

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 25 FEBRUARY 2005**

**04/1034/FL: PROPOSED ERECTION OF TWO SHOP UNITS WITH FLATTED DWELLING OVER AT 123 MAIN STREET, AUCHINLECK**

**APPLICATION BY MR JAMES WADDELL**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought to erect a one and a half storey (dormer) unit to accommodate two ground floor shop units with a flatted dwelling over. A pend is proposed on the north side of one of the retail units to access the rear so providing a garden and drying green area with four off road parking spaces.

1.2 The shop units, which would be modestly proportioned, have a reasonably traditional façade using low stall risers and an inset entrance with fascia board. Above the shop frontages vertically proportioned hipped roof dormers are proposed to serve the flatted dwelling. The pend is shown as having double vertically lined doors with a false roof pitch. The property is of a simple dual pitched roof design with a single storey flat roof extension to the rear. It is proposed to clad the roof in grey roof tiles and to roughcast the external walls.

**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 and these do not raise any issues which would indicate the application should be refused.

3.2 Full planning permission is being sought for the erection of a building to contain two shop units and a flatted dwelling. Situated along the street frontage of the Main Street in Auchinleck the locality is a mixed use area. The site at present is a gap brownfield site and its redevelopment for this purpose is therefore considered acceptable.

3.3 It is proposed to erect a one and a half storey (dormer) unit with a simple dual pitched roof and incorporating traditionally styled hipped roof dormers. The shop fronts are also in keeping with the existing street frontage. The single storey flat roof element to the rear of the proposed building is not in keeping with good design practice however, this will not be visible from the public aspect and it is not considered that it will have any significant detrimental impact on the visual amenity of the area. The design is therefore considered to be acceptable.

3.4 It is considered that the proposed development is in keeping with, and does not raise any issues causing detriment to, the vicinity in which it is to be located. The development is acceptable in terms of its service and infrastructure implications and the recommendation is therefore one of approval.

#### **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 in terms of the principle of the development, the application will require to be referred to the Development Services Committee because it would represent 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 at the request of the local member.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located on the south west side of the Main Street in the settlement of Auchinleck. Extending to approximately 370 square metres it is a rectangular shaped brownfield gap site set within the central mixed use area of the town.

2.2 No.125 Main Street, on the north side, is occupied by a hot food take away and No.121 to the south is a two storey dwellinghouse with a traditional façade and a flat roofed extension to the rear, also of two storeys in height. To the rear of the site is an access serving the rear of properties fronting onto Main Street and beyond this is the Highhouse Industrial Estate. There are no other significant features on the site which at present has no formal boundaries other than the walls of the adjacent properties.

2.3 **Proposed Development:** Full planning permission is sought to erect a one and a half storey (dormer) unit to accommodate two ground floor shop units with a flatted dwelling over. A pend is proposed on the north side of one of the retail units to access the rear so providing a garden and drying green area with four off road parking spaces.

2.4 The shop units, which would be modestly proportioned, have a reasonably traditional façade using low stall risers and an inset entrance with fascia board. Above the shop frontages vertically proportioned hipped roof dormers are proposed to serve the flatted dwelling. The pend is shown as having double vertically lined doors with a false roof pitch. The property is of a simple dual

pitched roof design with a single storey flat roof extension to the rear. It is proposed to clad the roof in grey roof tiles and to roughcast the external walls.

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

3.1 East Ayrshire Council's Roads and Transportation Division has no objection to the proposed development subject to the following road safety requirements being met:

- (i) access to the site must be taken via standard driveway access crossing to East Ayrshire Roads standards;
- (ii) the private driveway should be bituminously surfaced for a distance of 5.0m from the rear of the footway to avoid overcarry;
- (iii) no surface water must be allowed to discharge onto the public road;
- (iv) 4 number off road parking spaces will require to be provided for the development;
- (v) the gates will require to open inwards away from the public road;
- (vi) access to and egress from the site will require to be taken in forward gear.

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

3.2 East Ayrshire Council's Flooding Engineer has advised that the site has been affected by flooding on a number of occasions and although measures have been introduced to alleviate the potential for such incidents there is no guarantee that flooding will not occur in the future. Therefore the applicant should consider the implications of inundation to the site and design the development accordingly, specifically with regard to finished floor level, use of water resistant building materials and positioning of water sensitive electrical equipment.

***It is recommended that an appropriate condition to address this matter is imposed on the consent should the Committee be minded to approve the application.***

3.3 East Ayrshire Council's Economic Development Unit has advised that its only concern would be the commercial viability of having two additional shop units in the Main Street of Auchinleck given the competition for trade that already exists among other commercial units.

