

## **EAST AYRSHIRE COUNCIL**

**DEVELOPMENT SERVICES COMMITTEE: 28 JUNE 2005**

**05/0292/FL: PROPOSED DEMOLITION OF EXISTING BUILDINGS AND  
ERECTION OF RESIDENTIAL DWELLINGS, CLASS 4  
COMMERCIAL/BUSINESS UNITS, MINI ROUNDABOUT, SPEEDTABLE  
AND ASSOCIATED ROADWORKS AT PARKHEAD, NEWMILL ROAD,  
DUNLOP BY DICKIE AND MOORE LTD**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the erection of 71 dwellings and 7 commercial/business units. The development comprises the following components.

- 59 detached houses of 2 and 2½ storeys in height of 4 bedroom accommodation with attached garage.
- 2 semi-detached houses of 2 storey in height of 3 bedroom accommodation
- 10 dwellings in L-shaped terraced block of 2 storey in height of which 5 are of 3 bedroom accommodation, 2 of 2 bedroom accommodation and 3 are flats of 2 bedroom accommodation located all on one floor (one flat on the ground floor and two flats on the first floor level)
- Materials of the dwellings comprise concrete interlocking roof tiles, and the use of pre-cast stone and off-white render
- The dwellings are sited largely in 4 cul-de-sacs within the site
- Three sizeable areas of open space are proposed one opposite the terraced dwellings and the other two areas are adjacent to the Burn. One of the open space areas adjacent to the Burn will accommodate a SUDS pond.
- Agreement by the applicant to build 4 out of the 7 commercial/business units within Phase 1 of the development

1.2 Access to the site is from Newmill Road and a speedtable is proposed at the entrance. A mini-roundabout is proposed at the junction of Newmill Road with Lugton Road, the A735 and Station Road. Alterations are also proposed to the existing railway bridge, with improvements of the pedestrian footway. It is proposed to narrow the carriageway to 5.5 metres with 1.6 metres footway adjacent to the railway station side.

1.3 The application also includes the erection of 7 commercial/business units at the front of the site. These units are intended to provide commercial/business space for local businesses which are light industry or Class 4 business units. The proposed units are to be constructed in two blocks of 2 storey in height on either side of the access road. Each unit will include a fitted kitchen, staff toilet facilities, although the main workspace

areas will be completed to a 'shell' finish only. To allow flexibility, units will be made available as single (ground floor or first floor) or double units (ground floor and first floor) to suit specific commercial requirements. Car parking is provided at the front of the units. The development also proposes the erection of a 20-space car park for people using the adjacent Dunlop Railway Station and a 25-space car park for the use by the business units and adjacent Bowling Club and an additional 16 parking spaces for the commercial/business units.

1.4 The applicant has submitted a Feasibility Report regarding the commercial/business units covering current demand, general marketability and anticipated sale/lease process. They have indicated that commercial units of the type are seldom found in small town/village locations such as Dunlop and are more characteristic of larger towns such as Kilmarnock as most prospective occupiers are seeking the benefits associated with large town centres, associated companies/business and ease of access to supplies, clients and the general marketplace. To date development of this type within the Dunlop area is unlikely to prove economically viable. They strongly recommend that such development be phased in an effort to gauge initial demand and to provide an element of flexibility prior to the completion of both buildings.

1.5 The applicant has also submitted a Flood Risk Assessment and Ecological Survey. The Flood Risk Assessment provides an understanding of the potential water level at times of flooding particularly with respect to the adjacent Glazert Burn and SPP7. It has indicated that the larger northern part of the site is considerably above the anticipated flood levels of the Glazert Burn and therefore no development constraints are anticipated from flooding. To allow the redevelopment of the smaller southern portion of the site with an acceptable risk against flooding, ground level and finished floor levels should be suitably determined. Loss of storage capacity of the burn is likely to be insignificant with respect to flood risk downstream due to the anticipated flood levels. It is considered due to the form and nature of the burn, erosion of the bank adjacent to the Hapland Mill site is unlikely to be significant during normal and flood events. It is considered that much of the site would be at little or no risk of flooding from the Glazert Burn. As a result of the analysis no constraint to development of the southern area from the Glazert Burn during peak flows is anticipated.

1.6 The ecological survey indicates that the site would seem to be of low ecological significance being predominately made up of hard standing and having been extensively industrially utilised over the years. Care should be taken in excavation especially at the northern end of the embankment where the foot of the embankment is only about 10 metres from the edge of the river to avoid contamination of the watercourse.

## **2. RECOMMENDATION**

**2.1 It is recommended that the application should be approved subject to the conditions indicated on the attached sheet and that the issuing of the Planning Decision Notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in Sections 5.7 and 7.2 of the report.**

## **3. CONCLUSIONS**

3.1 As indicated in Section 5 of the report the application is not 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 refused unless material considerations indicate otherwise.

3.2 As indicated in Section 6 of the report there are relevant material considerations. The concerns of the objectors are noted however they are not considered to be of sufficient weight to justify a recommendation of refusal. Their concerns regarding the proposed road alterations, the proposed access and road safety have not been supported by the Roads Division. The proposed road alterations are considered to be an improvement on the existing road conditions which exist at Newmill Road and the junction with the Lugton Road and A735. With regard to the design and siting of the proposed dwellinghouses they are considered to add a modern addition to Dunlop's built environment.

3.3 The proposed development is considered to be contrary to the Adopted EALP as the majority of the site is safeguarded for business industrial use. However it is considered that in the circumstances an exception to policy can be justified, as the site is too large for the business/industrial needs of a settlement the size of Dunlop. It is considered that the provision of the business/commercial units which form part of this application will meet the commercial/business needs of Dunlop and the periphery area.

3.4 It is considered that the development will add to the amenity of the area, by providing a range of modern housing of different sizes to meet housing demand in the Dunlop area.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

**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, DEVELOPMENT AND BUILDING STANDARDS**

#### **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 Development Services Committee under the scheme of delegation as it involves a significant departure from the East Ayrshire Local Plan.

#### **2. APPLICATION DETAILS**

2.1 **Site Description:** The application site is approximately 5.7 hectares in area and comprises the area presently occupied by Howies of Dunlop which is accessed off Newmill Road. The remainder of the application site was formerly occupied by Hapland Mill which was demolished many years ago and now comprises vacant derelict land which is adjacent to Glazert Burn. There is a significant change in level between the site occupied by Howies and the former Hapland Mill site. The site occupied by Howies comprises 2 cottages at the front of the site, and mix of stone, brick, roughcast and modern industrial buildings. The application site also includes Newmill Road and the junction at Newmill Road, A735, Lugton Road and Station Road.

The application site is surrounded to the north by a Bowling Green and mix of modern and traditional residential properties, to the south and east by agricultural land and to the west by the main Kilmarnock and Glasgow railway line and beyond the railway station and residential properties.

2.2 **Proposed Development:** Full planning permission is sought for the erection of 71 dwellings and 7 commercial/business units. The development comprises the following components.

- 59 detached houses of 2 and 2½ storeys in height of 4 bedroom accommodation with attached garage.
- 2 semi-detached houses of 2 storey in height of 3 bedroom accommodation
- 10 dwellings in L-shaped terraced block of 2 storey in height of which 5 are of 3 bedroom accommodation, 2 of 2 bedroom accommodation and 3 are

flats of 2 bedroom accommodation located all on one floor (one flat on the ground floor and two flats on the first floor level)

- Materials of the dwellings comprise concrete interlocking roof tiles, and the use of pre-cast stone and off-white render
- The dwellings are sited largely in 4 cul-de-sacs within the site
- Three sizeable areas of open space are proposed one opposite the terraced dwellings and the other two areas are adjacent to the Burn. One of the open space areas adjacent to the Burn will accommodate a SUDS pond.
- Agreement by the applicant to build 4 out of the 7 commercial/business units within Phase 1 of the development

2.3 Access to the site is from Newmill Road and a speedtable is proposed at the entrance. A mini-roundabout is proposed at the junction of Newmill Road with Lugton Road, the A735 and Station Road. Alterations are also proposed to the existing railway bridge, with improvements of the pedestrian footway. It is proposed to narrow the carriageway to 5.5 metres with 1.6 metres footway adjacent to the railway station side.

2.4 The application also includes the erection of 7 commercial/business units at the front of the site. These units are intended to provide commercial/business space for local businesses which are light industry or Class 4 business units. The proposed units are to be constructed in two blocks of 2 storey in height on either side of the access road. Each unit will include a fitted kitchen, staff toilet facilities, although the main workspace areas will be completed to a 'shell' finish only. To allow flexibility, units will be made available as single (ground floor or first floor) or double units (ground floor and first floor) to suit specific commercial requirements. Car parking is provided at the front of the units. The development also proposes the erection of a 20-space car park for people using the adjacent Dunlop Railway Station and a 25-space car park for the use by the business units and adjacent Bowling Club and an additional 16 parking spaces for the commercial/business units.

