

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 23 JANUARY 2004

**03/1030/FL: PROPOSED NEW BUILD RESIDENTIAL DEVELOPMENT
AT BRIDGEND, STEWARTON
BY TRAVIS HOMES**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to develop the site for residential purposes and erect 27 2-bedroom flats, 12 terraced 3-bedroom dwellinghouses, 7 terraced 4-bedroom dwellinghouses and 6 detached 4-bedroom dwellinghouses, a total number of residential units on the site of 52.

1.2 The site comprises 5 key elements. At the northern end of the site to the west of the Bridgend Road, a 3-storey stepped block containing 12 2-bedroom flats is located on the area of land formerly occupied by lock-up garages. An access has been shown from Bridgend leading to 12 allocated car parking spaces and 3 visitor car parking spaces. This block is proposed to be set back 5.5 metres from the road edge.

1.3 On the opposite site of Bridgend to this block, a turning area has been shown to serve 7 car parking spaces. Adjacent to this turning area a strip of 8 car parking spaces has been shown. A 3-storey stepped frontage block is located next to the Annick Water containing 9 2-bedroom flats and 6 3-bedroom terraced dwellings. It is proposed that each dwellinghouse will contain an integral garage as well as a driveway access from Bridgend.

1.4 A car parking area including 8 spaces intervenes between this block and the next block to the south which contains 6 3-bedroom terraced dwellings and 6 2-bedroom flats. Moving southwards, a terrace of 7 4-bedroom houses is proposed, each incorporating an integral garage and a driveway. This terrace comprises 2-storey dwellings.

1.5 Within the southern portion of the site adjacent to the existing area of open space 6 detached 2-storey 4-bedroom dwellinghouses are proposed. Access would be via a cul-de-sac accessing onto Bridgend. In addition to the garage and driveway arrangements shown, two visitor car parking spaces are located off this cul-de-sac.

1.6 In terms of finishes, it is proposed to finish all the proposed buildings with slate roofs, ashlar block and white roughcast render walls with windows in white uPVC. The access along Bridgend has been shown to be widened to 5.5 metres with 2.0 metre wide footpaths either side. Indicative traffic calming measures have been shown along Bridgend and also at the junctions of Springwell Place with High Street and Bridgend with Holm Street and Barbours Park.

1.7 The proposal will involve the demolition of the remaining vacant and derelict former industrial premises within the site. The applicant's engineer has stated that a gabion basket retaining wall detail will apply to all sections of the site edge to Annick Water where there is not already an existing masonry wall in position. A detail of this gabion wall has been provided. The developer has also indicated that they would be willing to enter into a Section 75 Agreement with the Council to fund the provision of a new play area/swing park on the existing Robertland site on the other side of the Annick Water which is currently not equipped.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheets and that the issuing of the Decision Notice be withheld until the Solicitor to the Council has concluded a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 dealing with the matters itemised in Paragraph 8.5 of the report.

3. CONCLUSIONS

3.1 As indicated in section 5 of the report, the application is considered to be broadly in compliance with the development 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 approved unless material considerations indicate otherwise.

3.2 There are no objections to the use of the site for housing in principle. It is not considered that the proposed residential use of the site would be detrimental to adjacent uses. The site is currently in a vacant and unsightly state at present and therefore it is considered that the proposed development will improve the visual amenity of the general area. Taking into account the brownfield nature of the site, the siting of the blocks adjacent to the river bank, the mixed nature of surrounding residential development, and the finishes proposed, the development is considered to be acceptable in terms of its design and finishes. The buildings proposed are considered to be visually interesting and distinctive.

The development includes a variety of house types of differing sizes suitable for a wide range of households.

3.3 The development is located in close proximity to a large area of open amenity space on the opposite side of the Annick Water and next to another amenity area between the site and Barbours Park at the south end of the site. Given the fact that the developer has indicated a willingness to enter a Section 75 Agreement regarding the upgrading of the Robertland play area, and the extent and location of open space provision in the vicinity, the proposed development is considered satisfactory in terms of open space provision.

3.4 As is indicated in section 6 of the report, there are material considerations relevant to the application which require to be given due weight in arriving at a decision. With regard to the consultations received, it is considered that the matters raised can be dealt with by means of appropriately worded conditions. The representations for and against the development require to be taken into account in arriving at a decision. It is considered that, on balance, these representations are not of sufficient weight to justify refusal of the application.

3.5 It is recommended that the proposed development should be approved subject to a Section 75 Agreement under The Town and Country Planning (Scotland) Act 1997 to include the following obligations on the part of the developer :-

Section 75 Agreement

(i) The provision of a financial contribution to the Council towards the provision and maintenance of a play area on the existing Robertland site on the east side of the Annick Water in accordance with Policy TLR 5 of the adopted East Ayrshire Local Plan.

(ii) The provision and maintenance of all traffic calming measures outwith the application site to the requirements of the Councils Roads and Transportation Division.

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 because such a decision would not represent a substantial departure from 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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AT BRIDGEND, STEWARTON
BY TRAVIS HOMES

Report by Head of Planning and 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 due to the nature of the proposed development and the fact that the proposed development is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The site extends to approximately 1.17 hectares and lies adjacent to the Annick Water. The majority of the site has been cleared of its former industrial buildings and is generally level. Ground conditions comprise the remains of concrete flooring, rubble and scrub vegetation. A former lock-up garage site is located towards the northern end of the site, adjacent to a 3-storey block of flats on Springwell Place finished in red facing brick and of modern design.

