

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 02 DECEMBER 2005

**04/1033FL: PROPOSED DEMOLITION OF AMBULANCE DEPOT AND
ERECTION OF DWELLINGHOUSE AT 60 CAR ROAD, AUCHINLECK**

APPLICATION BY MR. ALEX MACINTOSH

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a six apartment, one and a half storey dwellinghouse on the site. The proposed dwellinghouse incorporates traditional style dormers and has a double integral garage. The proposed dwelling is to be finished externally in a render finish with grey roof tiles.

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 but it is considered that they are not of sufficient weight to justify refusal of the application.

3.2 The proposed development is consistent with the development plan and in terms of its scale, layout and design, is compatible with the surrounding area and meets with the Council's Design Guidance. The ambulance depot building itself has remained unused for some time and generally has detracted from the general amenity of the area both in terms of residential and visual amenity. The proposed development of the site for a dwellinghouse will result in an overall improvement to the area.

3.3 In terms of the representations made, It is considered that the points of objection are either not valid, or can be addressed through the imposition of appropriate conditions or are not of sufficient weight to justify refusal of the application.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards the application will not require to be referred to the Development Services Committee because it would not be a significant departure from the development 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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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 because the proposed development is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies off the south side of Car Road in Cumnock and comprises the site of the former ambulance station and depot and its access road. The application site generally lies immediately south of the residential properties at 58-60 Car Road. The site extends to approximately 650 m² including the site access and is level in nature. The site is bounded by a common brick wall to the east and residential properties on Cairn Road. The site is also bounded to the north, south and west by residential properties.

2.2 The site is presently occupied by the former ambulance depot building which occupies a significant proportion of the site. The depot building is currently being demolished.

2.3 **Proposed Development:** Full planning permission is sought for the erection of a six apartment, one and a half storey dwellinghouse on the site. The proposed dwellinghouse incorporates traditional style dormers and has a double integral garage. The proposed dwelling is to be finished externally in a render finish with grey roof tiles.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has no objection to the proposed development subject to conditions. A minimum of two off road parking

spaces must be provided within the site. An internal turning area must be provided to allow vehicles to enter and leave the site in forward gear. The access to the site has poor visibilities. The proposed development will result in a reduction in use of this access and therefore the Division will not oppose this proposal. It would however be in the applicant's interest to try and have the boundary wall of the adjacent property lowered in order to provide a visibility splay of 2m by 20m at the access point.

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

3.2 Scottish Water has no adverse comments to make on the proposed development.

Noted.

3.3 The Scottish Environment Protection Agency has not responded to the consultation letter.

Noted.

3.4 Cumnock Community Council has no objections to make on the proposed development.

Noted.

3.5 Transco and Power Systems have no objections to the proposed development.

Noted.

3.6 East Ayrshire Council's Housing Service has no objections to the proposed development.

Noted.

3.7 East Ayrshire Council Legal Service has indicated that there is a land ownership dispute between the applicant and the owner of 11 McQueen Avenue with respect to a strip of land lying immediately to the rear of the existing ambulance depot building. .

It is understood that this ownership dispute has been resolved and that the Keeper of the Land Register has found in favour of the owner of 11 McQueen Avenue. Notwithstanding this, this issue of

land ownership is not a material consideration in the determination of this application.

3.8 East Ayrshire Council Property Section, while appreciating that this may not impact on the planning application, points out that the red line application site, identifying the development site on the location plan which is based on the Ordnance Survey Plan, excludes the disputed area of land as the southern boundary follows the rear wall of the former depot. The red line on the architects drawing is different from the location plan as this includes the disputed area.

The applicant's agent has confirmed that the application site for the new build dwellinghouse does not interfere with the area of land previously under dispute with the owner of 11 McQueen Avenue. The layout of the site for the new dwelling has been designed to address this particular issue; that is to say that the layout does not require any of the land which was under dispute.

As indicated above this issue of disputed ownership is not material to the determination of this application.

4. REPRESENTATIONS

4.1 Four letters of representations have been received with respect to the proposed development. The main points of objection are summarised as follows:

4.2 It has come to the attention of ourselves and our neighbours that the applicant is planning to use the site not only for a house but also to run a taxi business from the site. If it were to be used for such a business venture this would increase noise levels considerably through the night.

Although the applicant has in the past operated a mini bus hire firm, he does not operate any taxi business and it is not his intention to conduct such a business from his proposed family home.

4.3 The existing business has a high level of asbestos in the roof and general construction. What steps would be taken to avoid pollution associated with the demolition / reconstruction of the proposed premises?

Planning consent is not required for the demolition of the existing ambulance depot. An appropriate warrant under the Building (Scotland) Acts has however been granted for the demolition and an appropriate method of demolition has been approved. The applicant will require to ensure that potential for nuisance caused during demolition / construction works is minimised.

4.4 There is an issue over the address of the property as both our house and the proposed development are 60 Car Road. This would require to be rectified.

This is not a material consideration in the determination of this application. Nonetheless, this matter could be rectified by the appropriate allocation of a new postal address for the new dwellinghouse.

4.5 The access to the property runs directly past our side door and for safety reasons speed calming or pedestrian safety measures may also be required.

This is an existing access road in private ownership. It is not considered that the level of usage would be such as to require specific traffic calming measures.