2.5 The applicant has submitted a Feasibility Report regarding the commercial/business units covering current demand, general marketability and anticipated sale/lease process. They have indicated that commercial units of the type are seldom found in small town/village locations such as Dunlop and are more characteristic of larger towns such as Kilmarnock as most prospective occupiers are seeking the benefits associated with large town centres, associated companies/business and ease of access to supplies, clients and the general marketplace. To date development of this type within the Dunlop area is unlikely to prove economically viable. They strongly recommend that such development be phased in an effort to gauge initial demand and to provide an element of flexibility prior to the completion of both buildings.

2.6 The applicant has also submitted a Flood Risk Assessment and Ecological Survey. The Flood Risk Assessment provides an understanding of the potential water level at times of flooding particularly with respect to the adjacent Glazert Burn and SPP7. It has indicated that the larger northern part of the site is considerably above the anticipated flood levels of the Glazert Burn and therefore no development constraints are anticipated from flooding. To allow the redevelopment of the smaller southern portion of the site with an acceptable risk against flooding, ground level and finished floor levels should be suitably determined. Loss of storage capacity of the burn is likely to be insignificant with respect to flood risk downstream due to the anticipated flood levels. It is considered due to the form and nature of the burn, erosion of the bank adjacent to the Hapland Mill site is unlikely to be significant during normal and flood events. It is considered that much of the site would be at little or no risk of flooding from the Glazert Burn. As a result of the analysis no constraint to development of the southern area from the Glazert Burn during peak flows is anticipated.

2.7 The ecological survey indicates that the site would seem to be of low ecological significance being predominately made up of hard standing and having been extensively industrially utilised over the years. Care should be taken in excavation especially at the northern end of the embankment where the foot of the embankment is only about 10 metres from the edge of the river to avoid contamination of the watercourse.

### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 East Ayrshire Council Roads and Transportation Division have no objection subject to the following issues being addressed.

- The proposed footway widening on Newmill Road should be clarified to ensure that the minimum 1.6m is available from the site access to the mini-roundabout
- The re-alignment of Newmill Road adjacent to the railway bridge parapet should be agreed by Scotrail
- The indicative road levels provided and the finished floor levels of the dwellings suggest that the flood route for the 1 in 200 year cannot be achieved. The finished floor levels are lower than the adjacent road levels at critical points. No driveway levels have been provided to indicate whether they fall away or towards the road. All driveways should fall towards the road at critical locations on the flood route
- No road levels have been provided adjacent to the SUDS ponds. The roads levels as indicated would result in the flood route being down the core road to the roundel and discharging into Plots 34 to 37
- The indicative levels for the roads do not appear to be correct; some roads are shown as being level. The road design will not conform to these proposals
- The indicative levels provided at the rear of properties 34 to 42 should be confirmed and the proposed treatment of the boundary between the

watercourse and the dwellings indicated. This would allow access for maintenance of the watercourse

- The SUDS basin should be provided at further detail regarding levels and section through the basin. This would allow an assessment of the treatment volume discharge rate into the watercourse to be considered. Supporting calculations for the SUDS should be provided

***It should be noted that the Roads Division have no objections to the proposed mini-roundabout, alterations to the railway bridge and the vehicular access from Newmill Road. Network Rail have no objections to the realignment of the road at the railway bridge. With regard to details of the SUDS basin and road levels these can be addressed by attaching conditions to any grant of planning permission. Any changes in the approved finished floor levels, road levels and proposed ground levels would require the further approval of the Planning Authority prior to their implementation.***

The Roads Division in terms of their flooding responsibility have no objections to the proposed development provided access is maintained along the riverbank. All flooding matters have been addressed to their satisfaction.

3.2 Scottish Water have advised that their wastewater assets and water infrastructure are not affected by this proposal at this time, however they advise that a connection to the public wastewater system and supply from the public water network is dependent on the space capacity at the time of application for sewer connection and water connection. They support the principal of a Sustainable Urban Drainage System (SUDS) and the applicant should consider utilising this in the surface water design. They will not adopt surface water drainage systems that require the flows to be pumped. Foul drainage may be discharged to the adjacent public sewer system.

***The advice of Scottish Water can be addressed by attaching a condition and notes to any grant of planning permission.***

3.3 SEPA have no objections provided the following matters are addressed.

- All foul (and any possible trade) drainage from the site is connected to the public sewer
- A condition to be attached to any planning permission requiring the applicant to treat surface water from the site in accordance with the principles of Sustainable Urban Drainage System. The design of the drainage system should be site specific and dependent upon contaminants of the site, the remediation strategy and the risks posed by any residual contamination in addition to the normal design considerations
- No details have been received relating to the site history or its condition regarding land contamination

- Provision should be in line with the Council's collection plans to address the recycling, composting recovery and disposal targets with the Area Waste Plan and the Council's Implementation Plan
- They would object to any plans to culvert or alter the course of the Glazert Burn as the Water Framework Directive is currently being transposed into Scottish Law
- Due to the proximity of the watercourse there is a greater risk of pollution during construction phase and they request that prior to work commencing on site, the applicant prepares and agrees with SEPA a Construction Method Statement which includes the measures to be adopted to reduce this risk
- SEPA have no record of flooding of this specific site however they would recommend that further investigation of the potential flood risk to the site is carried out in line with guidance provided in SPP7 Planning and Flooding. They have record of flooding at the Dunlop STW inlet works on 12 December 1994

***The comments of SEPA with regard to SUDS, adequate waste storage can be addressed by attaching conditions to any grant of planning permission. The development does not include any plans to culvert or alter the course of the adjacent Glazert Burn. East Ayrshire Council Roads Division are content that there are no flooding issues regarding this site.***

3.4 East Ayrshire Council Environmental Health and Waste Management Division have advised that they believe that a comprehensive site investigation has been carried out; confirmation of this and of any subsequent remediation works should be obtained. Site works should be undertaken in a responsible fashion and precautions taken both at demolition and development stages to ensure that no nuisance is caused to any nearby residents from dust, smoke or noise. Potentially noisy site workings shall be restricted to normal dayshift operations to avoid complaint. The Cleansing Service are generally happy with the overall site layout in respect of refuse collection implications, although residents in the flatted/terraced blocks will probably require to place their refuse/recycling bins at designated locations for emptying.

***The requirements of Environmental Health and Waste Management can be addressed by attaching conditions to any grant of planning consent with regard to site investigation and any required remediation works and hours of construction.***

3.5 Scottish Power, Blackwater SAC (formerly Transco) have no adverse comments to make regarding the proposed development.

***Noted.***

3.6 East Ayrshire Council Economic Development Division have indicated that the premises which Howie of Dunlop occupies are no longer appropriate for the type of business in terms of the extensive area of surplus land. The

location is no longer ideal as the main customer base of the business is in the commercial industrial sector throughout Scotland rather than the previous Ayrshire agricultural market. They have been working with the company to secure their relocation to the new Moorfield Industrial Park at Kilmarnock. This would allow the company to develop and would also secure both the business and the employment in the local area. The business units are designed for “office” type uses which will be more compatible with the adjacent proposed residential uses than “industrial units” would be. They would however question the level of market demand which would be generated for these Class 4 units as they and their colleagues in Business Gateway Ayrshire are not aware of any demand or even enquiries for such business accommodation at this location.

***Noted.***

3.7 East Ayrshire Council Outdoor Amenities have no objections to the development provided BS 5837 (trees in relation to construction) is adhered to with regard to protection zones around retained trees both on and adjacent the site. They require a full landscape plan with future maintenance proposals. A toddler/junior play area and teenage sports area within the site should be constructed within the site.

***The site layout plan indicates that a number of trees will be retained and conditions can be attached to any grant of planning consent to ensure that adequate measures and distances are adhered to during construction work. A toddler/junior areas and teenage sports area are proposed in the north-east areas of the site. Conditions can be attached requiring details of the play equipment, landscaping and maintenance arrangements to be submitted for approval prior to the commencement of development on site.***

3.8 Network Rail have no objection in principle provided various requirements are adhered to in terms of fencing, planting, earthworks/excavation and construction works and lighting. In terms of the proposed realignment of Newmill Road adjacent to the railway bridge, Network Rail have no objection subject to the kerb and detail i.e. fill behind does not reduce the height of the parapet above the adjacent ground level. If the vertical alignment of the carriageway is altered the existing parapet should be maintained or even increased to current design standards.