2.2 On the western side of Bridgend, opposite the site, from north to south are located a detached 2-storey dwellinghouse of traditional character, and 2 modern industrial premises incorporating car parking provision (TM & Son, and Robert Mackie & Co). To the south of these industrial premises the western road edge at Bridgend is flanked by a random rubble stone wall in a generally poor state of repair. Two single storey dwellinghouses (Kirklea and Longridge) are located near the junction of Bridgend with Vennel Street.

2.3 On the eastern side of Bridgend, between the road and the Annick Water, a large area of unequipped open space is located to the south of the application site boundary, forming a buffer to the neighbouring housing development at Barbours Park. North of this open space area are located the former Dino Fashions buildings which are now in a derelict condition. Four modern derelict industrial nest units are located to the north of these buildings within the site with vehicular access directly to Bridgend.

2.4 On the opposite side of the Annick Water to the application site, an extensive area of banked open amenity space is located. Part of this area is overgrown. Opposite the northern end of the site, a former children's play area is located. This play area is no longer equipped. Annick Crescent is situated across the Annick Water to the east of the site at an elevated level and comprises terraced 2-storey residential properties.

2.5 **Proposed Development:** It is proposed to develop the site for residential purposes and erect 27 2-bedroom flats, 12 terraced 3-bedroom dwellinghouses, 7 terraced 4-bedroom dwellinghouses and 6 detached 4-bedroom dwellinghouses, a total number of residential units on the site of 52.

2.6 The site comprises 5 key elements. At the northern end of the site to the west of the Bridgend Road, a 3-storey stepped block containing 12 2-bedroom flats is located on the area of land formerly occupied by lock-up garages. An access has been shown from Bridgend leading to 12 allocated car parking spaces and 3 visitor car parking spaces. This block is proposed to be set back 5.5 metres from the road edge.

2.7 On the opposite side of Bridgend to this block, a turning area has been shown to serve 7 car parking spaces. Adjacent to this turning area a strip of 8 car parking spaces has been shown. A 3-storey stepped frontage block is located next to the Annick Water containing 9 2-bedroom flats and 6 3-bedroom terraced dwellings. It is proposed that each dwellinghouse will contain an integral garage as well as a driveway access from Bridgend.

2.8 A car parking area including 8 spaces intervenes between this block and the next block to the south which contains 6 3-bedroom terraced dwellings and 6 2-bedroom flats. Moving southwards, a terrace of 7 4-bedroom houses is proposed, each incorporating an integral garage and a driveway. This terrace comprises 2-storey dwellings.

2.9 Within the southern portion of the site adjacent to the existing area of open space 6 detached 2-storey 4-bedroom dwellinghouses are proposed. Access would be via a cul-de-sac accessing onto Bridgend. In addition to the garage and driveway arrangements shown, two visitor car parking spaces are located off this cul-de-sac.

2.10 In terms of finishes, it is proposed to finish all the proposed buildings with slate roofs, ashlar block and white roughcast render walls with windows in white uPVC. The access along Bridgend has been shown to be widened to 5.5 metres with 2.0 metre wide footpaths either side. Indicative traffic calming measures have been shown along Bridgend and also at the junctions of Springwell Place with High Street and Bridgend with Holm Street and Barbours Park.

2.11 The proposal will involve the demolition of the remaining vacant and derelict former industrial premises within the site. The applicant's engineer has stated that a gabion basket retaining wall detail will apply to all sections of the site edge to Annick Water where there is not already an existing masonry wall in position. A detail of this gabion wall has been provided. The developer has also indicated that they would be willing to enter into a Section 75 Agreement with the Council to fund the provision of a new play area/swing park on the existing Robertland site on the other side of the Annick Water which is currently not equipped.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Power has not objected to the proposal.

Noted.

3.2 East Ayrshire Council's Environmental Health and Waste Management Division has commented that the overall development site is a mixture of vacant ground, former factory sites now demolished, and vacant factory units. Any demolition works will require a suitable method statement and be subsequently undertaken in accordance with the relevant Code of Practice and Health and Safety legislation. Any asbestos on site will require to be dealt with appropriately and disposed of to suitably licensed landfill. On some parts of the site where factory buildings have been demolished, there is still evidence of underground services: again, the removal of these services should have regard to the possibility of asbestos (in the form of lagging) in the ducting.

Noted. These matters do not require express planning permission. Nevertheless, appropriately worded notes to the applicant can be attached to any planning permission granted to make the applicant aware of these requirements.

3.3 Some of the now derelict factory buildings still contain materials (and possibly waste). These should be handled and ultimately disposed of to the satisfaction of the regulatory authority (SEPA).

See comments provided in Paragraph 3.2 of the Report.

3.4 Site clearance and subsequent engineering construction activities should be undertaken with due regard to the presence of housing not far distant from the site. The applicant should ensure that no nuisance is created (dust, burning of site materials, noise, etc). With regard to noise, I would recommend that there be some restriction on potentially noisy site activities in order to avoid 'unsociable hours' noise and consequent risk of complaint.

Noted. This Division would agree with the imposition of an appropriately worded condition attached to any planning permission issued in order to protect standards of adjacent residential amenity.