***A greater variety of retail units within the central area of Auchinleck has potential for increasing the vitality and viability of the town. In any case market forces are a matter for the developer to consider in a business development plan and it is therefore considered that this***

***concern is not of such significant weight in this particular instance as to indicate the application should be refused.***

3.4 East Ayrshire Council's Environmental Health Service has no objection to the proposed development subject to the following comments:

- (i) the shop units should comply with the relevant provisions of the Health & Safety at Work Etc Act 1974 (and the Food Safety Act, 1990 if they are intended to be food retail units). Full details in this regard can be clarified and resolved at Building Warrant stage (assuming planning consent is obtained). In this regard the W.C apartments serving the shop units do not show any ventilation.
- (ii) Suitable provision should be made for refuse and recycling bin storage for the flat and shop units. Given the proposed layout it is not anticipated this should cause any problems.

***The applicant has been advised of these comments and it will be the responsibility of the developer to address these matters should the Committee be minded to approve the application.***

3.5 The Health and Safety Executive does not advise against the granting of planning permission.

***Noted.***

3.6 Scottish Water has advised there is an existing public water main located in the street adjacent and there is a public sewerage system to which a connection may be made. A totally separate drainage system of foul and surface water sewers will be required.

***Noted.***

3.7 The Scottish Environment Protection Agency has no objections in principle to the proposals provided the drainage is to its satisfaction and in this regard all foul drainage from the development must be connected to the public sewerage system in accordance with Scottish Water requirements. Surface water must be excluded from the foul drainage and should be discharged to a suitably designed Sustainable Urban Drainage system.

***Scottish Water has confirmed there is a public sewerage system to which a connection may be made and it is considered appropriate to impose an appropriate condition regarding surface water treatment should the Committee be minded to approve the application.***

3.8 The West of Scotland Archaeology Service has advised that there may be sensitive and important archaeological remains surviving below present ground

levels and under modern buildings. The application therefore raises an archaeological issue and accordingly it is recommended that the potential issue could be addressed adequately through the attachment of an appropriate condition. The condition should require the developer to provide for the recording of any archaeological remains which are encountered during development, but does not interfere unduly with the main development work.

***An appropriate condition to address this matter could be imposed on the consent should the Committee be minded to approve the application.***

3.9 Power Systems has no objection to the proposed development and has provided a location plan identifying the position of apparatus/equipment which may be affected by the proposed development.

***A note can be attached to any consent granted for the proposed development advising the applicant to make early contact with Power Systems.***

3.10 Transco has provided location plans identifying the position of apparatus/equipment which may be affected by the proposed development.

***A note can be attached to any consent granted for the proposed development advising the applicant to make early contact with Transco.***

3.11 Auchinleck Community Council has no objection to the proposed development.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 This application has not attracted any third party letters of representation.

***Noted.***

#### **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 with the Structure Plan which are relevant to the proposed development.

## East Ayrshire Local Plan

5.3 Policy RTC2 states that the types of development detailed in Schedule 5 of the Local Plan will be considered acceptable, in principle, within town centres and on those development opportunity sites identified as being suitable for such purposes on the Local Plan maps.

***The application site is located within Auchinleck Town Centre as defined in the adopted East Ayrshire Local Plan and retail use of the site is acceptable in terms of Schedule 5 of the Local Plan. There are, therefore, no objections to the development of the proposed retail units in terms of Policy RTC2.***

5.4 Policy RTC11 encourages and supports the reuse of vacant properties formerly in Schedule 5 use and the redevelopment of gap or infill sites within town centres for appropriate similar Schedule 5 uses. The re-use of such properties or the redevelopment of the land to an appropriate residential or other alternative use not included in Schedule 5 will be acceptable only where two stated criteria can be met, as follows:

- (i) it can be demonstrated, to the satisfaction of the Council, that an appropriate use falling within the Classes described in Schedule 5 cannot be found; and

***The proposed development includes a residential element above the proposed retail units and this is not considered to be inappropriate to the site or area.***

- (ii) the proposed use of the property is sympathetic to the character and amenity of the area concerned.

***The proposed residential use of the first floor of the premises is considered sympathetic to the character and amenity of the area, which is mixed residential and commercial in nature.***

5.5 Policy ENV7 requires that developers comply fully with the Council's existing and emerging Design Guidance and Policy documents relating to and advising on the particular type of development proposed.

***It is considered that the design of the proposed unit is sympathetic to the area and respects the existing built environment. It therefore does not raise any visual or residential amenity issues and is thus compliant with both Design Guidance 2: New Residential Development and Design Guidance 5: Shop Front Development.***

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

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and planning history of the site.

### Consultations Responses

6.2 None of the consultation responses have raised any issues which would indicate the application should be refused.

### Planning History

6.3 The site in question has previously been the subject of a Prior Notification (Planning Ref: 00/0383/DN) for demolition of a building on the site. The building in question was the former Woodlands Snooker Club which was destroyed in a fire so rendering it nothing more than a shell and subsequently it was demolished.

