

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 12 AUGUST 2005

**05/0389/FL PROPOSED ERECTION OF 5 NO. 3 BEDROOM TERRACED
HOMES AND 3 NO. 2 BEDROOM FLATS
AT 12 PARK ROAD, AUCHINLECK**

APPLICATION BY JACKSON DUNN DEVELOPMENTS

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full permission is sought for the erection of 5 no. 3 bedroom terraced dwellings and 3 no. 2 bedroom flats. The site plan indicates that the proposed terraced dwellings will be positioned along the west of Park Terrace and recessed from the existing building line allowing for 2 no. off road car parking spaces to the front of each dwelling.

1.2 The flats will be positioned to the east of the site and similarly recessed slightly from the existing building line of Main Street which allows for a small front garden area to be formed. Access to the area proposed for parking, directly to the rear of the flats, will accommodate a total of 6 no. car parking spaces with an associated vehicular access road provided between plot 5 and the existing dwelling of number 10 Park Road.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

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

3.2 The representations made all show a degree of concern with respects to the three storey development fronting onto Main Street. It is however not

perceived that the erection of three storey flat accommodation on this current area of waste ground will detrimentally affect the neighbouring properties and the amenity of the area, with the points raised in the objection letters being adequately addressed.

3.3 The visual appearance of the proposed development is considered to be acceptable and compliant with East Ayrshire Council's Design Guidance, however, should the committee be minded to approve the application, a condition shall be attached to ensure that the external finishing materials of both developments have the prior written approval of the Planning Authority.

3.4 To conclude, the proposal shows compliance with the relevant policy RES1 and RES22 of the East Ayrshire Local Plan and is further identified as a Housing Development Opportunity Site 004H. The proposal will provide sufficient private open space for both the dwellings on Park Road and the flat accommodation on Main Street, conforming to Schedule 4 of the Local Plan. Furthermore, both the proposed development along Park Road and Main Street are perceived to be of an appropriate style and size for its surroundings and it is not apparent that any significant loss of day light or any issues of overlooking to neighbouring properties will result from the development of this site.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control in terms of the principle of the development, the application will require to be referred to the Development Services Committee because it would be classed as a significant departure from the East Ayrshire Local Plan.

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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05/0389/FL PROPOSED ERECTION OF 5 NO. 3 BEDROOM TERRACED HOMES AND 3 NO. 2 BEDROOM FLATS AT 12 PARK ROAD, AUCHINLECK

APPLICATION BY JACKSON DUNN DEVELOPMENTS

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 Local Planning Committee under the scheme of delegation, as the proposed development is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies on the east section of Main Street, Auchinleck, some 10 metres south of the railway bridge and extending west running almost parallel to the railway line and then turning south to meet Park Road. The application relates to the development of an area of vacant, disused land located to the south of the Glasgow / Dumfries railway line and to the north of Park Road in Auchinleck. The application site is identified as a Housing Development Opportunity Site 004H as indicated in the adopted East Ayrshire Local Plan.

2.2 The area within the redline site is flat and extends to 2,350m², forming a significant size gap site within the settlement boundary of Auchinleck. The site is bounded to the north by the railway line and associated embankment and to the south and east by residential properties and various shops on Main Street. To the west the site is bounded by land which used to be part of the former minerals railway and is now open space between the new residential development at Crossgreen on Barony Road.

2.3 **Proposed Development:** Full permission is sought for the erection of 5 no. 3 bedroom terraced dwellings and 3 no. 2 bedroom flats. The site plan indicates that the proposed terraced dwellings will be positioned along the west of Park Terrace and recessed from the existing building line allowing for 2 no. off road car parking spaces to the front of each dwelling.

2.4 The flats will be positioned to the east of the site and similarly recessed slightly from the existing building line of Main Street which allows for a small front garden area to be formed. Access to the area proposed for parking, directly to the rear of the flats, will accommodate a total of 6 no. car parking spaces with an associated vehicular access road provided between plot 5 and the existing dwelling of number 10 Park Road.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Auchinleck Community Council has no objection to the proposal.