3.5 The majority of the site which was formerly occupied by textile manufacturing factories still retains the original concrete flooring which should effectively minimise any land contamination concerns. Nevertheless, the developer should as a matter of course ensure that a check is made of the ground conditions as site demolition/clearance work progresses and any anomalies suitably addressed.

Noted. This Division would agree with the imposition of an appropriately worded condition attached to any planning permission issued, to ensure site investigation prior to development commencing.

3.6 The developer should take due cognisance of the need to make satisfactory provision for refuse and re-cycling bin storage accommodation in the light of East Ayrshire's impending 3-bin re-cycling scheme. Access arrangements might also require to be clarified as, depending on site layout, suitable uplift points might require to be agreed with Waste Management.

Bin stores have been shown within the application site which, by condition, can be required to be compatible with the impending Council refuse scheme.

3.7 East Ayrshire Council's Roads and Transportation Division has stated that the footway on the west side of Bridgend from the existing public footway on Vennel Street to Springwell Place requires to be constructed to an adoptable standard with commercial access crossings formed into the factory units. Similarly the footway on the east side of Bridgend with particular note to the link south onto Springwell Place.

Noted. A 2.0 metre wide footpath has been shown on the submitted plans. An appropriately worded condition can be attached to any planning permission to ensure that this footway is formed to Roads requirements.

3.8 The private car parks should be accessed by footway crossings and not road junctions as shown on the submitted drawings.

An appropriately worded condition can be attached to any planning permission granted for the proposed development to meet the requirements of the Roads and Transportation Division in this respect.

3.9 The condition of the existing carriageway of Bridgend will also have to be addressed and the developer should allow for the re-shaping of the existing road. The existing surface water drainage and street lighting will also have to be improved.

Noted. An appropriately worded condition can be attached to any planning permission granted to avoid deterioration of the adjacent public road.

3.10 The width of the carriageway and footway to be provided on Bridgend should be confirmed as 5.5 metres and 2.0 metres respectively.

The submitted plans accord with these dimensions.

3.11 The traffic calming on Holm Street/Vennel Street is acceptable with the amendment to the junctions at Bonnet Court and Barbours Park where the build-outs must be formed in footway construction. The traffic calming on Bridgend is assumed to be rubber speed cushions. Both the traffic on Holm Street and Bridgend will be subject to the Road Humps Regulations as they are existing public roads. The design will therefore not only require planning and road construction consent but also the third consultation procedure to permit the installation.

Should planning permission be granted, an appropriately worded condition can be imposed to ensure that traffic calming meets the requirements of the Councils Roads and Transportation Division.

3.12 The new road construction for the short cul-de-sac results in the road being supported by the existing riverside retaining wall. The applicant will require to prove the structural ability of the existing wall for this loading.

The applicants engineer has stated that the existing walls are structurally capable of the loadings required. A Gabion basket retaining wall is proposed to all sections of the site edge with the Annick Water where there is not already an existing masonry wall.

3.13 The surface water drainage discharge for the new road cul-de-sac must be indicated with proposed SUDS specified.

Conditions and appropriately worded notes can be attached to any planning permission granted for the proposed development to meet these requirements of the Roads and Transportation Division.

3.14 Transco has forwarded a copy of its record plan showing the location of their plant and has recommended that the applicant contact their Glasgow operations office prior to the commencement of works on site.

Noted. A copy of the Transco consultation response can be forwarded to the applicant and an advisory note attached to any decision notice issued.

3.15 The Coal Authority has not identified any instability issues which would affect the determination of this planning application.

Noted.

3.16 Scottish Water has stated that there would appear to be no increased flooding or CSO spills as a result of the proposed additional flows. There is no objection to the development connecting to the combined sewer. As discussed, surface water must be discharged to the river, preferably via suitable SUDS.

It is recommended that the developer makes early contact with Scottish Water to ensure that the drainage arrangements proposed from the development are to Scottish Water's satisfaction prior to the commencement of works on site.

3.17 The Scottish Environment Protection Agency (SEPA) has stated that there is no objection to this proposal on the understanding that the foul drainage is connected to the public sewer. The applicant should consult with Scottish Water in this regard.

See comments provided in Paragraph 3.2 of the Report.

3.18 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.

In order to fully address SEPA's comments regarding SUDS, it is recommended that an appropriately worded condition should be attached to any planning permission granted. Whilst a SUDS arrangement has been shown within the application site, such a condition would require the use of a SUDS arrangement to deal with surface water run-off, and the submission of details to the satisfaction of SEPA.

3.19 It should be noted that there is an increased risk of pollution to watercourses during the construction phase. The principles in Pollution Prevention Guideline 5, which gives details on the prevention of pollution at works in, near or liable to affect watercourses, should be followed. A copy of PPG 5 has been forwarded to the agent as part of the consultation process.

Noted.

3.20 Any waste arising should be disposed of at a suitably authorised site. If the site is suspected of being contaminated, SEPA would expect a site investigation to be carried out, and would ask to be contacted if there is any pollution to controlled waters as a result of contamination.

See comments provided in Paragraph 3.5 of the Report.

3.21 SEPA holds no records of flooding at this location. However, the site lies adjacent to the Annick Water and may, therefore, be at some risk of flooding. Furthermore, the Centre for Ecology and Hydrology's indicative '100 year flood plain' would appear to indicate that at least part of the site may be at risk of flooding from a '100 year' (1% risk of occurrence in any one year) flood event. SEPA would therefore recommend that a flood risk assessment is carried out to determine the risk of flooding to the property and/or evidence provided that the site lies sufficiently above the level of the Annick Water so as to pose no realistic threat.