***The requirements of Network Rail can be addressed by attaching either conditions or an advisory note to any grant of planning consent with regard to fencing, lighting, construction works and planting. The requirements of Network Rail in terms of the road alignment can be implemented in terms of the design of the road alignment and at road construction consent stage.***

3.9 Scottish Natural Heritage have no objection, but recommends a condition be attached to any grant of planning permission requiring the submission of an ecological survey to confirm if bats are roosting on site. If bats are present, a license from the Scottish Executive for disturbance to a roost site would be required.

***A survey was completed on 8 June 2005 and no bat roosts were found on site.***

3.10 East Ayrshire Council Department of Educational and Social Services have no objections, but with school rolls in the area being close to capacity it may not be possible for any additional pupils to enrol at their catchment area school. They would therefore require to be transported to the nearest available school.

***Noted.***

3.11 Dunlop and Lugton Community Council object to the development on the following grounds

#### Housing

- The development site is not an identified housing site in the Local Plan and is safeguarded for industrial purposes. There is a surplus of effective housing land and therefore is no immediate pressure to permit change of use from industrial to housing.
- The housing development would compromise the viability of existing facilities and services within the Dunlop community.

***It is recognised that a significant part of the application site is identified for industrial purposes and this is addressed in Section 5.3 of the report.***

***It is not considered that proposed development would compromise the viability of existing facilities and services within the Dunlop Community, in fact the increase in population will help to increase the viability of existing facilities and services and also help to stimulate the provision of new facilities and services.***

- Within the 5 year supply of effective housing land appears to be being maintained they recognise the pressure to release additional land for housing in the Glasgow link corridor but believe potential sites should be released in a strict way following full sustainability appraisals and with appropriate development briefs prepared in collaboration with the local community. This site should not be released without full sustainability analysis having been carried out.

***The application site is a brownfield site within the settlement boundary and given that the majority of the site is not used for***

***industrial purposes by Howies (large areas are vacant) and it is not a priority industrial site, it is not considered necessary to await the outcome of the review of the local plan to determine this application. It is not considered that a full sustainability analysis and design brief should be prepared for this site given its location and the circumstances.***

- The Community Council supports Policy RES 4 to ensure sympathetic residential development that enhances the village are achieved. However the site area is estimated to represent at least 20% of the land area of the village of Dunlop and it has a potential density to increase the population of village by 40%. Any change of use of this land will have significant impact on the village in terms of overall mix and density of housing within the community social/economic profile of the community, adequacy of local amenities including education, healthcare, shops and recreational facilities, adequacy of service infrastructure especially water and sewerage, local traffic management and road safety issues, architectural heritage, character and natural environment of the village and the potential for local employment.

***The proposed development has been assessed against Policy RES 4 in Section 5.4 of the report, it is not considered that the development of the site will adversely impact on the surrounding area. It will help to add further life and activity to the village and rural area.***

#### Open Space

- A number of plots fail to meet the minimum requirement of private open standards set by East Ayrshire Local Plan. They consider there is no case for relaxation of these standards and believe that given the failure of over 10% of the development in terms of private open space standards and the minimum provision of public open space, the proposals represent over-development of the site.

***It is considered that the proposed development meets the terms of Policy RES 22 in terms of private open space provision and Policy RES 19 in terms of public open space. The proposals do not represent over-development of the site.***

- Limited information has been provided in respect of the design of the open space areas, landscaping and planting proposals. Advantage has not been taken of the opportunities afforded by the site to integrate natural features such as the banks of Glazert Burn through the development and promotion of walking routes and woodland area. The policy provisions of Policies RES 19 and RES 20 in terms of open space provision have not been adequately met.

***Details of the design of the open space, landscaping and planting will be provided at a later stage. However it is considered that these details should take full advantage of the adjacent Burn in terms of their siting and design. The proposed development meets the terms of Policy RES 19 and RES 20 at this stage.***

#### Business and Industry

- The development site is safeguarded for industrial use. They acknowledge the changed circumstances and difficulties presented in maintaining an industrial use. The change of use should only be considered within the context of statutory procedures for the review of Local Plan.
- The development also fails to meet the specific criteria of Policy IND 8 as the location and form of industrial provision is inappropriate and does not appear to have been based on research to assess market demand.

***It is considered that the application site is a brownfield site within the settlement boundary. The majority of the site is not used for industrial purposes and is unlikely to be used for these purposes in the future given its periphery location and modern industrial requirements. Howie's have indicated their intention to relocate to Moorfield to meet their modern industrial needs. The applicant is also prepared to provide commercial/business units within the site. Therefore it is considered that in the circumstances it would be unreasonable to sist the application pending the outcome of the review of the local plan. In terms of Policy IND 8 it is considered that the provision of commercial/business units will help to meet local demand.***

- The Community Council are concerned that the sustainability of the village is compromised by the loss of local employment resulting from the closure of the existing business on the development site. It recognises that a viable alternative industrial use comparable in size is unlikely but believes that a wider appraisal of potential commercial opportunity needs should be undertaken. The feasibility report submitted by the applicant should not be used as justification for eliminating retention of any form of commercial activity on the site in order that additional residential units can be accommodated. They would draw attention to the fact that the report only examines the feasibility of the specific size and configuration of commercial/light industrial development as proposed in the current planning application and does not examine in more general terms the potential opportunity and financial viability of retention and development of the site for commercial purposes.

***It is accepted that the safeguard industrial area is too large for the business/industrial needs of a settlement the size of Dunlop. The proposed business units are considered to be an acceptable size to***

***function as a business/industrial site for Dunlop and to meet local business/industrial demand.***

#### Tourism, Leisure and Recreation

- Without prejudice to their objection, the Community Council would wish to ensure that in any discussions with potential developers of the site contributions are ring fenced for application to relevant projects within the Dunlop and Lugton Community Council area.

***The applicant has indicated that he would be willing to contribute to the Council's Sports, Recreation and Leisure Fund as detailed in Section 5.7.***

#### Planning Advice and Guidance

The proposals are contrary to SPP3: Planning for Housing, SPP15 Planning for Rural Development, PAN 67 Housing Quality, PAN 68 Design Statements, PAN 72 Housing in the Countryside, PAN 74 on Affordable Housing.

- The development does not take into account material aspects of SPP3 to create quality residential developments, guide development to the right places and deliver an adequate supply of housing land

***It is considered that the proposed development accords with the principles of SPP3 providing a quality residential development with a range of different house sizes.***

- The future use of the application site will have long term implications for the rural community of Dunlop. It is contrary to SPP15 as its development has not been foreseen, agreed and programmed to reflect local circumstances. No policies to guide developers have been prepared and the community is being denied a direct role in deciding the future course of its development. All of these concerns could be addressed if the site is allowed to come forward for release through the established procedures for the statutory review of Local Plans.

***It is not considered in the circumstances that it would be appropriate to sist this application pending the review of the EALP as Howies have indicated their intention to relocate to Moorfield and the southern area of the site has outline planning permission for residential development.***

- In terms of PAN 67: Housing Quality, the layout and design of the housing development has given inadequate consideration to issues of context, streets and spaces, accessibility and managing traffic, safety and security and energy efficiency. The pattern of housing proposed is suburban in character and little thought has been given to the qualities and characteristics of the village setting. The large roundabout in the centre of development seems confusing, when all other junctions are dealt with by

'T' junction and completely out of context in a village situation. No casual or visitor parking has been provided and vehicle access to many plots is difficult.

***The proposed development is located to the east of the historic core of Dunlop. It is surrounded by a number of modern housing developments and therefore the proposed development complements the modern layout and design of these areas to the north and west. Furthermore the housing development site is not located within the Conservation Area. With regard to vehicle access to individual plots and visitor car parking, this is to be provided within the curtilage of each dwellinghouse and is acceptable to the Roads Division.***

- PAN 74: Affordable Housing indicates a benchmark figure of 25% of the total number of units as affordable housing. No affordable housing has been provided within the development.

***There is no requirement to provide affordable housing in terms of the Local Plan; however notwithstanding this the development is proposing a number of affordable units to meet this demand.***

- PAN 68 AND PAN 67 suggest a design statement should explain and illustrate the design principles and design concept of the proposed layout. They would have expected a design statement to be submitted exploring the design principles and how they have been developed in response to the site and its wider context. It is essential, if a realistic appraisal of the development is to be carried out.

