

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE - 5 SEPTEMBER 2003

03/0458/OL: PROPOSED RESIDENTIAL DEVELOPMENT AT 3 CAMPBELL STREET EAST, DARVEL BY CARLETON HOUSE LTD

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning consent is sought to develop the site for residential purposes. As the application is in outline, no details of the type, size or design of dwellinghouses have been provided, but the applicant has indicated that 8 units would be provided to a maximum of 2 storeys in height.

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

3.2 The proposal complies with Policy RES 4 of the EALP. The proposal is acceptable in principle and it is not considered that it will detrimentally affect surrounding properties in terms of amenity or road safety. The proposed use will remove a vacant and derelict site which will help to improve the visual amenity of the area. The response from the Council's Roads and Transportation Division is of particular relevance and can be addressed satisfactorily by way of conditions should Members choose to grant consent.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application

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

Alan Neish
Head of Planning and Building Control

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE - 5 SEPTEMBER 2003

03/0458/OL: PROPOSED RESIDENTIAL DEVELOPMENT AT 3 CAMPBELL STREET EAST, DARVEL BY CARLETON HOUSE LTD

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an outline planning application which is to be considered by the Local Planning Committee under the scheme of delegation because it is a larger application which accords with the Development Plan.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located to the north of Darvel at Campbell Street East and comprises a former factory building. It extends to some 3900 square metres in area and is bound to the north by additional land owned by the applicant beyond which is agricultural land, to the south by Council playing fields, to the east by residential properties and agricultural land and to the west by Darvel Primary School. The site steps up above road level from within as it extends to the north.

2.2 **Proposed Development:** Outline planning consent is sought to develop the site for residential purposes. As the application is in outline, no details of the type, size or design of dwellinghouses have been provided, but the applicant has indicated that 8 units would be provided to a maximum of 2 storeys in height.

3. CONSULTATIONS AND ISSUES RAISED

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

Noted.

3.2 East Ayrshire Council's Environmental Health and Waste Management Service have no objection in principle subject to the construction works not resulting in any nuisance to the adjacent primary school and housing through site construction activities outwith normal dayshift working hours. Initial checks of factory premises that are on site, have not uncovered any specific contaminated land issues that require to be addressed as part of the development although demolition of the factory should be undertaken in accordance with the requisite Code of Practice. This should be in such a manner as not to result in any nuisance to adjacent occupiers and thereafter a

general assessment of ground conditions should be carried out prior to the commencement of any building/site development works.

It is recommended that should Members choose to grant planning permission conditions be incorporated that require site investigations to be carried out to determine and address site contamination and controlling the hours of construction works on site.

3.3 Scottish Water have not objected to the application although they recommend the use of a SUDS drainage system and early contact with Scottish Water regarding connection to the public sewer.

Noted. It is recommended that should Members choose to grant consent, an appropriate condition be attached concerning the use of SUDS and an advisory note suggesting the applicant make early contact with Scottish Water.

3.4 East Ayrshire Council Roads and Transportation Division have no objection subject to:-

- (i) the provision of an internal road and standard residential turning head;
- (ii) the provision of traffic calming from the application site to the junction with Jamieson Road and
- (iii) an indication of the intended SUDS design to be employed within the residential development.

Noted. If Members choose to grant consent, the above comments can be adequately conditioned.

3.5 The Darvel and District Community Council have not responded to their consultation at the time of writing this report.

Noted.

4. REPRESENTATIONS RECEIVED

4.1 No letters of representation have been received.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan (1999) and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 The proposed development can be assessed against Policy G1 of the Ayrshire Joint Structure Plan. This development seeks to direct new development to existing settlements rather than areas outwith settlement boundaries.

The site is located within the settlement boundary of Darvel as defined within the East Ayrshire Local Plan. The application is considered to comply with the terms of the Ayrshire Joint Structure Plan.

East Ayrshire Local Plan (EALP)

5.3 The proposed development can be assessed against Policy RES4 of the EALP. This policy seeks to encourage the sympathetic residential development of gap, infill or other redevelopment sites subject to an assessment of the proposal against the surrounding natural and built environment and adjacent uses, transportation and infrastructure implications and in terms of compatibility with surrounding densities and housing types and compliance with the Council's Design Guidance.