See comments provided in Paragraph 5.10 of the Report.

4. REPRESENTATIONS

Five letters of representation have been received objecting to the proposed development. The points of objection are summarised as follows:-

4.1 When leaving Springwell Place to Main Street vision is impaired by parked cars on the left and right hand sides, and when leaving Bridgend to Vennel Street the road narrows and passage can be difficult due to a high wall on one side and parked cars on the other. At the road junction vision is impaired by trees to the right. How will this be addressed for the increased volume of traffic that the development will bring?

Alterations to improve visibility at the junctions of Springwell Place with Main Street and Bridgend with Vennel Street are proposed. It is proposed to maintain a road width of 5.5 metres along Bridgend.

4.2 Although parking spaces are to be provided, this will prevent parking on the street. At present passage through Springwell Place can be difficult, as the residents have a car park yet understandably park on Springwell Place thus reducing the road to single track. If the residents of the new development park on the road then this would reduce the road to single track down road into Bridgend.

East Ayrshire Council's Roads and Transportation Division have raised no objection with regard to car parking at the development.

4.3 When there is a Masonic Lodge meeting this can bring a number of extra vehicle to the street. Where will they park?

See comments in Paragraph 4.2 of the report.

4.4 Will there be adequate parking spaces for additional cars to the front of our property, so as not to block the driveway opposite? Will there be provision for additional cars parked opposite our property, as we require to reverse into our driveway to give visibility when exiting the driveway due to the high wall on the right?

The proposed road width at this part of the development is 5.5 metres. It is not considered that cars parked on the opposite side of the road from an existing access point would prevent the access being used.

4.5 Our house is the tallest and oldest in the street. There was a single storey building used as a store opposite our house. The new development proposes a three storey building. How will this affect the view and light to our property?

The nearest building to this property is a 3-storey block located at a distance of around 17 – 18 metres at its nearest point. The block is located to the east of the objector's property. Given the degree of separation and the limited impact on sunlight levels, it is not considered that levels of daylighting enjoyed will be significantly affected. The right to a view is not a material consideration in the determination of an application for planning permission.

4.6 Between our house and leading to Springwell Place this section of ground houses garages. Now a three storey block of flats is proposed next to our own property. This appears to be rather close to our gable wall and would not allow us access for repairs. This building will be higher than any other building in Bridgend. Is this type of building really suited to this area as there are no flats or buildings this height in Bridgend? Where this three storey block of flats is to be built there was previously a two storey house similar to our own and we feel this will bring more traffic to an already congested corner.

The gable of the proposed block is located at a distance of around 2 metres from the objector's property at its closest point and would not impede access for repairs. The height of the proposed block is considered acceptable at this location given the precedent set at Springwell Place.

4.7 What will separate our property from the new development?

Should planning permission be granted for the proposed development, details will require to be submitted of proposed boundary treatment. A boundary wall or fence 1.8 metres in height will be required to maintain the objector's privacy, along the rear garden boundary of their property.

4.8 Leisure facilities for kids. There are two large play parks in Stewarton but on the other side of Stewarton, one at Kilwinning Road, the other at Lainshaw Woods. Yet it is this area of Stewarton that has all the new developments with the Avonside and Stuart Millen Homes developments and the increase in population. There was a play park at the bottom of the Robertland Estate but this was deemed unsafe and removed. No replacement was provided.

The applicant proposes to fund the upgrading of the former play park in question. This requires to be formalised by means of a Section 75 Legal Agreement.

4.9 This important site invites an original and bold solution, not the hackneyed and dull plans being offered. There are excellent examples of innovative new housing at Irvine Harbour, Dundonald and Newmilns. Surely the architects of both schemes should be encouraged to aim for these standards in their Stewarton plans. It is to be hoped that you would not accept any plea from the architects that what is proposed is the best they can do. This site is important in townscape terms.

The design is considered acceptable for the site, and will indeed comprise an attractive and imaginative development once established and fully landscaped. The use of appropriate local architectural cues and finishes should be noted. In considering the merits of the design of the development, consideration also requires to be paid to the existing condition of the site and the nature of the surrounding development.

4.10 I have no objections to the residential development as the area is an eyesore at present. However, I am concerned that this will cause an increase in traffic using Holm Street. The traffic using this road has increased substantially since I moved to the area approximately 6 years ago. Cars frequently go up and down this road well over the speed limit and it is only a matter of time before a serious accident takes place. The junction with Bridgend is also not easy to get out of as it is difficult to see traffic coming down the hill from the centre of town due to the wall at the corner. I would be grateful if this could be taken into consideration and hope that some traffic calming measures could be installed in this area.

See comments provided in Paragraph 4.1 of the report. A scheme of traffic calming is also proposed along Bridgend to reduce traffic speeds.

4.11 We have a right of way across the parcel of ground to the west of Bridgend over which articulated lorries, delivery vehicles and our own vans use on a daily basis. Within our premises and rear yard we manufacture, fabricate and prepare items for the construction industry. If housing was allowed in close proximity to the rear of the property this would restrict our ability to continue these processes. Currently we employ 20 people who work from the property. Residential development would restrict our ability for growth.

Environmental Health have raised no objections on the proposed development. It is not considered that residential development near these premises would give rise to land use conflict or affect access. See comments provided in Paragraph 5.5(i) of the report.

