

NORTHERN AREA LOCAL PLANNING COMMITTEE: 01 MARCH 2002

**01/0665/OL: PROPOSED OUTLINE PLANNING PERMISSION FOR
RESIDENTIAL DEVELOPMENT AT THE FACTORY ON JAMIESON ROAD
DARVEL BY MR J BROWNLEE**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the principle of residential use on the site. No specific number of houses has been put forward at this stage of the development.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated at paragraph 5.2 of the report, the application is considered to be contrary to the Ayr County Development Plan. Therefore, given the terms of Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. It is considered that the weight that should be attached to those material considerations should be greater than that given to the Ayr County Development Plan due to the age of that plan. Development for housing purposes in a form compatible with the adjacent properties would be acceptable in terms of the East Ayrshire Local Plan Finalised Version with Modifications. Accordingly, the proposal is considered to be acceptable.

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 require to be referred to Development Services Committee as it will be a significant departure in terms of principle from the East Ayrshire Local Plan.

**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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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 application which is to be considered by the Local Planning Committee under the scheme of delegation because it is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located to the north east of Darvel town centre and comprises of a plot of land approximately 0.4 hectares in area. The site is on the opposite side of Jamieson Road/Campbell Street from the Gavin Hamilton Sports centre. The site is bounded to the north by Campbell Street, the Peveril Sportsware factory bounds the site to the west with the southern boundary being formed by the former railway line. The site has a change in level from Campbell Street to the former railway line boundary.

2.2 **Proposed Development:** Outline planning permission is sought for the principle of residential use on the site. No specific number of houses has been put forward at this stage of the development.

3. CONSULTATION AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has confirmed that it has no objection to the proposal provided the following conditions are met.

- Access points onto the adjacent public roads from either individual dwellings or communal car park to be agreed with the Roads Division.
- Parking level for any development to conform to the standards indicated in the Roads Development Guide.

These matters can be addressed by condition if the Committee are of a mind to approve the application.

3.2 The Scottish Environment Protection Agency have advised they have no objection to the proposal provided the foul drainage is connected to the existing sewer. If the surface water from the roofs and car parking areas is to be separated from the foul drainage, for whatever reason, then the Agency would insist on the use of Sustainable Urban Drainage Systems for the

attenuation or treatment of the surface water arising prior to it being discharged into a watercourse.

The only factor which could prohibit the use of a SUDS scheme at this location would be if the site condition or the site history identified the likely presence of potentially contaminative materials in the soil.

SEPA has a particular interest in pollution of controlled waters arising from any ground contamination at site. SEPA expects that the local authority may require that a risk assessment be undertaken.

The overall objective of the risk assessment should be to determine whether or not any contamination present would constitute pollution of controlled waters (and indeed harm to other receptors) so that any required remedial action can be undertaken prior to redevelopment.

These requirements can be addressed through the attachment of conditions to the planning consent if the Committee are of a mind to approve the application.

3.3 West of Scotland Water have confirmed that there is a public sewerage system available for both foul and surface water connection and developers should make separate application to their office for connection and to discuss the provision of public water supply. They also indicate that Sustainable Urban Drainage Systems should be employed on the surface water drainage system.

Conditions can be attached to any grant of planning consent regarding the above matters.

3.4 The Coal Authority have not advised of any ground stability issues which would affect the proposal.

Noted.

3.5 Darvel Community Council have not responded at the time of writing this report.

Noted.

3.6 Scottish Power have no objections to the development provided the proposed works are carried out in accordance with the Health and Safety Executive Booklet HS (G) 47 – “Avoiding danger from underground services” and the Guidance Note GS6 “Avoidance of danger from overhead lines.”

A note can be attached to the grant of any planning consent regarding these matters.

3.7 Transco have no objection to the proposal provided that their guidelines “Measures to be taken to protect Transco plant” is adhered to.

A note can be attached to the grant of any planning consent regarding these matters.