***See Section 6.5 of the report.***

#### Traffic issues

- The proposed alterations to major traffic routes through the village (A class road) and existing roads and footpaths outwith the curtilage of the site. Strongly expressed views have been submitted to the Community Council from a number of sources suggesting that these alterations along with the volume of traffic generated by the development will have a detrimental effect on the safe movement of pedestrians and vehicles.
- The density and mix of housing proposed on the site will generate significant numbers of vehicle movements particularly at peak times when residents are departing to or returning from employment elsewhere. In addition the traffic generated by the railway station (not just parking but pick up and set down also), the commercial units and the bowling club will also impact on the number of vehicle movements associated with the direct access to the site and access via Newmill Road from A735.
- The proposed carriageway narrowing over the railway in order to provide an adequate width of footway is considered an inappropriate solution. It is

disappointing that an alternative solution involving a new pedestrian bridge has not been pursued.

- The proposed roundabout at the junction of the A735 and Newmill Road is not considered to be a practical solution to improve traffic flow due to the limited sightlines and close proximity of existing buildings.
- They believe that an alternative junction layout proposed by one of the objectors seems to offer a practical solution but it is suggested that any proposals must be informed by a thorough analysis of the existing traffic movements and volume of traffic passing through this junction along with appropriate modelling of projected traffic flows.
- The revised proposals are still considered to be an inappropriate solution as they introduce a dangerous “kink” in an otherwise straight section of the road at the most vulnerable point where visibility is reduced and verge width restricted by bridge parapets. Their preferred approach to improve pedestrian access and maintain safety for both road users and pedestrians is to dedicate the existing bridge to vehicular traffic and introduce a segregated pedestrian route by means of a footbridge over the railway line.

***The proposed vehicular access, alterations to the railway bridge and the mini roundabout are considered acceptable.***

***The Roads Division have fully assessed the proposed development and have no objections which is detailed in Section 3.1 in the report. The proposed alterations to the road at the railway bridge involve a 5.5 metres carriageway with 1.6 metres footway, this is accepted by the Roads Division. The increased width of the footway will be an improvement on the existing situation. The proposed roundabout at the A735 will improve the sightlines for traffic turning from Kilmarnock into Newmill Road by giving equal priority to all traffic and preventing vehicular conflict.***

### Ecological Survey

No survey information is provided in relation to the Glazert Burn or its banks or in relation to bird population or bird habitats on or adjacent to the development site. The opposite side of the bank of the Glazert Burn is identified as being of high scenic value and potential risk to the site infill material and its proximity to the watercourse. They request that a further examination of ecological issues is required to assess the impact of the proposed development on the natural environment on and around the site and to promote nature conservation.

***Scottish Natural Heritage are satisfied with the submitted ecological survey. A further ecological survey has been carried out to confirm that there are no bat roosts on site which addresses Scottish Natural Heritage comments. It is considered***

***that the development site does not merit further investigation in terms of ecology or nature conservation.***

### Other Issues

- Given the scale of the development they would have expected that a traffic analysis, environmental impact analysis and analysis of potential site contamination be carried out prior to the development of the proposals. None of this information appears to have been submitted with the application

***The scale of the development is such that it would not require the submission of a traffic analysis. The development would also not require the submission of an Environmental Impact Assessment in terms of its type and scale. The Council's Land Contamination officer is content that any contamination issues can be addressed by attaching suitably worded conditions to any grant of planning consent.***

- There are no indication of completed levels across the entire area of the site nor proposed ground floor levels of proposed houses and buildings. They consider that full topographical information on the proposed layout along with an appropriate 'cut and full' analysis are necessary if the impact of the development on adjacent land uses and properties are to be adequately assessed as the northern corner of the development includes a variety of uses, commercial units, railway station car park, parking for Bowling Club

***The applicant has provided proposed site levels of the site and finished floor levels for the proposed dwellings and commercial/business units.***

- No landscaping, walls, fences, hedges or street furniture details are submitted. They consider that as the biggest impact to both future and existing residents in the village is the vehicular entrance, 3D visualisations are submitted to assess its visual qualities.

***Details regarding walls, fences or street furniture will be submitted at a later stage. It is not considered that a 3D visualisation is required to assess the visual qualities of a standard vehicle access.***

- No details of the designated public open space provision are provided together with planting and landscaping around the areas of the site. These should be considered as an integrated part of the overall design and not as something to be applied later.

***It is considered that these details can be adequately addressed by attaching suitable worded conditions to any grant of planning permission.***

- They are aware that a planning application for development of part of this site by the same developer is awaiting determination (site at Hapland Mill - Development of 11 detached houses). Given the inter-relationship of the two applications they consider that they cannot be considered independently and request that no determination of the application for the site at Hapland Mill is made until this application for the entire site has been determined.

***The reserved matters application at Hapland Mill has been sisted by the applicant pending the outcome of this application.***

- The Community Council wish to promote a vibrant inclusive community, providing local opportunities in employment, education and quality of life a village that is socially, economically and environmentally successful.

***Noted.***

3.12 West of Scotland Archaeology Service have indicated that Hapland Mill formerly occupied the south-western corner of the site and was in existence prior to 1858 and it was demolished around 1998. The building foundations remain in place along with upstanding elements of the Mill Superintendent's house at the northern end of the original mill structure. The mill lade appears to have been infilled at some point during 19<sup>th</sup> century it is likely that evidence for its course will survive below ground level. Construction of new buildings and infrastructure in the southern section of the application area is therefore likely to have a detrimental affect on the continued survival of known architectural material in this section. It is recommended that a condition be attached to any consent if archaeological matters are not addressed prior to the determination of the application. The use of a condition would secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation.

***The requirements of West of Scotland Archaeology Service can be addressed by attaching a condition to any grant of planning consent.***

3.13 Strathclyde Passenger Executive (SPT) have no objections to the principle of housing development on this site and welcomes the provision of car parking for station users as part of this mixed use development. This would formalise car parking at the station and would be of benefit to rail customers who 'park and ride'. They have indicated that there are particular legislative implications associated with the construction of a "station" car park with regard to ownership and control, funding of construction, accessibility and specification. They have indicated that there are possible alternative sites for a car park site which would simplify the delivery and management. They have indicated that a drop off area for 'Kiss and Ride' should be provided in the vicinity of the station and the area used presently as an informal parking area at the station appears to be suitably placed for this function.

SPT aspire to increase the frequency of services on the Glasgow – Kilmarnock route. A half hourly service would increase demand for rail commuter types from Dunlop Station. SPT have recommended a number of conditions to be attached to any planning consent with regard to the siting, layout and specification of the car park, its implementation on site and a car park for use by rail travellers throughout the construction process.

***The comments of SPT are noted and it is considered that the proposed car park for rail travellers is satisfactorily located. It is considered that two of the twenty parking bays could be used for drop-off provision. The recommendations of SPT with regard to the final details of the parking layout, its implementation and details of parking arrangements for rail travellers before the operation of the approved car park can be secured by attaching a condition to any grant of planning consent.***

#### **4. REPRESENTATIONS**

4.1 There are 11 objectors to the proposed development including one from Dunlop and Lugton Community Council which is detailed in Section 3.12 of the report. Their grounds of objection are as follows.

4.2 The proposed changes to the road would lead to major congestion problems but also be dangerous to pedestrians and lead to traffic accidents. Parts of Dunlop have extremely narrow roads and pavements and the trucks and heavy vehicles would pose a danger to all villagers as would the increased amount of traffic once the development was complete.

***The Roads Division have no objections to the development subject to the road alterations detailed in Sections 2.3 and 3.1 of the report.***

4.3 The proposed traffic control measures for access to the proposed development do not address the issue of increased traffic flow through the village and the safety of the children walking to the local school/play amenities/local clubs in the village at various times of the day and evening. A far more sensible option would be to have access to the site via Haplund Mill end of the village, both for construction traffic and residents vehicles.

***It is considered that the proposed access from Newmill Road is acceptable in road safety terms and is acceptable to the Roads Division.***

4.4 The proposed entrance would be better from the right angle bend in Newmill Road giving a clear sight of the access from the railway bridge itself. This would restrict traffic manoeuvres opposite the Fieldings entrance.

***See response to 4.3.***

4.5 There will be little vehicle movement across Newmill Road between the existing and proposed developments, it would seem possible to consider the accesses as two "T" junctions and they could be almost opposite each other with only a small stagger. The new access would move as close to the bowling green as kerb radii and sightlines dictate. They see no practical reliance in the introduction of a traffic plane at this junction. Some re-arrangement of the commercial units would be required. This removes the access proximity from the restricted width feature, sightline problem and ensures any queuing occurring; e.g. school times are not obstructive.