4.12 In view of the number of new housing sites being developed in the town and the Government's encouragement for employer's workforce to stay in close proximity, we believe that it is imperative that industrial land still be available. The entire area outlined is currently zoned industrial and if there is a change of use, this would prevent new businesses from entering the town, as there are no other reasonable industrial areas within the town boundary.

See comments provided in Paragraph 5.5(iii) of the report.

4.13 The Robert Mackie building will face onto the proposed townhouses. While I would like it noted that while I am pleased that the site is to be developed I feel the following points should be brought to your attention:-

- (i) We occasionally work shifts in the factory and while noise levels are very low there is inevitably a little noise generated on occasion;
- (ii) The factory receives deliveries and dispatches goods on a daily basis from lorries which park in the street. Large lorries may restrict the road width occasionally; and
- (iii) To the best of my knowledge this area is zoned as industrial, and if not industry has occupied this part of the town for 200 years. Unfortunately, along with the benefits of employment, industry does bring occasional and minor noise and vehicle access problems.

Environmental Health have raised no objections to the development.

4.14 Speed humps may help access to Vennel Street from Bridgend by slowing down the traffic but as it is parked cars that are the main hazard and not the

speed of the traffic, we feel speed bumps on High Street and Springwell Place will just add to the problem. Are speed humps going to serve any purpose in Bridgend itself, as the additional traffic in Bridgend is mostly bypassing High Street and the traffic lights? What tends to happen is that vehicles race between the speed bumps, this in turn causes more of a hazard and more noise. This can be seen happening at Loudoun Street. Will there be any additional noise from traffic going over the speed bump placed at the side of our house? I have a 1977 sports car and I am concerned that the speed bumps may damage the underside of the car.

It is considered that the provision of traffic calming measures will improve road and public safety in the area. Should planning permission be granted, an appropriately worded condition can be imposed to ensure that traffic calming meets the requirements of the Councils Roads and Transportation Division.

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).

5.2 The stated purpose and function of the Approved Ayrshire Joint Structure Plan is to set out the strategic framework for the use of land.

The Adopted East Ayrshire Local Plan was prepared, and later formally adopted by the Scottish Ministers in 2003, in the context of the Ayrshire Joint Structure Plan. The proposed development does not constitute a planning application which individually or cumulatively raises issues of more than local significance. Consequently, the proposed development falls to be considered in terms of the Policies IND 8, RES 4, RES 19, RES 21, RES 22, ENV 17 and ENV 18 contained within the East Ayrshire Local Plan.

East Ayrshire Local Plan

5.3 This proposal is for residential development (51 units) on land formerly used for industrial purposes. The development includes the demolition of 4 vacant industrial nest units and a derelict former factory unit.

5.4 The majority of the site is designated in the East Ayrshire Local Plan as a Miscellaneous Development Opportunity site (Ref 199M) suitable for industrial, residential or recreational uses. Residential development on this part of the site is therefore compatible, in principle, with the provisions of the Local Plan.

55 The remaining portion of the application site comprises the 4 vacant industrial nest units and the neighbouring derelict former factory unit. Policy IND 8 states that proposals for the alternative use of land or premises currently or formerly used for industrial purposes shall be considered acceptable subject to a set of three criteria being met:-

- (i) The proposed use not being detrimental to surrounding established uses;

It is considered that residential development would not be detrimental to surrounding established uses.

- (ii) The proposal meeting with the requirements of all other Local Plan policies; and

It is considered that, in principle, the proposal meets all other relevant Local Plan policies.

- (iii) The existence of alternative industrial or business land or premises with potential for future employment use within the settlement concerned.

There is a limited amount of industrial land in Stewarton. However, the applicant has submitted a letter from Graham and Sibbald detailing the marketing process carried out for the existing industrial units at Bridgend. It states that the property has been marketed since June 2000 without success. It is accepted that there is no market interest and that residential use is therefore acceptable in principle at this location.

5.6 Policy RES 4 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. Development proposals will be assessed against a set of four stated criteria:-

- (i) Impact on the surrounding natural and built environment and adjacent uses;

In principle residential development at this location is acceptable and would not impact detrimentally on the natural and built environment or on surrounding uses. The site is vacant and unsightly at present and the development represents an improvement to the visual amenity of the area.

- (ii) Transportation and infrastructure implications;

See Section 3 of the report which provides the comments of East Ayrshire Council Roads and Transportation Division and other infrastructure consultees.

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

It is considered that the proposed density is appropriate for this brownfield site. The buildings proposed are broadly compatible with surrounding housing types in terms of their design.

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

Taking into account the brownfield nature of the site, the siting of the blocks adjacent to the river bank, the mixed nature of surrounding residential development, and the finishes proposed, the development is considered to be acceptable in terms of its design and finishes. The buildings proposed are considered to be visually interesting and distinctive. The development includes a variety of house types of differing sizes suitable for a wide range of households.

5.7 Policy RES 19 states that all housing developers will be required to provide areas of recreational and amenity open space as an integral part of their development proposals and to make provision for the future maintenance of these areas, once formed, to the satisfaction of the Council. Developers will be expected to pay due regard to the indicative basic standards set out in Schedule 3 of the Local Plan in preparing their proposals, although the precise type, size, location and design of the open space will be dependent on the extent of existing open space provision in the vicinity and the recreational and amenity needs of the wider area. Prospective developers are advised to consult fully with the Council's Head of Leisure Services in this regard, prior to formulating their development proposals.

