5. Adopted Kilmarnock Local Plan.
6. East Ayrshire Local Plan (Finalised Version with Modifications).
7. Approved Strathclyde Structure Plan.
8. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Fiona Finlay on 01563 576768.

***Implementation Officer: Dave Morris***

Form TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 02/0758/OL

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Location: 64 Dean Street  
KILMARNOCK

Nature of Proposal: Proposed Residential Development

Name & Address of Applicant: Townholm Properties Ltd  
16 Boswell Square  
Hillington Park  
GLASGOW G52 4BQ

Name & Address of Agent:

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DPO's Ref: FMF/MS

The above OUTLINE application should be approved 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 undermentioned matters hereby reserved.

- (i) The layout of the site;
- (ii) The size, height, design and external appearance of the proposed residential properties;
- (iii) The means of drainage and sewage disposal;
- (iv) Details of the access arrangements;
- (v) The provision for open space;
- (vi) The provision for car parking;
- (v) The boundary walls/fences to be erected;
- (vi) The landscaping of the site;
- (vii) Finished and existing site levels and floor levels.
- (viii) The submission of a ground contamination report detailing the measures necessary to address and resolve contamination on site.

REASON The approval is in outline only.

2. No work shall commence on site until such time as the applicant has provided the Planning Authority with written confirmation from Scottish Water that the existing sewerage system is capable of accommodating the connection of this approved development.

REASON To ensure that adequate drainage is provided.

3. Before any work commences 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. The Sustainable Urban Drainage System shall thereafter be formed and maintained on site in accordance with the approved details prior to the occupation of the dwellings.

REASON To ensure that adequate drainage is provided.

4. During construction, the developer of the site shall ensure that adequate and continuing measures are taken to ensure that roads and footpaths adjoining the site are maintained free from mud and other material carried from the site by construction and any other vehicles.

REASON In the interest of public and road safety and residential amenity.

5. Details to be submitted under Condition 1(iv) above shall include sightlines of 2.5 metres x 90 metres free from all obstruction greater than 1 metre in height, to be provided at all access points from the site onto Dean Street.

REASON In the interests of road safety.

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

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

7. No construction work, site clearance or preparation works shall take place before 07.00 hours and after 17.00 hours on Mondays to Saturdays nor at any time on Sundays.

REASON In the interests of residential amenity.

#### NOTES

1. Prior to the commencement of any works on site for the development hereby approved, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.

2. The developer shall make early contact with Scottish Water and the Scottish Environment Protection Agency to confirm their request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.

3. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements 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.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**