

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 07 FEBRUARY 2003

**02/0807/OL: PROPOSED RESIDENTIAL DEVELOPMENT
AT 68 IRVINE ROAD, KILMAURS
BY ROWE AND TUDHOPE COACHES**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the development of the site for residential purposes. There is no specific indication of the numbers of units at this stage although it might be anticipated that the development could comprise between 8 and 12 units. Vehicular and pedestrian access to the site will be achieved directly from Irvine Road.

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 indicated in paragraph 5 of this report the application is considered to be in accordance with the 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 approved unless other material planning considerations indicate otherwise.

3.2 As indicated in Section 6 of the report there are material considerations relevant to the application. These considerations are however generally supportive of the application and add to the presumption in favour of the Development Plan.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control it will not require

to be referred to the Development Services Committee as there would be no significant breach of 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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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 due to the scale of the proposal.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is currently occupied by a local coach/bus hire company and comprises a main building and associated parking and ancillary facilities. The site is on the north side of Irvine road with agricultural fields to the north and south and residential uses to the west and east. The site is relatively level but does have a raised area on the eastern boundary.

2.2 **Proposed Development:** Outline planning permission is sought for the development of the site for residential purposes. There is no specific indication of the numbers of units at this stage although it might be anticipated that the development could comprise between 8 and 12 units. Vehicular and pedestrian access to the site will be achieved directly from Irvine Road.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads Division have confirmed that they have no objection to the proposal subject to certain requirements. These are varied but all relate to the provision of a safe access to the site and include the following:

The provision of a junction visibility splay of x=2.5m and y=90m.
The formation of a new footway across the entire site frontage.
Re-location of existing 30 mph speed limit.

Noted. These matters can be addressed by means of conditions if the Committee is of a mind to approve the application.

3.2 Scottish Water have advised that they have no objection to the proposal and have confirmed their basic installation requirements. The drainage area plan for Kilmaurs has been further examined confirming that the residential development of the site can be accommodated satisfactorily.

Noted. Their requirements can be addressed by a condition and notes attached to any planning consent.

3.3 Scottish Environment Protection Agency have confirmed their own requirements in respect of the proposal and advised of potential contamination issues on site due to the previous uses.

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

3.4 East Ayrshire Council's Environmental Health and Waste Management Section have confirmed that, given the history of the use of the site, there may be localised contamination requiring removal of contaminated soil.

Noted. As stated above this issue can be addressed by means of a condition and notes to the applicant.

3.5 Transco have confirmed their normal requirements in respect of work practices on site relative to their own plant and installations.

Noted.

3.6 The Coal Authority have advised that they do not anticipate any ground stability issues to impact on the ability of the site to accommodate the proposed development.

Noted.

3.7 Scottish Power, Power Systems have advised that they have no objection to the proposal but have advised of the presence of their apparatus on or adjacent to the site. This apparatus may require alteration or re-location dependent on the final detailed scheme and these factors should be considered by the applicant.

Noted.

3.8 Kilmaurs Community Council have not replied at the time of writing the report.

Noted.

4. REPRESENTATIONS

4.1 No letters of objection have been submitted in respect of 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 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 Plan the application would fall to be considered against the terms of this document and its associated policies. The most relevant policy in this case is Policy 4.1.5 of that Plan which prescribes criteria against which new proposals must be assessed. However as the proposal is in outline the most relevant criteria can be summarised as follows:

The restricting of the site to a maximum of 10 units and where there is a possibility of the site having been contaminated by previous uses, that that issue is investigated to determine the suitability of the site for the proposal.

The reason for this policy was to allow a flexible attitude to be adopted in respect of new housing proposals on small or vacant sites whilst ensuring that there is no over supply of housing in the Council area.

The capacity if the site is likely to be of the order of 10 units and the matter of contamination can be addressed by means of condition. Accordingly the proposal is not considered to be contrary to the terms of that policy.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of this application are the East Ayrshire Council Local Plan (Finalised Version with Modifications), the consultations received and the impact of the proposal on the area and adjacent uses.

6.2 The Adopted Kilmarnock 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 as Modified (EALP) should be considered a prime material consideration.

6.3 The relevant policy in the EALP against which this proposal requires to be assessed is RES 4.

Policy RES 4: Within Settlement Boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other re-development 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 the following criteria:

- (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.*

Note: The issue of residential use of gap, infill or other redevelopment sites within Town Centres is addressed in Policy RTC 11.

Reason for Policy RES 4

- To bring areas of vacant and often derelict land into active use and to improve amenity of an area.
- To consolidate the existing built environment.