Noted.

3.2 East Ayrshire Council Roads and Transportation Division has no objections to the proposed development subject to the following road safety requirements being met:

- (i) Access to the dwellings must be taken via a standard driveway access crossing to East Ayrshire Roads Department standards. The applicant must contact the Roads Department for further details/specification and a road opening permit will be required
- (ii) No surface water must be allowed to discharge from the site onto the adjacent public road/footway.
- (iii) Any garage must be set back a minimum distance of 6 metres from the rear of the footway.
- (iv) The private driveway will require to be hard paved for a minimum distance of 2 metres from the rear of the footway to avoid the over carry of loose material onto the public road.
- (v) Two number off road car parking spaces will require to be provided for each dwelling
- (vi) The private access road will require to be hard paved for a minimum distance of 5.0 metres from the rear of the footway to avoid the overcarry of loose material onto the public road/footway

Conditions can be attached to any consent granted for the development to meet the requirements of the Roads and Transportation Division.

3.3 Scottish Water has not commented at this stage.

Noted.

3.4 Power Systems has no adverse comments to make on this application.

Noted.

3.5 Transco has no objection to the proposed development.

Noted.

3.6 Network Rail has no adverse comments to make on this application providing that a separate development consent is obtained.

Noted.

3.7 Health and Safety Executive has no objection to the proposed development.

Noted.

3.8 The Scottish Environment Protection Agency has no objections in principle however request a condition requiring the applicant to install a surface water treatment system.

Conditions can be attached to any consent granted for the development to meet the requirements of the Scottish Environment Protection Agency.

4. REPRESENTATIONS

4.1 Three letters of representation have been received with regard to the proposed development only with respect to the three storey building. The main points of which are summarised below:

4.2 Overlooking issues and a loss of privacy, in particular looking into private backyard.

The proposed three storey development will not exceed the height of 159 and 157 Main Street and as the layout does not encroach past the rear building line of 157 and 159 Main Street any overlooking issues will be kept to a minimum.

4.3 The closeness and height of building will block natural light getting into the only lounge window and hall window of the flat at 151 Main Street and the commercial property of 159 Main Street, Auchinleck.

As the proposed development will be recessed from the Main Street by some 4.0 metres any issues regarding overshadowing to the frontage of properties on Main Street will be kept to a minimum. However, there are two upper windows present on the exposed gable

elevation of the property of 157 and 159 Main Street and there will ultimately be some reduction in light levels entering these windows due to the proximity of the proposed development.

4.4 The size of the building would dwarf surrounding property, would create a boxed in or enclosed feeling and give an overpowering impression.

The proposed development facing onto Main Street, although it will incorporate 3 floors, the external height of the overall building will not exceed the height of the existing neighbouring property of 157 and 159 Main Street. The finished eaves level of the proposal will continue the eaves level from the neighbouring property to create a level of continuity between the new build and the existing adjacent properties of Main Street. Therefore it is not perceived that this development will dwarf the surrounding building and will be of a smaller scale to the existing neighbouring property. As the proposed site at present is vacant with no buildings present, any development would naturally have an impact on the feeling of a loss of open space and as the proposal is for a 3 storey building of a similar height to the neighbouring building this would in turn have an impact on the feeling of enclosure. However the proposal is only for the development of the two elevations on Park Road and Main Street and will still leave a large area of open space within the centre of the site.

4.5 Loss of private views.

There is no denying that the creation of a building in a current vacant area of ground will have some impact on neighbouring views, however as the area in question is a narrow strip of ground enclosed by a large railway banking and associated bridge it is not perceived that the loss of private views will be of any outstanding quality. Furthermore as the proposed three storey development is not extending past the adjacent properties rear building line, the neighbouring property will still have views from the windows on the rear elevation. The loss of a view is not a material consideration in the determination of this application.