***If the new access from the development was directly opposite the Fieldings, this would require the formation of a mini-roundabout. The new access proposed by the present application is considered to meet the requirements of the Roads Division.***

4.6 The footway over the bridge is not adequate. It will force pedestrians especially with prams onto the carriageway. Sightline adequacy over the bridge is unclear and there is a clear perception that it is presently inadequate and this will not alter. Why was the offer of a pedestrian bridge not pursued? This would solve pedestrian access safety and permit the introduction of a narrow kerbed wheelguard adjacent to each bridge parapet.

***The formation of a new footbridge would require land outwith the control of the applicant. The proposed road alterations should be assessed as they stand and involve the narrowing of the carriageway at the bridge and the provision of a 1.6m footway which is adequate for people with prams and is an improvement in what presently exists. This is considered acceptable by the Roads Division.***

4.7 If the bridge is narrowed there could on occasion be queuing back to A735.

***It is proposed to narrow the road to 5.5 metres at the railway bridge. This is sufficient to allow two way traffic and therefore there should be no queuing resulting from the alterations to the bridge.***

4.8 Within the layout, remove the roundabout near Plots 31, 36-38 as this is confusing unless made as a formal roundabout with sign and lighting. They recommend replacing it with a continuation access road into Plots 32-37 with a left turn junction east into Plot 39 and up with the junction area to be raised to signal entry to the joint use areas.

***The roundal at the end of the core road is the standard method of terminating a conventional road in terms of the Roads Development Guide as a shared surface road is being continued into adjoining areas.***

4.9 Footway parking will occur along the main access because of the lack of casual parking places on that road. Where are the wheelie bins to be placed for collection? Could a hardstanding be provided within each plot curtilage and then be used?

***The parking levels are considered sufficient to accommodate visitor parking for the development. All detached properties have double width driveways to permit visitors to park within the curtilage. Wheelie bins will be taken to the footway or edge of the shared surface road which is a common feature in modern residential developments.***

4.10 Access to many plots are not at or near right angles and some are particularly difficult.

***The driveways are at right angles to the road except for a few cases which could be adjusted if necessary.***

4.11 The Road Design Standards states that traffic calming measures are not normally used in industrial roads and has a Road Safety Audit been carried out?

***The new access road is not an industrial road and a Road Safety Audit is not required due to the scale of the development.***

4.12 There are no improvement to the footpath widths beyond the actual areas of the bridge and in the vicinity of the proposed new roundabout at Lugton Road junction. When the public leave the train they inevitably walk down the road where there is no footpath especially if traversing north in Dunlop. There should footpaths on both sides. There are many footpaths on each side of the road of 1m width and less. This is better and safer than no footpath.

***See response to 4.6.***

4.13 Vehicles, some heavy will now be running much closer to the northern edge of the bridge will there be adequate edge stiffening to take such a regular loading and vehicles stopping on the apex? The bridge would be unable to support the heavy traffic required for building.

***The railway bridge belongs to Network Rail and they have made no objections to the proposed development as outlined in Section 3.8 of the report. A bridge assessment has been undertaken which indicates the bridge is adequate for 40 tonne vehicles.***

4.14 Pedestrian safety measures should be in place before site construction commences as the highest accident rate relates to the construction phase of a housing site.

***A condition could be attached to any grant of planning permission requiring the footway link over the railway bridge to be completed prior to any site clearance, building or preparation works on site.***

4.15 They trust that the “mini-roundabout” at A735/Newmill Road is just an idea. It would give a false sense of “safety” to users. A minor change to the junction may be possible by combining the private access road and Newmill Road with a narrower frontage and putting an increased belly on the carriageway markings around the A735 swept path. This would give right turners the chance to move forward slightly improving visibility. They also recommend the outer swept path of the roundabout; on the Lugton Road approach place a mounded island along the centre line to direct light vehicles to a wider sweep and give it a contrasting colour and do the same on the Main Street approach, but stopped to help right turns. Between these features run 2 appropriate lane lines to guide right turners. The kerb lies off the private lane and off Newmill Road at the junction should be modified to narrow the mouth of the junction.

***The proposed mini-roundabout will help to increase visibility for vehicles coming from Kilmarnock and accessing Newmill Road. Visibility at the junction is resolved with a mini-roundabout as all approaching vehicles must give way to vehicles to the right of the roundabout.***

4.16 The proposed roundabout would mean that the objector would have to reverse out of their driveway onto roundabout.

***It is considered that the construction of a roundabout will improve accessing arrangements for the objector than presently exists.***

4.17 At busy times the proposed traffic lights on the railway bridge would mean traffic would back up onto Lugton Road and Main Street.

***No traffic lights are proposed for the railway bridge rather the carriageway will be widened to 5.5 metres with 1.6 metre minimum footway.***

4.18 Currently all HGV's have to drive over to the wrong side of the road when entering Lugton Road from Main Street and when entering Newmill Road from Lugton Road. The proposed roundabout at this junction would only compound the problem.

***It is considered that proposed mini-roundabout would help to reduce conflict and improve sightlines for vehicles coming from Kilmarnock and accessing Newmill Road..***

4.19 Relocate the entire housing access westwards to a reformed access at Woodside Place where a full standard access is feasible. The access for the commercial units and the station parking would be formed a few metres east of the projection of The Fieldings. The layout would not operate as a “crossroads” as each access is independent in traffic terms as traffic from The Fieldings is unlikely to crossover and vice versa. The layout would essentially be two “T” junctions opposite each other. It would also be possible to use a “non crossover” concept to form the total development access at this same location.

***Woodside Place is not an adopted road and access through it to serve the new development is not therefore under the control of the applicant. The formation of a separate access for the commercial units directly opposite the Fieldings junction would require a mini-roundabout. The present T junction is considered acceptable by the Roads Division.***

4.20 Any proposed amendment to the road should take consideration of the former telecom building and access to the adjacent land. The present proposals have not addressed this aspect as the objector has proposals to upgrade the existing access at this time.

***Only the merits of the present proposals can be assessed and any impact on adjacent proposals will be assessed during the consideration of that respective application.***

4.21 The application does not conform to the Local Plan for residential development and the loss of green areas. The land is zoned industrial. Retention of some area of industrial zoning should be maintained to provide facility for local business and employment.

***This is addressed in Section 5.3 of the report.***

4.22 The proposal at the bridge to narrow the road, veer the road to the north to 450mm from the existing stone parapet and provide a footpath on one side only is irresponsible and dangerous to the public. This road takes all scale and forms of traffic including pedestrians walking on the road verge, tractors/agricultural vehicles with trailers to large articulated lorries. Many of these vehicles have overhangs at the front, side and rear. There is now extreme danger being created with the possibility of a vehicle crushing a person against the stone parapet upstand of the bridge.

***The Roads Division have no objections to the proposed road alterations at the bridge. Furthermore Network Rail who have responsibility for the bridge are content with the proposed changes.***

4.23 There is further danger that vehicles are now more likely to hit the bridge stone parapet wall (in close proximity) and topple stones onto at best the railway line, at worst high speed passing train with very severe consequences. It is clear accidents can and will happen.

***See Response to 4.22.***

4.24 Bridges are special places – people and children stop and look over at trains. A safety footway is essential both sides of the road to ensure nobody ever gets crushed against the existing stone parapet by passing vehicles. The dangers will be significantly greater in the winter with snow and ice on the road, with real potential for vehicles skidding towards the north.

***See Response to 4.22.***

4.25 The present proposal does not compile with the Roads Development Guideline documents and is not the appropriate solution for this development. It should not be the easiest and cheapest solution, it must be the best, safest and most appropriate solution.

***The proposed narrowing of the carriageway and the provision of 1.6 metres wide footway is considered an improvement in the existing situation where 700mm footway exists and is too narrow for pedestrians who presently have to walk on the road.***

4.26 The road proposal at the bridge must not be compromised by any developer/rail authority agreement regarding the provision of park and ride land.

***Network Rail are responsible for the maintenance of the railway bridge while Strathclyde Passenger Executive are involved in achieving a park and ride provision. Both bodies have separate responsibilities.***

4.27 If delivery parking were required for the existing Telecom building, the traffic arrangement over the bridge would be severely compromised.

***The situation exists at present as any deliveries to the existing Telecom building would affect traffic flow over the bridge.***

4.28 They require clarification on the road type designation of Newmill Road, junction spacing criteria and sightline visibility requirement at junctions. The vehicle clearance dimensions (450 and 600 mm) illustrated in Roads Design Standards are specific to rails and signs and are not appropriate in this instance.

***Newmill Road is an unclassified road, the junction spacing criteria is a staggered junction for a housing core road and the sightlines requirements are 35m x 4.5m for housing core road with traffic calming measures. The vehicle clearance dimensions are relevant in terms of any obstruction.***

4.29 The narrowing of Newmill Road at the railway bridge would result in more congestion through the village as cars wait at the junction of Lugton Road, Main Street and Newmill Road. Why not widen the existing bridge. Restricting traffic flow in an age where car ownership is increasing seems to be the wrong thing to do.