## **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 and these do not raise any issues which would indicate the application should be refused.

8.2 Full planning permission is being sought for the erection of a building to contain two shop units and a flatted dwelling. Situated along the street frontage of the Main Street in Auchinleck the locality is a mixed use area. The site at

present is a gap brownfield site and its redevelopment for this purpose is therefore considered acceptable.

8.3 It is proposed to erect a one and a half storey (dormer) unit with a simple dual pitched roof and incorporating traditionally styled hipped roof dormers. The shop fronts are also in keeping with the existing street frontage. The single storey flat roof element to the rear of the proposed building is not in keeping with good design practice however, this will not be visible from the public aspect and it is not considered that it will have any significant detrimental impact on the visual amenity of the area. The design is therefore considered to be acceptable.

8.4 It is considered that the proposed development is in keeping with, and does not raise any issues causing detriment to, the vicinity in which it is to be located. The development is acceptable in terms of its service and infrastructure implications and the recommendation is therefore one of approval.

## **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 in terms of the principle of the development, the application will require to be referred to the Development Services Committee because it would represent a significant departure from the development plan.

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

11 February 2005  
NM/NM/SMB  
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).

Anyone wishing to inspect the above background papers should contact Nicola Monroe on 01563 555485.

**Implementation Officer: Dave Morris**

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 04/1034/FL

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Location	123 Main Street AUCHINLECK KA18 2AF
Nature of Proposal:	Proposed erection of 2 shop units with flatted dwelling over
Name and Address of Applicant:	Mr James Waddell York Place AYR KA8 8AP
Name and Address of Agent	

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

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

1. The use of the shop units hereby approved shall be restricted to Class 1: Shops as defined in the Town and Country Planning (Use Classes) (Scotland) Order 1997 unless an alternative receives the prior consent of the Planning Authority.

REASON – To ensure that the use remains appropriate to the area.

2. Prior to the commencement of development the developer shall submit a written specification for the proposed roof tile which shall be a slate or a good slate look alike as an alternative to that currently proposed and this shall receive the further written approval of the Planning Authority.

REASON – To ensure the roof tile is in keeping with the surrounding built environment.

3. The doors of the pend will be finished in vertically lined timber and stained or painted in a suitable dark timber preservative to the satisfaction of the Planning Authority.

REASON – In the interests of visual amenity.

4. The windows to be installed within the dormer unit shall be a sash and case look alike with a stepped transom at the mid rail to the satisfaction of the Planning Authority.

REASON – In the interests of visual amenity.

5. The development hereby approved shall be constructed to take into account possible inundation of flood waters. This is with particular regard to the finished floor levels, use of water resistant building materials and positioning of water sensitive electrical equipment. Details of intended measures shall be submitted to and approved by the Planning Authority prior to the commencement of development and shall thereafter be implemented as approved.

REASON – In the interests of public health and safety.

6. Access to the site must be taken via standard driveway access crossing to East Ayrshire Roads standards.

REASON – In the interests of road safety.

7. Prior to the occupation of any of the units hereby approved the private driveway shall be bituminously surfaced for a distance of 5.0m from the rear of the footway to avoid overcarry of loose material onto the public road.

REASON – To ensure a secure road surface in the interests of road safety.

8. No surface water shall be allowed to discharge onto the public road.

REASON – To ensure a secure road surface in the interests of road safety.

9. Prior to the occupation of any of the units hereby approved, four off street parking spaces shall be provided for the development to the satisfaction of the Planning Authority.

REASON – To ensure sufficient provision of off street parking in the interests of road safety.

10. The gates to the pend as shown will require to open inwards away from the public road.

REASON – To avoid obstruction on the public highway in the interests of pedestrian and road safety.

11. Access to and egress from the site will require to be taken in forward gear.

REASON – In the interests of road safety.

12. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief can be supplied by the West of Scotland Archaeology Service. The name of the archaeological organisation to be retained by the developer shall be given to the Planning Authority and the West of Scotland Archaeology Service not less than fourteen days prior to the commencement of any development works on site.

REASON – To ensure that an accurate record is taken of any items/finds of archaeological importance.

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

## **NOTES TO APPLICANT**

1. The applicant should make early contact with Scottish Water and the Scottish Environment Protection Agency with regard to the foul and surface water drainage of the site.
2. The developer shall make early contact with the Scottish Environment Protection Agency and Scottish Water to confirm their request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These authorities require this development to be drained in accordance with the recommendations contained in the CIRIA Manual on SUDS.
3. The Council does not currently have an agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the Design Manual for SUDS published by CIRIA.
4. The applicant should make early contact with Power Systems and Transco with regard to the protection or diversion of existing apparatus within the application site that may be affected by the proposed development.

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