4.6 Reduced security to surrounding properties because of increased access.

At present the area of ground identified for the proposed development is in a relatively poor state with the majority of the ground overgrown and overshadowed in places, partly due to the height of vegetation and the adjacent railway embankment. Furthermore, the area of ground is completely open with no fencing preventing people from entering the site. The proposal will enclose the area of ground in the middle of the site with vehicular access

available from the northern section of Park Road between the existing dwellinghouse and the proposed terraced dwellings. Any access to the site from Main Street will be limited to a gated access lane between the proposed three storey development and the existing property. It is considered that this will assist in increasing levels of security to the immediate area rather than reduce it.

- 4.7 Noise during construction stages and additional noise from the new properties.

As described the site lies directly adjacent to a large railway embankment and associated bridge and bounded to the east by the Main Street of Auchinleck which experiences a high level of passing traffic. Therefore, it is expected that a level of noise will be generated from the construction stage. However, the level of noise when completed may assist in masking the passing noise of trains due to a sound barrier between the railway line and the objector's dwellinghouse.

- 4.8 Closeness of car parking to private garden at 157 Main Street.

The area of car parking proposed in relation to the three storey development is adjacent to the boundary of 157 and 159 Main Street. However it is not perceived that this will have any adverse impacts on the surrounding properties and therefore does not qualify as a material planning consideration which would indicate that the application should be refused.

- 4.9 Design and position not in keeping with existing properties.

The proposed three storey development was originally presented with the gable end facing onto the Main Street. This was perceived as not in keeping with the neighbouring properties and subsequently was amended to allow the proposal to be positioned with the front elevation facing onto Main Street and the roof height at a similar level to the adjacent buildings. The finishing materials of the development can be controlled with the imposition of conditions if this application is approved.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

- 5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the

purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 There are no policies contained in the structure plan which are especially relevant to the development.

Noted.

East Ayrshire Local Plan

5.3 Policy RES1 encourages and supports the residential development of those Development Opportunity Sites identified for housing purposes on the individual Local Plan maps and reserves them for residential and associated recreational and amenity open space development.

The application site comprises Housing Development Opportunity Site 004H as indicated in the adopted East Ayrshire Local Plan. The principle of residential development of the site is therefore acceptable in planning policy terms.

Within the local plan the site is allocated an indicative capacity of 4 residential units, this figure being based on the provisions of a previous development constructed on the site. The current proposal exceeds this indicative capacity by proposing a total of 8 residential units in the area. However, it is considered that the size of the site can comfortably accommodate this increase in capacity and there are no objections to the increased number of houses proposed.

5.4 Policy RES22 requires all developers to observe the minimum standards for the provision of private open space detailed in Schedule 4 of the Local Plan. The policy also allows those standards quoted to be relaxed in respect of the conversion of existing properties to flats where this can be fully justified by the developer and where considered appropriate by the Planning Authority.

The amount of private open space provided by the development would appear to meet the provisions required by Schedule 4 of the adopted local plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses and the third party representations.

Consultations Responses

6.2 The consultation responses received would indicate that the approval of the application would be appropriate.

Representations

6.3 The three third party representations received all show a clear level of concern on a variety of issues principally regarding the effect on the level of natural light entering adjacent properties and the impact on the visual amenity of the immediate area. However, these issues have been sufficiently addressed in Section 4 of the report and therefore are not considered to be of significant weight to merit refusal of the application..

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

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

8.2 The representations made all show a degree of concern with respects to the three storey development fronting onto Main Street. It is however not perceived that the erection of three storey flat accommodation on this current area of waste ground will detrimentally affect the neighbouring properties and the amenity of the area, with the points raised in the objection letters being adequately addressed.

8.3 The visual appearance of the proposed development is considered to be acceptable and compliant with East Ayrshire Council's Design Guidance, however, should the committee be minded to approve the application, a condition shall be attached to ensure that the external finishing materials of both developments have the prior written approval of the Planning Authority.