***The narrowing of the carriageway to 5.5 metres is acceptable for a unclassified housing core road. It is not considered that the proposed narrowing of the carriageway will increase congestion or restrict traffic through the village. The present alterations are acceptable to the Roads Division.***

4.30 The proposed mix of housing, scale, format and design is not in keeping with surrounding properties in the village.

***This is addressed in Section 5.6 of the report.***

4.31 The proposed development does not conform to the development brief submitted to East Ayrshire Council by Dunlop and Lugton Community Council.

***The objection submitted by Dunlop and Lugton Community Council has been detailed fully in Section 3.11 of the report.***

4.32 Has any Planning Gain been offered for the village?

***The applicant is prepared to contribute to the TLR5 Sports, Recreation and Leisure Fund.***

4.33 Has an Environmental Impact Assessment been carried out by the developer or requested by the Local Authority.

***The type and scale of the development is such that it would not require the submission of an Environmental Impact Assessment in terms of the Environmental Impact Assessment Regulations 1999.***

4.34 The change in their outlook as a neighbour of the proposed site. Currently they overlook an attractive grassy area and a couple of cottages with views beyond to countryside. The proposed buildings would block their view.

***The right to a view is not a material planning consideration. It is not considered that the proposed development will have an adverse impact on the amenity of adjacent properties. Presently the majority of the site is derelict or occupied by industrial buildings.***

4.35 The proposed development would increase the population of Dunlop causing problems in the local schools and secondary school. Stewarton Academy is struggling for space and an increase on the level proposed would be unacceptable.

***The Council's Education Department have not raised any adverse comments to the proposed development.***

4.36 The objectors house would be closely overlooked by houses some of over 2 storeys, as the ground level at the Howies yard side is considerably higher than their house.

***It is considered that the proposed development will not adversely affect the objector's house as the proposed dwellinghouses are of a sufficient distance away to prevent overlooking or being visually intrusive.***

4.37 The objector's sole access may be adversely affected by the development both temporarily and long term.

***The proposed development take access from Newmill Road and therefore the objectors sole access will be unaffected by the proposed development.***

4.38 The density of the proposed development constitutes a hugely disproportionate population influx whose social effects on the village have not been properly considered.

***It is considered that the proposed development will help to bring social and economic benefits to the village, by supporting and enhancing local facilities and services.***

4.39 Basic services and infrastructure (water, sewerage) are in danger of being adversely affected both temporarily and long term by the development.

***Scottish Water and other infrastructure providers have no adverse comments to make regarding the proposed development.***

4.40 They understand that there is potential that asbestos, oil and other materials may have been buried on site over many years of industrial use. This may have an effect on existing watercourses.

***Any contamination issues have been addressed by recommending conditions to address the submission of a***

***remediation scheme to deal with contamination matters arising from the industrial usage of the site.***

4.41 The commercial units are domestic in scale of 2 storey in height and ready for conversion to flatted domestic units. There is no real industrial intent in such proposals and will not likely ever be constructed as such. Any industrial zone should not be at the entrance but at the periphery or separate area. Planning conditions should control this aspect by zoning a specific industrial section, likely near the railway and of industrial scale with industrial doors/associated yard areas and of design to suit positive and future industry in the village.

***Seven commercial/business units are proposed at the front of the site to meet local business needs in the immediate area. It is considered that their location at the front of the site is acceptable, as they require a fairly prominent location. If they were sited further into the site they could cause conflict with surrounding dwellinghouses.***

4.42 Clarification of the parking for commercial units, bowling club and park and ride train counters is unclear. Is there any parking for larger vehicles .

***Twenty five car parking spaces are proposed for the commercial units and Bowling Club and additional 16 car parking spaces for the commercial units. A total of 20 spaces is proposed for the adjacent railway station. Larger vehicles servicing the commercial/business units will tend to park on the road which is commonly associated with commercial/business units.***

4.43 The proposed 7 commercial units would mean a huge increase in the level of noise and activity as well as more traffic. The increase in traffic would mean that roads would suffer, an increased risk to pedestrians and traffic delays. The roads in Dunlop are very narrow and unsuitable to an increase of such heavy traffic.

***The Roads Division believe that the proposed development can be accommodated by the surrounding road network subject to the road alterations as proposed. The majority of the site was occupied by Howies for many years which was associated with large vehicles accessing the site.***

4.44 The occupation of the commercial units in Dunlop is remote. If they remain empty, they will become a focus for vandalism and neglect impinging on the residents of the new development and of The Fieldings and the whole village. A much better use of this area would be the provision of a number of small houses suitable for people in the very latter years of life or special needs housing enabling them to continue to stay in Dunlop. This is a provision which the village badly needs and is short of. They would retain the village feel that the present small cottages give.

***The application is proposing the erection of commercial/business units and the proposal is being assessed on this basis. The proposed commercial/business units will provide commercial/business space to meet local demand.***

4.45 The industrial buildings are not appropriate for a village like Dunlop. The objector does not want to look out their window or be overlooked by large buildings. Presently they overlook a pleasant grassy area with mature shrubs and trees and two attractive cottages. None of these obscure their view, overlook them or are unpleasant to look at. How can this area be considered for industrial buildings. It was stated that if no businesses used the premises at a later date application would be made to demolish and build houses on this part of the site.

***It is considered that the size and design of the business/commercial units are compatible with the surrounding nature of the area. It is not considered that they will adversely affect the amenity of adjacent residential properties. Any future use of the business/commercial units would be the subject of a separate planning application which will be considered at that time.***

## **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.

### Ayrshire Joint Structure Plan (AJSP)

5.2 The proposed development does not raise issues of a strategic nature.

### East Ayrshire Local Plan

5.3 Policy IND 5 safeguards the majority of the application site for business, industrial and storage and distribution uses.

***The proposed development is considered essentially contrary to Policy IND 5. Although the applicant is proposing the erection of 7 commercial units which will be used by Class 4 business uses and light industry. These commercial units are considered to be compatible with the surrounding residential area and new residential development. The present buildings occupied by the***

***Howies are not considered to meet modern industrial needs. Howies are intending to relocate to modern industrial premises at Moorfield North Industrial Park which will also meet their main customer base of business which is in the commercial industrial sector throughout Scotland.***

***It is accepted that the safeguarded industrial area is substantial in size and is too large for the business/industrial needs of a settlement the size of Dunlop. The proposed business element of this application is considered to be an acceptable size to function as business/industrial site for Dunlop. Therefore it is considered that an exception to policy can be justified in this instance.***

5.4 The housing element of the development requires to be assessed the following housing policies. Policy RES 4 encourages the sympathetic residential development of gap, infill or other redevelopment sites which are to be assessed against the four stated 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

***The proposed development is considered to accord with Policy RES 4 as it is compatible with the surrounding housing and uses. The Roads Division have not raised any adverse comments provided the road alterations detailed in Section 2.3 are implemented. Other consultees have not raised any adverse comments in terms of infrastructure provision. The development has been assessed against the Design Guidance in Section 5.6 below and it is considered to be consistent with this Guidance.***

5.5 The proposed development accords with the wider provision of Policy RES 19 in terms of recreational and amenity open space and Policy RES 22 in terms of private open space provision.

5.6 Policy ENV 7 expects all developers to fully comply with the Council's Design Guidance. The Design Guidance requires that all development is based on good design practice and incorporates sensitive design features in keeping with good design principles. A sense of place should be created using distinctive housing designs, good use of the natural features of the development site and the formation of new attractive open space and public amenity features through sensitive landscaping and parking. Housing layouts shall include a variety of house types of differing sizes suitable for a wide range of households. The height and position of houses must not have an

oppressive, overshadowing or visually intrusive impact on neighbouring properties.

***It is considered that the proposed development accords with Policy ENV 7 and the Design Guidance as the housing have been sited and designed to minimise their impact on adjacent residential properties whilst being compatible with the surrounding area. The proposed development will provide modern housing which will be compatible with the modern housing (The Fieldings) on the adjacent site. The open space provision has been sited to maximise the location of the site adjacent to the Burn and its rural surrounding.***

5.7 The applicant has agreed to contribute to the Sports, Leisure and Recreation Fund in terms of Policy TLR5 of the EALP. They have indicated that they would be prepared to contribute £40,000 subject to the money being safeguarded for Dunlop.

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

6.1 The principal material considerations relevant to the determination of the application are the consultation replies and representations received detailed in Sections 3 and 4 of the report, SPP3 Planning for Housing, SPP15 Planning for Rural Development, PAN 67 Housing Quality, PAN 68 Design Statements and sites planning history.