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

5.4 The proposed development can also be assessed against Policy IND8 which states that for vacant industrial properties alternative use shall be acceptable subject to certain criteria namely:-

- the proposed use not being detrimental to surrounding established uses;
- the proposal meets the requirements of all other relevant local plan policies in respect of the sympathetic redevelopment of the site to an acceptable density and appropriate design.
- alternative industrial land is allocated in the adopted local plan and there are other active industrial sites in the settlement

It is considered that the proposed development complies with criteria 1 and 3. There are adjacent residential properties and the development of this site would be in keeping with and will enhance the amenity of these properties. It is also considered that there is other industrial land safeguarded in the local plan and it would be more appropriate to develop the site for residential purposes.

In respect of Criteria 2, it is not possible to adequately assess the compliance of the development with all other local plan policies when the application is in outline. Such matters would be addressed

at the 'reserved matters' stage, should Members choose to grant consent.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other material considerations relevant to the determination of this application are the consultation responses received that have been detailed in Section 3 of this report and the potential impacts of such a development on the visual and residential amenity of the area.

It is not considered that any aspect of the consultations received indicates that the application should be refused. Furthermore, subject to the application of conditions, the amenity of the area will not be adversely affected.

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

8.2 The proposal complies with Policy RES 4 of the EALP. The proposal is acceptable in principle and it is not considered that it will detrimentally affect surrounding properties in terms of amenity or road safety. The proposed use will remove a vacant and derelict site which will help to improve the visual amenity of the area. The response from the Council's Roads and Transportation Division is of particular relevance and can be addressed satisfactorily by way of conditions should Members choose to grant consent.

9. RECOMMENDATION

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

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application

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

Alan Neish
Head of Planning and Building Control

27 August 2003 (FMF/SA)
FV/DM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Consultation Responses.
3. Statutory Notices/Certificates
4. Adopted East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan.

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

Implementation Officer: Dave Morris

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0458/OL

Location: 3 Campbell Street East
DARVEL

Nature of Proposal: Proposed Residential Development

Name & Address of Applicant: Carleton House Ltd
11 Grange Place
KILMARNOCK
KA1 2AB

Name & Address of Agent: DM Hall & Son
45 Bank Street
IRVINE
KA12 0LL

DPO's Ref: FMF/SA

The above FULL 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.

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

REASON: The approval is in outline only.

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

Drainage System shall thereafter be formed and maintained on site in accordance with the approved details prior to the occupation of the dwellings.

REASON To ensure that adequate drainage is provided.

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

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

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

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

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

REASON In the interests of residential amenity.

6. The front building line of the proposed development shall align with the existing residential properties lying adjacent to the application site to the eastern site boundary.

REASON In the interests of visual amenity and to secure a consistently applied building line.

7. The details to be submitted under Condition 1 above shall comply in all respects with the Council's approved policy on the provision of private garden ground and with the Council's design guidance as contained in the Adopted East Ayrshire Local Plan.

REASON To ensure that the sufficient open space is provided within the development, in the interests of visual amenity and residential amenity.

8. Prior to the occupation of the houses hereby approved, a traffic calming scheme shall have been implemented in accordance with details to have been agreed by the Planning Authority. The details shall provide for calming from the application site boundary to the junction of Campbell Street East and Jamieson Road.

REASON In the interests of road and pedestrian traffic safety.

NOTES

1. Prior to the commencement of any works on site for the development hereby approved, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.
2. The developer shall make early contact with Scottish Water and the Scottish Environment Protection Agency to confirm their request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.
3. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.
4. Early contact is strongly suggested with Scottish Water on 0845 601 8855 and Transco on 0141 418 4093 to discuss permissions for connection/drainage to equipment.
5. Early contact with the Council's Roads and Transportation Division is recommended to discuss access and traffic calming issues. The applicant is also advised to note that an internal road will require to be provided with a standard residential turning head and in terms of a SUDS system, the Roads Division will require the road drainage to be either discharged into the public sewer or a watercourse. The design of any SUDS system into which road surface water is to pass will require the approval of the Roads and Transportation Division.

**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.**