It is considered that the proposal would not conflict with the criteria listed and full compliance can be appropriately secured by condition if the Committee is of a mind to approve the application.

Consultations

6.4 The consultation responses received are supportive of the application subject to certain matters being addressed by means of conditions; such as sustainable urban drainage and contamination.

Impact on the amenity of the area/adjacent uses

6.5 It is considered that the proposed development of the site for residential purposes could be accommodated with no detrimental impact on the amenity of

the area or the adjacent uses. It is considered that such development would result in the enhancement of the area with a consequent marked improvement in the circumstances of adjacent uses.

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 indicated in paragraph 5 of this report the application is considered to be in accordance with the 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 approved unless other material planning considerations indicate otherwise.

8.2 As indicated in Section 6 of the report there are material considerations relevant to the application. These considerations are however generally supportive of the application and add to the presumption in favour of the Development Plan.

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 it will not require to be referred to the Development Services Committee as there would be no significant breach of policy.

Alan Neish
Head of Planning and Building Control

28 January 2003
(IW/MMM)
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form/Plans.
2. Statutory Certificates.
3. Consultations.
4. Adopted Kilmarnock Local Plan.
5. East Ayrshire Local Plan, Finalised Version with Modifications.
6. Approved Strathclyde Structure Plan.
7. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Ian Walker on 01563 576779.

Implementation Officer: Dave Morris

0208080L

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0807/OL

Site of Proposal:	68 Irvine Road KILMAURS KA3 2LX
Nature of Proposal:	Proposed Residential Development
Name & Address of Applicant:	Rowe & Tudhope Coaches 151 Main Street MUIRKIRK KA18 3QS
Name & Address of Agent:	Lawrence McPherson Associations Suite 1 Beresford Court 6/8 Beresford Court AYR KA7 2DW

DPOs Reference: IW/MMM

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 under mentioned 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 and proposed site levels/floor levels.

REASON The approval is in outline only.

2. The details to be submitted further to Condition 1 above shall provide for the following:

- a) The provision of a junction visibility splay of $x = 2.5$ metres and $y = 90$ metres on a new single access road junction to Irvine Road serving all houses on site.
- b) The formation of a footway over the frontage of the site and linked to the existing public footway.

REASON In the interests of road safety.

3. The details to be submitted under Condition (1) above shall comply in all respects with the Policy ENV 7 of the East Ayrshire Local Plan in so far as it relates to new residential development design guidance. Other than where vehicular access is to be formed, the details submitted under Condition 1 above shall provide for a landscape strip between Irvine Road and the line delineated green on the approved plan 503(0)01.

REASON To ensure that the design and setting of the development provides for an appropriate level of visual amenity and residential amenity compatible with the surrounding area.

4. Prior to the commencement of any work on site, the existing 30 mph speed limit signs and associated speed limit on Irvine Road shall have been extended to accommodate the junction visibility splay required under Condition 2 above and shall have been formed to the standard required of a gateway feature with appropriate signage, road markings and street lighting.

REASON In the interests of road safety and to accommodate the necessary new road junction into the development.

5. The details to be submitted further to Condition 1 above shall allow for the road junction to Irvine Road to be in accordance with the Council's Roads Development Guide standards and for no individual vehicular access to Irvine Road from individual houses.

REASON In the interests of road safety.

6. Before any work commences on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved by the Planning Authority in writing. The Sustainable Urban Drainage System shall thereafter be installed on site prior to the occupation of any houses.

REASON To ensure that adequate drainage is provided.

7. The details to be submitted further to Condition 1 above shall include confirmation by means of a soil survey of the extent of any contamination present on site arising from diesel spillages or the operation of current/previous uses. The details shall also include the measures intended, including where necessary removal of contaminated soil from the site, to remedy any contamination currently present.

REASON To ensure that any contamination has been appropriately dealt with in the interests of residential and environmental amenity.

Notes:-

1. Scottish Water advise that separate foul and surface water drainage will be required, that details of the highest water fitting related to Ordnance Datum and the proposed demands must be forwarded to Scottish Water and that separate application should be made to them for the provision of site water mains and service connections.
2. The developer shall make early contact with the Scottish Environment Protection Agency and Scottish 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.
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.
4. The site is known/suspected to be contaminated. You should be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. The Planning Authority has to determine the application on the basis of the information available to it and this does not necessarily mean that the land is free from contamination.
5. The applicant shall contact Scottish Power in respect of their apparatus within or adjacent to the site which may require alteration or protection.

**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.**