### Consultations and Representations Received

6.2 The consultations and representations received have been fully addressed in Sections 3 and 4 of the report. It is not considered that these highlight issues or are of such weight as to merit refusal of the application; rather where there are concerns these have been satisfactorily addressed in the submission or can be dealt with by condition. The concerns regarding the proposed road alterations have not been echoed by the Roads Division and they considered the proposed road alterations will improve the existing road situation. With regard to the appropriateness and design of the proposed development it is considered to be compatible with the immediate area. The commercial units will provide modern business/industrial accommodation to meet local need.

### SPP3: Planning for Housing

6.3 SPP3 encourages the provision of well located high quality new housing. New housing should make a positive contribution to the built and rural environment and should be designed and laid out to provide lasting benefits. Achieving quality is therefore important. The overall design of the development should be fully addressed, particularly matters such as layout of

roads, footpaths and the relationship to existing development nearby. There should be provision of a choice of housing types.

#### SPP15: Planning for Rural Development

6.4 SPP15 recognises that the economic state of rural areas have changed rapidly in recent years. It supports a wide range of economic activity in rural areas and seek environmental enhancement through development at every opportunity. Diversification is often most successful where activities are complimentary and carefully targeted and most likely where access particularly by public transport, drainage capacity exist or can be provided at reasonable costs. Developments with the added value of employment generation or community benefits should be encouraged particularly where they involve sensitive reuse of previously used land and buildings.

#### PAN 67: Housing Quality and PAN 68 Design Statements

6.5 All development has the potential to contribute to a sense of neighbourhood and what are thought of as urban qualities such as public spaces that are welcoming. New housing should take account of the wider context and be integrated into its wider neighbourhood. Vehicle and pedestrian routes should connect the housing with facilities and spaces within the development, to the local area and more widely. Open space can provide a development with a sense of identity as well as provide the community with a valuable local facility. Retaining existing trees and new planting should contribute a sense of place and identity to the development. Developments should provide for a mix of uses and housing types and sizes that will contribute to the place intended qualities. A design statement enables the applicant to explain why the selected design solution is the most suitable in the circumstances, however it is not always necessary to submit a design statement depending on the type of site. However, applicants should still have a clear and logical design philosophy which could be explained if required.

***The proposed development is consistent with Scottish Executive guidance and policy. The proposed development provides for a mix of different housing types and takes advantage of its location adjacent to Glazert Burn and rural setting. The proposed development also provides for rural economic diversification by proposing 7 commercial/business units which will provide economic opportunities for the local population. The applicant has not submitted a formal design statement but have provided a statement on the design considerations. It has indicated that the entrance to the application site has been designed to reflect the nature and character of the more traditional town centre and introduces characteristic "townscape" features. The main body of the site is designed to reflect the existing more modern residential form of the village to the east of the railway line. The site entrance is proposed between the Bowling Green and the railway station and this area of the site has been designed to***

***reflect a more urban form whilst linking these two distinctly public elements. The urban form in this area reflects that of the traditional village, created by the introduction of 2 storey terraced properties. Townscape features at the end of vistas are prominent in Dunlop and this has been reflected at the entrance to the site where a feature block is introduced at the southern end of the entrance "street". External finishes with this area will be hard landscaped with the use of cobbles and paving. This will combine to add to the urban character of the area.***

## Planning History

6.6 03/0679/OL: Proposed Upgrading of Access Road and Creation of New Residential Development in Outline at site of Former Hapland Mill, Stewarton Road, Dunlop. This outline application was approved on 23<sup>rd</sup> January 2004 for residential development on southern section of the application site.

6.7 04/0688/RM: Proposed Change of Use to form Residential Development comprising 11 No. Detached Houses with Associated Roads and Footpaths and Formation of New Access Roadway/site at Hapland Mill, Stewarton Road, Dunlop. This application has been sisted by the applicant pending the outcome of the present application under consideration.

6.8 04/1036/FL: Proposed Re-development of Site for Residential Purposes Industrial Yard Parkhead, Newmill Road, Dunlop. This application was by the same applicant as the application under consideration and involved the Howies site excluding the Hapland Mill site. It was withdrawn by the applicant on 22<sup>nd</sup> March 2005.

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

7.1 There are no financial implications for the Council in the determination of this application.

7.2 Legal implications would arise from the Council entering into a Legal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant. The Section 75 would facilitate the provision phasing, marketing and implementation of the commercial/business units and a contribution being made into the Sports, Leisure and Recreation Fund in order to address identified deficiencies in the provision of leisure and recreational facilities in the area. The applicants have specifically requested that the contributions are utilised in Dunlop and it is noted that the Section 75 is on a voluntary as opposed to compulsory basis. The applicant has agreed to build and market four of the seven commercial/business units in the first phase and then build the remaining commercial/business units once demand has been established.

## **8. CONCLUSIONS**

8.1 As indicated in Section 5 of the report the application is not 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 refused unless material considerations indicate otherwise.

8.2 As indicated in Section 6 of the report there are relevant material considerations. The concerns of the objectors are noted however they are not considered to be of sufficient weight to justify a recommendation of refusal. Their concerns regarding the proposed road alterations, the proposed access and road safety have not been supported by the Roads Division. The proposed road alterations are considered to be an improvement on the existing road conditions which exist at Newmill Road and the junction with the Lugton Road and A735. With regard to the design and siting of the proposed dwellinghouses they are considered to add a modern addition to Dunlop's built environment.

8.3 The proposed development is considered to be contrary to the Adopted EALP as the majority of the site is safeguarded for business industrial use. However it is considered that in the circumstances an exception to policy can be justified, as the site is too large for the business/industrial needs of a settlement the size of Dunlop. It is considered that the provision of the business/commercial units which form part of this application will meet the commercial/business needs of Dunlop and the periphery area.

8.4 It is considered that the development will add to the amenity of the area, by providing a range of modern housing of different sizes to meet housing demand in the Dunlop area.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application should be approved subject to the conditions indicated on the attached sheet and that the issuing of the Planning Decision Notice be withheld until the Solicitor to the Council has satisfactory concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in Sections 5.7 and 7.2 of the report.**

**James Lavery  
Executive Director of Development Services**

21 June 2005 (PC/SA)  
FV-AN

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Letters of Objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. SPP3: Planning for Housing, SPP15 Planning for Rural Development.
8. PAN 67 Housing Quality.
9. PAN 68 Design Statements.
10. PAN 72 Housing in the Countryside.
11. PAN 74 Affordable Housing.

Anyone wishing to inspect the above papers please contact Pamela Clifford on (01563) 576798.

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0292/FL

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Site of Proposal: Parkhead  
Newmill Road  
DUNLOP KA3 4AX

Nature of Proposal: Proposed demolition of existing buildings and erection of residential dwellings, Class 4 commercial/business units, mini roundabout, speedtable and associated roadworks

Name & Address of Applicant: Dickie and Moore Ltd  
Building 1 Waverly House  
Hamilton Business Park  
HAMILTON ML3 0QA

Name & Address of Agent: Lawrence McPherson Associates  
The Atrium 6 New Road  
AYR KA8 8EX

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DPOs Reference: PC /SA

The above FULL application should be granted subject to the following conditions:-

(1) The proposed development shall be carried out in accordance with the application form and the following submitted plans and documents Drawing Nos. 671P(-)01C, 02C, 03H 004.005, 006, 007, 008A, 014, 015, 016A, 018A, 019A, 020A, 021A, SK/03, SK07, 028/PSK/100, Ecological Survey dated 28<sup>th</sup> April 2005, Flood Risk Assessment dated 9<sup>th</sup> May 2005 and Commercial/Business Feasibility Report dated 19<sup>th</sup> May 2005.

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

(2) Notwithstanding the submitted plans, details and samples of all external materials to be used in the construction of the dwellings and commercial/business units shall be submitted to and approved by the Planning Authority in writing prior to the commencement of development on site and implemented thereafter as approved.

REASON In the interests of visual amenity.

(3) Notwithstanding the submitted plans, details and samples of the materials of all external ground surfaces shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented thereafter as approved.

REASON In the interests of visual amenity.

(4) Notwithstanding the submitted plans, further details of the landscaping of the site including the boundary of the site, and the area surrounding the commercial/business units and its phasing shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented as approved at the first available planting season after the occupation of the dwellinghouses to which it relates and the commercial/business units.

REASON In the interests of visual and residential amenity.

(5) Notwithstanding the submitted plans, details of maintenance arrangements for the landscaping areas within the application site shall be submitted to and approved by the Planning Authority in writing prior to the commencement of development on site and implemented as approved thereafter.