8.4 To conclude, the proposal shows compliance with the relevant policy RES1 and RES22 of the East Ayrshire Local Plan and is further identified as a

Housing Development Opportunity Site 004H. The proposal will provide sufficient private open space for both the dwellings on Park Road and the flat accommodation on Main Street, conforming to Schedule 4 of the Local Plan. Furthermore, both the proposed development along Park Road and Main Street are perceived to be of an appropriate style and size for its surroundings and it is not apparent that any significant loss of day light or any issues of overlooking to neighbouring properties will result from the development of this site.

9. RECOMMENDATION

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

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control in terms of the principle of the development, the application will require to be referred to the Development Services Committee because it would be classed as a significant departure from the East Ayrshire Local Plan.

Alan Neish
Head of Planning, Development and Building Standards

25 July 2005
RG/RG

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).

Anyone wishing to inspect the above background papers should contact Mr Ghosh on 01563 555483.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/0389/FL

Location	12 PARK ROAD, AUCHINLECK
Nature of Proposal:	ERECTION OF 5 NO. 3 BEDROOM TERRACE HOMES AND 3 NO. 2 BEDROOM FLATS
Name and Address of Applicant:	JACKSON DUNN DEVELOPMENTS 51 MAIN STREET AUCHINLECK KA18 2AZ
Name and Address of Agent	INK DESIGN 55 ORCHARD PARK AVENUE GLASGOW G46 7BQ

DPO's Ref:
PPO's Ref: Hugh Melvin

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 location plan; plan, elevations and sections (Drawing Nos: 04-97-01 and 04-97-02) received on 31 March 2005 and amended proposed elevation plan (Drawing No: 04-97-03) received by the Planning Authority on 30 June 2005.

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

2. Notwithstanding the submitted plans, the roof tiles, facing brick and render are not hereby approved. Details/samples of roof tiles, facing brick and render shall be submitted to and approved by the Planning Authority before any development commences on site.

REASON: In the interest of visual amenity.

3. No surface water shall be allowed to issue from the site onto the public road. The first two metres of the driveway shall be surfaced in order to prevent deleterious materials being deposited onto the public road.

REASON: To ensure the provision and maintenance of a secure road surface in the interest of road and public safety.

4. Notwithstanding the submitted plans, two off road car parking spaces shall be provided for each dwelling and thereafter maintained within the site area.

REASON: In the interest of road safety.

5. Notwithstanding the submitted plans the private access road will require to be hard paved for a minimum distance of 5.0 metres from the rear of the footway to avoid the overcarry of loose material onto the public road/footway.

REASON: In the interest of road safety.

6. Notwithstanding the submitted plans the private driveway will require to be hard paved for a minimum distance of 2.0 metres from the rear of the footway to avoid the overcarry of loose material onto the public road/footway.

REASON: In the interest of road safety.

7. Access to the site shall be taken via a standard driveway access crossing to East Ayrshire Roads Division standards.

REASON: In the interest of road safety.

8. Notwithstanding the submitted plans, any garages to be erected shall be set back a minimum distance of 6 metres from the rear of the footway.

REASON: In the interests of road safety.

- 9.. 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.

10. A landscaping scheme shall be submitted to and approved by the Planning Authority prior to the commencement of any development, and shall be implemented not later than the next appropriate planting season after the development has been carried out.

REASON: To ensure that adequate provision of public open space is provided, to an adequate standard, and that it is subsequently maintained in the interest of residential and visual amenity.

11. Notwithstanding the submitted plans the eastern boundary (as shown in yellow on the docquetted approved plan) shall be defined by a wall, the full details of which shall require to be submitted to and agreed by the Planning Authority before any development commences on site.

REASON: In the interests of visual amenity and to prevent an inappropriate interface with the new development and the existing dwellings on Park Road.

NOTES

- 1) Before any development commences on site the applicant should make contact with Network Rail for development consent. Network Rail can be contacted on 0141 55 4162.

- 2) Contact should be made with the Scottish Environmental Protection Agency (SEPA) with regards to surface water drainage arrangements. SEPA can be contacted at the Ayr Office, 31 Millar Road, Ayr, Tel: 01292 294000

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