5.8 Policy RES 21 states that where a development is proposed which would necessitate the provision of open space and that development is located adjacent or in close proximity to an area of existing open space in need of upgrading or improvement, the Council may, as an alternative to providing new open space areas, require the developer through an appropriate Section 75 Agreement to upgrade and improve the existing open space area and provide for the maintenance of that area for a specified period to be agreed.

The development is located in close proximity to a large area of open amenity space on the opposite side of the Annick Water and next to another amenity area between the site and Barbour's Park at the south end of the site. Given the fact that the developer has

indicated a willingness to enter a Section 75 Agreement regarding the upgrading of the Robertland play area, and the extent and location of open space provision in the vicinity, the proposed development is considered satisfactory in terms of open space provision.

5.9 Policy RES 22 states that all developers will require to observe the minimum private open space criteria and standards detailed in Schedule 4 of the Local Plan. The standards quoted may however, be relaxed at the discretion of the Council in respect of the conversion of existing properties to flats where the case for such a relaxation can be fully justified by the developer and where considered appropriate by the Planning Authority.

A large proportion of the proposed development fails to meet the minimum private open space standards required. Whilst the proposed development fails to meet these standards, it should be borne in mind that the site is brownfield in nature.

5.10 Policy ENV 17 states that in areas that are known to have flooded in the past, a precautionary approach to development will be pursued. The Council will require any developer wishing to develop land which has been known to flood in the past to fully investigate the implications of flood risk on their proposals and on adjoining land and property. Appropriate flood prevention measures should be incorporated into the design of their proposals so as to remove or reduce to an acceptable minimum, any adverse effects from flooding that may be experienced. The Council will consult with the Scottish Environment Protection Agency on any development proposals in areas of known flood risk in terms of the SEPA/Planning Authority Protocol on Flooding Issues and will expect developers to enter into agreements with the Council under Section 75 of the Town and Country Planning (Scotland) Act 1997, to provide and finance any necessary flood prevention infrastructure that may be required in association with their proposed developments.

The site is not within an area that is known to have flooded in the past. Nevertheless, given the comments of SEPA, a precautionary approach requires to be taken of flood risk in this instance. It is understood that preliminary investigations undertaken by the applicants Flood Risk Appraiser have indicated that the site will not be at significant risk from flooding. A full flood risk assessment is being prepared. In the circumstances, it would be appropriate to deal with this issue by means of an appropriately worded suspensive condition to prohibit development on the site until such time as a flood risk assessment which demonstrates that the application site is not materially at risk from flooding, to the satisfaction of SEPA and the Council as Planning Authority.

5.11 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.

The Division considers that the concerns about contamination can be addressed by a condition requiring a site investigation prior to the commencement of development.

5.12 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 has declined the opportunity simply because of the considerable contribution in kind already being made in respect of the new play equipment proposed, the upgrading of the riverbank, and environmental improvements.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses, representations received the planning history of the site and the design statement submitted by the applicant in support of the application.

Consultation Responses

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

Representations Received

6.3 It should be noted that some of the points of objection can be addressed by the imposition of appropriately worded conditions should planning permission be granted. On balance, it is considered that the points of objection are not of sufficient weight to justify refusal of the application.

Planning History

6.4 03/0783/FL: An application for full planning permission for proposed new build private development at Bridgend, Stewarton was withdrawn on 20 November 2003. This application was withdrawn, and the current application submitted in lieu of, due to changes in the design of the development and the alterations to the site boundary to accommodate improvements to the public road.

Design Statement

6.5 In support of the application, the applicant has submitted comments within a Design Statement, as an attempt to illustrate the design principals used by the applicant's architect:-

The site is a brown field area formerly occupied by industrial premises in the heart of Stewarton alongside the Annick Water.

A concerted marketing exercise was undertaken by Graham P Sibbald chartered Surveyors to lease/sell the existing property for commercial purposes but this proved to be unsuccessful. The previous usage has allowed the area to fall into neglect with considerable environmental improvements required to restore the ground.

Being a long narrow site facing the river the basic design concept is to form a street with a mixed development reflecting the existing character of Stewarton. Hence the proposed new street includes flats, town house, terraced housing and detached houses.

Quality in particular in achieving houses/flats of a good size is a principal aim of Travis Homes. The entire design enshrines this principal by proposing housing sizes considerably above the market average. This can only be to the benefit of Stewarton and following consultation with local estate agents it has been confirmed that there will be demand for these proposed properties. Quality is further developed by the style of the housing using quality materials including stone and slate. Design features are included to be in keeping with the character of Stewarton.

The mix of housing tries to reflect the housing adjacent to each end of the site which is the idea behind flats to the north side and detached houses to the south. It is this mix that is an essential part of achieving a viable, blended and attractive scheme. The design has been developed in full conjunction with the respective consultees. For example, an adjacent play area will be renewed to the advantage of the whole community.

Car parking is proposed in line with Roads Division's guidelines. Garden spaces are to the river side with an excellent outlook to the river. Where garden sizes are marginally smaller than Council policy, this has been more than compensated by the quality and size of the housing. Also the quality of the formed garden is typical of gardens provided for town house linking with an open outlook over the riverbank. The riverbank itself will be restored using a gabion basket system which will again enhance the current environment.