4.6 When I bought my house the boundary plans showed that the land I bought went right up to the edge of the existing ambulance depot. This means that the applicant would not be able to put windows at the back of the building. The applicant indicated to me that he intends to put his living room, kitchen and a sunroom on this boundary. I have been advised by my solicitor that he needs to have ground in front of where the windows are going. This would infringe on our privacy.

The applicant previously made an application for the conversion of the existing ambulance depot to form a dwellinghouse (Ref. No. 00/0303/FL). Due to the difficulties stated by the objector, the applicant withdrew that application in favour of a new build proposal designed in terms of its layout to avoid the potential areas of conflict with building regulations. The area of land previously under dispute does not form part of the current application site and the siting of the proposed new dwellinghouse within the plot is designed to address any potential issues in relation to the proximity of the development to the objector's property.

In terms of the issues of privacy it is considered that an appropriate screen fence erected along the boundary of the property will address the issues of impact on privacy, although it is noted that the objector has ancillary buildings located within the curtilage of his property which already provides a degree of screening of the site.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

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

purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan (1999) and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 There are no policies especially relevant to the proposed development.

Noted.

East Ayrshire Local Plan

5.3 Policy RES4 states that, within Settlement Boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites, including those sites created through the large scale demolition of existing housing, not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed against a set of four stated criteria, as follows:

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

It is not considered that the development will impact adversely on the surrounding natural or built environment or on adjacent uses.

(ii) transportation and infrastructure implications;

There are no significant transportation or infrastructure implications that cannot be addressed through the imposition of appropriate conditions in any consent granted for the development.

(iii) compatibility with surrounding densities and housing types; and

The proposed development is considered to be compatible with other housing types in the wider area

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

The proposed design of the house complies with the Council's approved Design Guidelines relating to new residential developments.

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 proposed development meets the private open space requirements of the policy.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultation Responses

6.2 None of the consultation responses have raised any issues which would indicate that the application should be refused although a number of issues would require to be resolved. These could be addressed either through conditions or appropriate notes attached to any consent granted for the proposed development

Representations

6.3 It is considered that the points of representation made with regard to the potential commercial use of the site are not founded in this case and are not material to the determination of this application. Similarly, the issue of land ownership is not relevant to the determination of the application as this matter requires to be addressed through legal processes and not through the planning system. It is considered that the points of objection are either not valid, or can be addressed through the imposition of appropriate conditions or are not of sufficient weight to justify 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 but it is considered that they are not of sufficient weight to justify refusal of the application.

8.2 The proposed development is consistent with the development plan and in terms of its scale, layout and design, is compatible with the surrounding area and meets with the Council's Design Guidance. The ambulance depot building itself has remained unused for some time and generally has detracted from the general amenity of the area both in terms of residential and visual amenity. The proposed development of the site for a dwellinghouse will result in an overall improvement to the area.

8.3 In terms of the representations made, It is considered that the points of objection are either not valid, or can be addressed through the imposition of appropriate conditions or are not of sufficient weight to justify refusal of the application.

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, Development and Building Standards the application will not require to be referred to the Development Services Committee because it would not be a significant departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

21 November 2005
HM/HM
FV/DVM

LIST OF BACKGROUND PAPERS

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

Anyone wishing to inspect the above background papers should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

Application No: 04/1033/FL

Location	60 Car Road CUMNOCK KA181HL
Nature of Proposal:	Proposed demolition of ambulance depot and erection of dwellinghouse
Name and Address of Applicant:	Mr. Alex McIntosh 151-153 Barshare Road CUMNOCK KA18 1NN
Name and Address of Agent	Mr. J. Browne Lochridge House STEWARTON KA3 5LH

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

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

1. Prior to the commencement of development on site, the developer shall submit to and have approved by the Planning Authority, samples of the external wall finishes and roof finish to be used in the proposed dwellinghouse.

REASON – In the interests of visual amenity.

2. Prior to the commencement of development on site, the developer shall submit to and have approved by the Planning Authority, details of walls or screen fencing to be erected within the application site. Notwithstanding this, a 1.8 metres high screen wall or fence shall be erected along the southern boundary of the application site to the satisfaction of the Planning Authority, this to be provided prior to the occupation of the proposed dwellinghouse.

REASON – In the interests of residential and visual amenity.

3. Access to and egress from the site shall require to be taken in forward gear.

REASON – In the interests of public road safety

4. A minimum of two off road parking spaces shall be provided and thereafter maintained within the application site.

REASON – In the interests of residential amenity.

5. All waste materials generated by this development that require to be moved such as construction wastes, demolition wastes and surplus excavated material, must be removed from the site by licensed waste carriers. Waste must be removed to a site that has either an appropriate waste management licence or is registered with SEPA as exempt from licensing.

REASON – In the interests of public health and safety.

6. Construction works on site shall not be carried out prior to 0800 hours and after 1700 hours on Mondays to Saturdays, and not at any time on Sundays.

REASON – To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity.

NOTES TO APPLICANT

1. The Council's Roads and Transportation Division has advised that junction visibility splay areas of 2 metres by 20 metres should be formed and thereafter maintained at the junction of the site access with Car Road with no object greater than 1 metre in height within the splay areas formed. This is advised in the interests of public road safety.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**