3.8 East Ayrshire Council Environmental Health Division have not responded to this application.

Noted.

4. REPRESENTATIONS

One letter of objection with two signatories has been lodged against this application.

4.1 The grounds of objection are that the proposals may be detrimental to the visual amenity of the area. The houses should be at a level which will not impinge on the view from our front window to the hills at Lanfine. The front of the new residences should face onto Campbell Street and have similar garden areas to the existing.

The building should be similar in appearance to the existing accommodation in that part of Campbell Street i.e. red sandstone cladding to the front elevation. The type of residence being built should be suitable for family accommodation and not for single person occupancy.

Conditions can be attached to the grant of any planning consent regarding the proposed building frontage onto Campbell Street, garden sizes and use of the external materials ensuring that the development meets the requirements of the EALP Design Guidance. A condition can be attached to the grant of any planning consent, restricting the height of the proposed development to 1½ storey on Campbell Street. However, no planning condition could be imposed that relates to the end users of the development.

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 Ayr County Development Plan 1953.

5.2 The Ayr County Development Plan 1953 identifies the development site as an “area primarily for industrial use”. The proposed development is therefore contrary to the Development Plan, notwithstanding the age of that plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material consideration relevant to the determination of the application are the East Ayrshire Local Plan Finalised Version with Modifications, consultations and the objection as detailed above.

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 (EALP) should be a prime material consideration.

6.3 Policy IND 8 states that other than those sites which are specifically safeguard for industrial use under Policy IND 4 proposals for alternative uses of land or 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 the surrounding established use;
- (ii) the proposal meeting with the requirement 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 within the settlement concerned.

The reason for this policy is to bring redundant industrial buildings and land back to an acceptable alternative use.

It is considered that the proposal conforms with Policy IND 8 in principle as it would not be detrimental to surrounding uses, it complies with all other relevant policies and Darvel has sufficient alternative identified industrial development land.

6.4 Policy RES 4 of EALP states that the Council will encourage the sympathetic residential development of gap, infill or other redevelopment sites not safeguarded or identified for particular development purposes on the EALP maps provided the following criteria can be met:

- (i) Impact on the surrounding natural and built environment and adjacent uses;
- (ii) Transportation and infrastructure implications;
- (iii) Compatibility with surrounding densities and housing types and
- (iv) Compliance with the Council’s Development Promotion and Design Guidance.

Conditions can be added to the grant of any outline planning consent regarding the impact of the development on the adjacent uses, the transport and infrastructure implications and housing types as well as compliance with the Council's Development Promotion Design Guidance. These matters would then be required to be addressed at the reserved matters application stage of the development process.

6.5 Policies RES 19, 20 and 22 relates to the provision of private and public open space within housing developments. These policies are to ensure that open space provision is of a type and size appropriate to the general area within which it is proposed and meets the standards required by the Council.

A condition can be attached to any grant of planning consent relating to the provision of private garden ground and public open space within the development site requiring these matters to be addressed at the reserved matters application stage of the development process.

6.6 Policy ENV 7 relates to the compliance of developments with the EALP Design Guidance. All developers will be expected to comply fully with the Council's existing and emerging Design Guidance and Policy documents on developments. This policy is to ensure that a high standard of design of development is achieved in accordance with the Council Design Guidance.

A condition can be attached to any grant of planning consent relating to the compliance of the development to the EALP Design Guidance.

6.7 Policy TLR5 requires that developers be requested to agree to financially contribute to the provision of appropriate leisure and recreational facilities within the area to which the development relates.

The developer has indicated that they would not be prepared to enter into such a contribution process. In as much as the policy clearly refers to this as a "request" and any legal agreement that would have been put in place would have been voluntary, the developer's response should not be material to the determination of this application.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in relation to this development.