In conclusion, we believe that this development is offering both significant environmental improvements and a high quality of traditional built housing which will significantly enhance the town centre of Stewarton bringing much needed resources into the centre.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. Legal implications will arise through the requirement for a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997, with regard to the requirements contained within Section 8.5 of the report.

8. CONCLUSIONS

8.1 As indicated in section 5 of the report, the application is considered to be broadly in compliance with the development 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 approved unless material considerations indicate otherwise.

8.2 There are no objections to the use of the site for housing in principle. It is not considered that the proposed residential use of the site would be detrimental to adjacent uses. The site is currently in a vacant and unsightly state at present and therefore it is considered that the proposed development will improve the visual amenity of the general area. Taking into account the brownfield nature of the site, the siting of the blocks adjacent to the river bank, the mixed nature of surrounding residential development, and the finishes proposed, the development is considered to be acceptable in terms of its design and finishes. The buildings proposed are considered to be visually interesting and distinctive. The development includes a variety of house types of differing sizes suitable for a wide range of households.

8.3 The development is located in close proximity to a large area of open amenity space on the opposite side of the Annick Water and next to another amenity area between the site and Barbour's Park at the south end of the site.

Given the fact that the developer has indicated a willingness to enter a Section 75 Agreement regarding the upgrading of the Robertland play area, and the extent and location of open space provision in the vicinity, the proposed development is considered satisfactory in terms of open space provision.

8.4 As is indicated in section 6 of the report, there are material considerations relevant to the application which require to be given due weight in arriving at a decision. With regard to the consultations received, it is considered that the matters raised can be dealt with by means of appropriately worded conditions. The representations for and against the development require to be taken into account in arriving at a decision. It is considered that, on balance, these representations are not of sufficient weight to justify refusal of the application.

8.5 It is recommended that the proposed development should be approved subject to a Section 75 Agreement under The Town and Country Planning (Scotland) Act 1997 to include the following obligations on the part of the developer :-

Section 75 Agreement

(i) The provision of a financial contribution to the Council towards the provision and maintenance of a play area on the existing Robertland site on the east side of the Annick Water in accordance with Policy TLR 5 of the adopted East Ayrshire Local Plan.

(ii) The provision and maintenance of all traffic calming measures outwith the application site to the requirements of the Councils Roads and Transportation Division.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheets and that the issuing of the Decision Notice be withheld until the Solicitor to the Council has concluded a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 dealing with the matters itemised in Paragraph 8.5 of the report.

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 because such a decision would not represent a substantial departure from Council Policy.

Alan Neish
Head of Planning and Building Control

15 January 2004
(RD/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certifications.
3. Letters of Representation.
4. Consultation Responses.
5. East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan (1999).
7. Planning Application Reference No: 03/0783/FL.

Anyone wishing to inspect the above papers please contact Robert Duncan on 01563 576770.

Implementation Officer: Dave Morris

031030FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/1030/FL

Site of Proposal:	Bridgend STEWARTON
Nature of Proposal:	Proposed New Build Residential Development
Name & Address of Applicant:	Travis Homes Ltd 32 Oaks Road Great Glen Leicestershire LE8 9EG
Name & Address of Agent:	Thomson Dawes Architects 21 Portland Road KILMARNOCK KA1 2BT

DPOs Reference: RD/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 14 November 2003 and the stamped approved plans.

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

2. Notwithstanding the terms of Condition 1 above, prior to the commencement of works on site, samples of all materials to be used for the external finishes of the buildings and surfaces of the internal access road and parking spaces shall be submitted to and approved in writing by the Council as Planning Authority and thereafter implemented as approved.

REASON – To ensure that full details of all the external finishes of the buildings and internal road and parking spaces including colours, are agreed.

3. Notwithstanding the terms of condition 1 above, prior to the commencement of works on site, a report describing soil and ground conditions throughout the site shall be submitted to and approved in writing by the Planning Authority. This Report shall include details of the nature, concentration and distribution of any contaminants and indicate how any such contaminants will be treated to render the site safe for development.

REASON – To ensure that the ground is stable, suitable for development and free from contamination.

4. Notwithstanding the terms of condition 1 above, prior to the commencement of works 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. Prior to the occupation of any flats or dwellinghouses within the site, the SUDS arrangement approved under the terms of this condition shall be installed and be fully operational.

REASON - To ensure for the provision of adequate surface water drainage within the site.

5. Notwithstanding the terms of condition 1 above, prior to the commencement of works on site, details of any security and safety fencing required during the period of site development shall be submitted to and approved in writing by the Planning Authority.

REASON – In the interests of the residential amenity of the surrounding area.

6. External construction works shall take place only between 8 am and 6pm, Monday to Friday, and between 9 am and 5 pm on Saturday. No such works shall be undertaken at any time on Sunday.

REASON – In the interests of the residential amenity of the surrounding area.

7. Notwithstanding the terms of condition 1 above, a landscaping scheme shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any development, and shall be implemented not later than the next appropriate planting season after the development has been carried out, and shall be maintained thereafter to the satisfaction of the Council as Planning Authority.

REASON – To ensure that adequate landscaping is provided within the site and that it is subsequently maintained, in the interest of residential and visual amenity.

8. Notwithstanding the terms of condition 1 above, prior to the occupation of any of the flats to which they relate, vehicle car parking spaces shall be provided in accordance with the approved plans.