REASON To ensure the future maintenance of the landscaped areas in the interest of residential amenity.

(6) Notwithstanding the approved plans, a phasing plan for the development of the residential units, commercial/business units and the completion of all roads, footpaths to final wearing surface street signs and street lights, play areas, play equipment and teenage sports area, pedestrian links within the application site shall be submitted to and approved by the Planning Authority prior to the commencement of development on site. The approved phasing plan shall thereafter be adhered to at all times.

REASON In the interests of road safety and residential amenity.

(7) Notwithstanding the submitted plans, details of the proposed ground levels, the precise location and details of the design of the play equipment in the play area and the teenage sports areas and pedestrian links shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented within a timescale to be agreed within the phasing plan approved under Condition 6 above. These details shall take into account the location adjacent to the Glazert Burn in terms of the type of play equipment proposed and boundary treatment.

REASON To ensure that acceptable play equipment is provided and takes into account its location adjacent to the Glazert Burn.

(8) All future occupants of the proposed dwellings shall be made fully aware of the location of play area, details of the play equipment, the SUDS detention basin and maintenance arrangements for these items prior to the purchase of any dwellinghouse. Details of how future occupants of the proposed dwellings are to be informed of these approved items shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented thereafter as approved.

REASON To ensure residents are fully aware of the location and type of the play equipment; SUDS detention basin, in the interest of residential amenity.

(9) Notwithstanding the submitted plans, an informal pathway shall be provided along the rear of Plots 34 to 43 linking the play area and SUDS detention basin details of the treatment of the pathway and the rear boundary treatment of Plots 34 to 44 and the side boundary of Plots 61 and 62 shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented prior to the occupation of these plots.

REASON To allow access to the riverbank in the interests of residential amenity.

(10) During the period of construction works, the developer of the site shall ensure that adequate and continuing measures are taken such 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.

(11) No external construction work, site clearance or preparation works shall take place before 08.00 hours and after 17.00 hours on Monday to Saturday nor at any time on Sunday.

REASON In the interests of residential amenity.

(12) No materials other than topsoil shall be brought into the site for the purposes of infilling or upraising ground levels without the prior written consent of the Planning Authority.

REASON In order to control the development of the site and materials used in the making up of ground levels.

(13) Any changes in the finished floor levels, road levels, proposed ground levels approved under Condition 1 shall be notified and approved by the Planning Authority prior to their implementation.

REASON In order to ensure that the proposed levels are implemented in accordance with the approved details.

(14) Notwithstanding the approved plans, details of the proposed bin storage facilities for 3 bins and the treatment of the bin storage areas in relation to Plots 1-10 and the commercial/business units shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented prior to the occupation of any of these dwellinghouses and the occupation of the commercial/business units.

REASON To ensure adequate bin storage facilities in relation to the 3 bin-recycling programme.

(15) Prior to the commencement of development on site, final details of the Sustainable Urban Drainage Systems 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 any dwellinghouse or the commercial/business units.

REASON To ensure adequate drainage is provided.

(16) No development shall commence on site with the exception of site investigative works until a remediation scheme to deal with the contamination arising from industrial usage of the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:-

1. The nature, extent and type (s) of contamination on the site
2. A site specific risk assessment of all relevant pollutant linkages
3. Remediation measures to treat/remove contamination to ensure the site is fit for the use proposed
4. Measures to deal with unsuspected contamination discovered during construction works
5. Condition of the site on completion of de-contamination measures
6. Details of measures to remove all pipes underground services on site as a result of the previous use and remedial measures to fill the ground levels following their removal.

Before any residential unit is occupied the measure to de-contaminate the site shall be fully implemented as approved by the Planning Authority.

REASON In the interests of public safety and residential amenity.

(17) On completion of the remedial works approved under the terms of Condition 16 above and prior to any of the residential units being occupied, the developer shall submit a report which shall be approved in writing by the Planning Authority confirming that the works have been carried out in accordance with the remediation plan.

REASON To provide verification that remediation of contamination has been carried out in accordance with the remediation plan.

(18) Notwithstanding the submitted plans, full details of the parking layout, its surfacing, operation and maintenance arrangement for the proposed car park for the adjacent railway station shall be submitted to and approved by the Planning Authority and shall be implemented prior to the occupation of any dwellinghouses or the occupation of the commercial/business units. These details shall include the provision of two spaces for drop-off facilities, landscaping details of the boundaries and within the car park area, and details of parking arrangements for the rail travellers in the interim period before the operation of the new car park approved under this permission.

REASON To ensure adequate provision of car parking and drop off facilities for the adjacent railway station.

(19) No development shall take place within the application site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant to the Planning Authority agreed by the West of Scotland Archaeology Service and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeological Service.

REASON To safeguard any potential archaeological remains in the application site.

(20) In respect of the existing mature trees shown retained on site layout as proposed (drawing no. 671P(-)03H); none of these trees shall be felled, lopped or have roots cut or be the subject of other works without the written consent of the Planning Authority. Prior to any preparation or construction works on site, these trees shall be surrounded by chestnut pale fencing of a height not less than 1.2 metres at a radius of 5 metres from the trunk of the tree or an area described by the limit of the spread of the branches of the tree to be agreed by the Planning Authority. Such fencing shall be maintained during the course of development and no storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed.

REASON To maintain the existing visual contribution of the trees to the amenity of the area.

(21) Any works to trees including felling shall commence after not less than 14 days notice has been given to the Planning Authority and arrangements made for the supervision of works by a representative of the Planning Authority.

REASON To ensure the proper supervision of the works in the interests of visual amenity.

(22) The proposed mini roundabout at the junction with A735 and Newmill Road and the proposed speed table shall be implemented prior to the occupation of any dwellinghouses or commercial/business units.

REASON In the interests of road safety.

(23) The proposed road alterations to the railway bridge detailed in Drawing SK07 shall be implemented on site prior to any site clearance, preparation or construction works on site.

REASON In the interests of road safety.

(24) Notwithstanding the submitted plans, a 1.8 metre high boundary fence and structural planting shall be provided along the rear boundaries of Plots 24 to 32, details of which shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented prior to the occupation to any dwellinghouses to which it relates.

REASON In the interests of residential and visual amenity.

(25) Notwithstanding the submitted plans details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved 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 amenity.

(26) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and the Town and Country Planning (Use Classes) (Scotland) Order 1997 (or any act or order replacing this) this permission relates to the use of the commercial/business units as a Class 4 Use only and any change to other classes as permitted by the Use Classes Order shall require the express permission of the Planning Authority.

REASON To enable the Planning Authority to retain control over the use of the site in the interests of residential amenity and local planning policy.

(27) Notwithstanding the submitted plans a 1.8 metre high fence shall be erected along the western boundary of the site details of its design and location shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented prior to any construction on site.

REASON In the interests of safety and residential amenity.

(28) All construction traffic shall take access to the site from Newmill Road at all times.

REASON In the interests of road safety.

(29) Notwithstanding the submitted plans, details of entrance features at the Newmill Road access and pedestrian access off the former access to Hapland Mill shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented prior to the occupation of dwellinghouses on site. The existing wall at the entrance to the former Hapland Mill shall be incorporated within the design of this new entrance feature.

REASON In the interest of visual and residential amenity.

(30) Notwithstanding the submitted plans, details of the treatment of the boundary adjacent to Plots 33 and 62-68 shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented prior to the occupation of the dwellinghouse to which it relates.

REASON In the interests of residential and visual amenity.

(31) The proposed car parking spaces for the commercial/business units shall be implemented on site prior to the occupation of the commercial/business units.

REASON To provide adequate car parking provisions.

(32) The proposed car parking spaces for the bowling club shall be provided on site, prior to the occupation of any dwellinghouses on site.

REASON To provide car parking provision for the adjacent bowling club .

### NOTES TO APPLICANT

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

2. Early contact is advised with Blackwater SAC on 0141 418 4093 or at 95 Kilbirnie Street, Glasgow G5 8JD.

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 arrangements which may require to involve the developer or other third parties will be considered with the overall framework recommended in the design manual for SUDS published by CIRIA.

4. The SUDS shall be discussed in accordance with the recommendations contained in the CIRIA manual on SUDS.

5. The applicant shall make early contact with Scottish Water Developer Services, Clyde House, 419 Balmore Road, Glasgow, G22 6NU regarding sewer and water connections.

6. The applicant should make early contact with SEPA, Redwood Crescent, Peel Park, East Kilbride G74 5PP with regard to a Construction Method Statement for construction works in close proximity to the watercourse.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
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