8. CONCLUSION

8.1 As indicated at paragraph 5.2 of the report, the application is considered to be contrary to the Ayr County Development Plan. Therefore, given the terms of Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. It is considered that the weight that should be attached to those material considerations should be greater than that given to the Ayr County Development Plan due to the age of that plan. Development for housing purposes in a form compatible with the adjacent properties would be acceptable in terms of the East Ayrshire Local Plan Finalised Version with Modifications. Accordingly, the proposal is considered to be acceptable.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions 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 Development Services Committee as it would not be a significant departure in terms of principle from the East Ayrshire Local Plan.

Alan Neish
Head of Planning and Building Control

19 February 2002 (CI/SA)
FV-DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates
3. Consultation Replies.
4. Letters of Objection.
5. East Ayrshire Local Plan Finalised Version with Modifications.

6. Approved Joint Ayrshire Structure Plan.
7. Adopted Strathclyde Structure Plan.
8. Ayr County Development Plan 1953.
9. Approved Strathclyde Structure Plan.

Anyone wishing to inspect the above papers please contact Craig Iles on (01563) 576770.

Implementation Officer: Dave Morris

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EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0665/OL

Site of Proposal:	Factory Jamieson Road DARVEL
Nature of Proposal:	Proposed Outline Planning Permission for Residential Use
Name & Address of Applicant:	Mr J Brownlee Low Milton Farm MAYBOLE Ayr
Name & Address of Agent:	Nicoll Design 184 Main Street PRESTWICK KA9 1PG

DPOs Reference: CI/SA

The above OUTLINE application should be granted 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.
 - (a) The layout of the site;
 - (b) The size, height, design and external appearance of the proposed dwellinghouses;
 - (c) The means of drainage and sewage disposal;
 - (d) Details of the access arrangements;
 - (e) The provision for open space and associated maintenance arrangements;
 - (f) The provision for car parking;
 - (g) The boundary walls/fences to be erected;
 - (h) The landscaping of the site and associated maintenance arrangements;
 - (i) Finished site levels/floor levels.

REASON The approval is in outline only.

(2) Development shall not begin until a scheme to identify and deal with any potential contamination on the site has been submitted to and approved in writing by the Planning Authority. Thereafter the development shall proceed in accordance with the scheme as approved. The scheme shall contain details of proposals to identify and deal with contamination on the site in the following respects:-

- (j) the nature extent and type of contamination on the site
- (ii) measures to treat/remove contamination to ensure the site is suitable for the use proposed
- (iii) measures to deal with contamination during construction works
- (iv) condition of the site on completion of decontamination measures
- (v) monitoring measures following completion of the site.

REASON To ensure the site is environmentally suitable for residential use.

(3) No development shall commence on site until authorisation has been given by West of Scotland Water Authority for connection of the foul drainage system to the public sewer. Confirmation of the authorisation to connect shall be provided to the Planning Authority before commencement of the development.

REASON In the interests of public safety.

(4) The details submitted under Condition 1 above shall provide for the height of the dwellinghouses bounding Campbell Street to be restricted to no greater than 1½ storey.

REASON In the interests of visual amenity.

(5) Notwithstanding the plans hereby approved all new houses shall be constructed from a limited range of external materials and details/samples of the materials to be used shall be submitted to and approved in writing by the Planning Authority before any development commences on the site. The proposed houses shall also be compatible with the Council's Approved Design Guidance.

REASON In the interests of visual amenity.

(6) The extent of private and public open space further to condition (1) above shall be in accordance with the requirements of Schedule 3 and 4 of the East Ayrshire Local Plan Finalised Version with Modifications.

REASON In the interest of residential amenity.

NOTES:

1. The Developer is strongly advised to 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 (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.

2. Following the advice in Note 1 above, the developer is advised that the Council does not currently have a general agreement with WOSWA 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. 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.

3. The developer is advised that development should be carried out in accordance with Health and Safety Executive Booklet HS (G) 47 – “Avoiding danger from underground services and Guidance Note GS6 “Avoidance of danger from overheadlines.”

4. The developer is advised that development should be carried out in accordance with Transco guidelines “Measures to be taken to protect Transco plant.”

**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