REASON – To ensure appropriate parking facilities are available within the site for incoming residents.

9. Notwithstanding the terms of condition 1 above, details of the location, design, and finishes of all bin stores to be erected on the site shall be submitted to and approved in writing by the Planning Authority before any development commences on the site.

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

10. Notwithstanding the terms of condition 1 above, prior to the start of any decontamination works required under the terms of condition 3, the Planning Authority shall be given a minimum of 7 days notice.

REASON – To provide the Planning Authority with adequate notice to arrange the monitoring of any decontamination works.

11. Notwithstanding the terms of condition 1 above, prior to the commencement of development works on site, a joint inspection of Bridgend shall be undertaken in conjunction with the Councils Roads and Transportation Division in order to ascertain the condition of the adjacent public road prior to the commencement of development works. The re-shaping of the existing road, alterations to surface water drainage, and alterations to street lighting shall all be carried out to the satisfaction of the Council as Planning Authority.

REASON – To ensure the provisions and maintenance of a secure road surface in the interests of road and public safety.

12. Notwithstanding the terms of condition 1 above, a 2.0 metre wide footpath shall be constructed along the western side of Bridgend to the satisfaction of East Ayrshire Council Roads and Transportation Division, and implemented prior to the occupation of any of the dwellings or flats.

REASON – In the interests of road and public safety.

13. Notwithstanding the terms of condition 1 above, the private car parks shown within the site shall be accessed by footway crossings, and the industrial units on the western side of Bridgend accessed by means of commercial access crossings, all to the satisfaction of East Ayrshire Council Roads and Transportation Division, and implemented prior to the occupation of any of the dwellings or flats.

REASON – In the interests of road and public safety.

14. Notwithstanding the terms of condition 1 above, details of the intended treatment to the bank of the Annick Water and of all retaining works, shall be submitted to, and agreed in writing with, the Council as Planning Authority prior to the commencement of works on site. Following agreement, any works shall be completed to the satisfaction of the Planning Authority prior to occupation of any of the dwellings or flats.

REASON – To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity and to secure the stability of the river bank.

15. Notwithstanding the terms of condition 1 above, prior to the commencement of works on site, a scheme of traffic calming shall be submitted to and agreed in writing with the Council as Planning Authority. Thereafter, the proposed scheme of traffic calming shall be completed to the satisfaction of the Planning Authority prior to the occupation of any of the flats or dwellinghouses.

REASON – In the interests of road safety.

16. Notwithstanding the terms of condition 1 above, details of the location, design and construction of all fences and walls to be erected on the site shall be submitted to and approved in writing 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 and residential amenity.

17. Notwithstanding the terms of condition 1 above, a full flood risk assessment shall be submitted to the Council as Planning Authority and agreed in writing prior to the commencement of construction works on site. Any investigation works required by the risk assessment shall be carried out prior to the commencement of works on the proposed houses/flats.

REASON – In order to ensure that the proposed development is not at significant risk of flooding.

18. Prior to the commencement of development on site the applicant shall submit either written confirmation of the suitability of the proposed bin storage arrangement to accommodate the Council's 3-bin re-cycling scheme, or revised drawings indicating appropriate revisions to the submitted bin store details. Thereafter, the bin storage shall be provided as agreed by the Planning Authority.

REASON In the interests of visual amenity and public hall.

19. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, (or any order or enactment replacing this) no extensions or garages (unless forming part of the approved layout plan) shall be erected on the site, other than within the curtilage of the 6 houses off the south most cul-de-sac unless a further specific planning application is submitted to and approved by the Planning Authority.

REASON To enable the Planning Authority to ensure that such structures are provided in a manner compatible with the visual amenity of the area.

Notes to applicant:

1. Prior to the commencement of development on the site, the applicant should satisfy himself as to the suitability of the site for construction purposes.
2. A copy of the consultation responses received from Transco and The Coal Authority are attached. The developer is strongly advised to note same and take any appropriate recommended action.
3. SEPA have advised that all drainage arrangements should be to the public sewer and consideration given to the use of Sustainable Urban Drainage (SUDS) techniques for the disposal of surface water. SEPA have further advised that any waste arising should be disposed of at a suitably authorised site. The developer is advised to contact SEPA at 2 Alloway Place, Ayr, KA7 2AA, Tel 01292 294 000, particularly with regard to confirming the consequences, if any, of surface water drainage connection to the public sewer.
4. The applicant should make early contact with Scottish Water at their Office at 35 Glenburn Road, Prestwick, KA9 2NS, Tel 0845 601 8855.
5. Following the advice in Note 4 above, the developer is advised that the Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific arrangements 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.

6. The applicant will require to secure the necessary Roads Construction Consent, details of which should be discussed with the Roads and Transportation Division of East Ayrshire Council.

7. The applicant should contact Scottish Power to discuss alteration/protection of their apparatus within the site.

8. East Ayrshire Councils Environmental Health and Waste Management Division has commented that the overall development site is a mixture of vacant ground, former factory sites now demolished, and vacant factory units. Any demolition works will require a suitable method statement and be subsequently undertaken in accordance with the relevant Code of Practice and Health and Safety legislation. Any asbestos on site will require to be dealt with appropriately and disposed of to suitably licensed landfill. On some parts of the site where factory buildings have been demolished, there is still evidence of underground services: again, the removal of these services should have regard to the possibility of asbestos (in the form of lagging) in the ducting.