

**EAST AYRSHIRE COUNCIL**

**CENTRAL AREA LOCAL PLANNING COMMITTEE: 04 MAY 2001**

**01/0105/FL: PROPOSED FORMATION OF ACCESS ROAD AND 9 SERVICED  
HOUSING PLOTS  
AT 82 IRVINE ROAD, CROSSHOUSE  
BY MR JOHN DUNLOP**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning consent is sought for the construction of an access road and 9 serviced housing plots. A layout plan has been submitted showing 9 housing plots. No details of the design and layout of the houses have been submitted at this stage as these matters would be addressed with the subsequent submission of detailed applications.

**2. RECOMMENDATION**

**2.1 The application should be approved subject to the conditions indicated on the enclosed sheet.**

**3. SUMMARY OF ANALYSIS**

3.1 As is indicated at paragraph 5.2 of the report it is considered that the application is largely 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.

3.2 There are other material considerations relevant to this application as indicated in Section 6 of the report and they are supportive of the proposal. The proposed development is consistent with the policies of the EALP. There is also a current 'live' outline planning consent on the majority of the application site. The proposed development will add to the amenity of the area by removing a derelict contractors haulage yard. The development of the application site for 9 serviced housing plots is consistent with the surrounding area. Details of the design and layout of the proposed houses for each house plot will require to be submitted at a later stage.

**Alan Neish**  
**Head of Planning and Building Control**

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

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**01/0105/FL: PROPOSED FORMATION OF ACCESS ROAD AND 9 SERVICED  
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AT 82 IRVINE ROAD, CROSSHOUSE  
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### **Report by Head of Planning and Building Control**

#### **1. PURPOSE OF REPORT**

1.1 The purpose of the report is to present for determination a full planning application which is to be considered by the Local Planning Committee because it concerns a large scale residential development which accords with the East Ayrshire Local Plan Finalised Version with Modifications, is of area significance and is subject to objections.

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

2.1 **Site Description:** The application site is 0.957 hectares in area and is located to the North of the Irvine Road. The main body of the application site was used as a road haulage contractors yard although it is presently derelict. The area of the site to the rear of the Laurieland Hotel is presently grassed with a derelict garage located on it. The site is surrounded to the North, West and East by agricultural land and to the South by residential properties.

2.2 **Proposed Development:** Full planning consent is sought for the construction of an access road and 9 serviced housing plots. A layout plan has been submitted showing 9 housing plots. No details of the design and layout of the houses have been submitted at this stage as these matters would be addressed with the subsequent submission of detailed applications.

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

3.1 East Ayrshire Council Roads Division have no objections provided further details are submitted regarding the proposed method of capping the mine shaft. This should include full information on the design parameters to allow an independent assessment of the design to be undertaken. The shallow capping of the shaft rather than capping at rock-head is of concern to the Roads Division as collapse of the shaft would affect the adjacent road. Traffic calming works on the Irvine Road should be provided and completed prior to the occupation of the dwellings.

***The requirements of the Roads Division can be met by attaching conditions to any grant of planning consent.***

3.2 West of Scotland Water have commented that the developer should satisfy himself that relative levels are such as will allow the development to be connected at a reasonable gradient. Their permission should be sought to connect to the public sewerage system. The proposal may involve building over an existing public sewer and they should be contacted prior to starting work on site in order to discuss whether diversion or protection is required.

***A note could be attached to any grant of planning consent advising the developer to make early contact with West of Scotland Water.***

3.3 Scottish Environment Protection Agency have no objection to this proposal provided that the foul drainage is connected to the public sewer.

***Noted.***

3.4 The Coal Authority and Crosshouse Community Council have no adverse comments to make regarding the proposed development.

***Noted.***

3.5 Environmental Health and Waste Management have not replied at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

There are three objectors to the proposed development.

4.1 The address of the proposed development is 82 Irvine Road, Crosshouse and the objector's address is 82 Irvine Road, Crosshouse. They would like this clarified.

***The applicant has confirmed that the address of the site is 82 Irvine Road. This is the number of the original coal yard and is the address noted on the Ordnance Survey.***

4.2 There are two building plots located immediately adjacent to the car park, bar and function room of the Laurieland Hotel. There will be obvious implications for noise from the function room and traffic.

***There are a number of existing residential properties in close proximity to the Hotel. Anyone building a house adjacent to the Hotel will be aware that***

***they are adjacent to a Hotel where there is a certain level of noise and general disturbance.***

4.3 The objector believes that development encroaches on their property and they would like clarification on the exact boundaries.

***The applicant has confirmed that the application site does not encroach on the objector's property.***

4.4 They object most strongly to any proposed alterations regarding access to their property and would object to any restrictions being placed on the free access of their customers such as a traffic calming measures proposed in front of their car park entrance.

***Details of the traffic calming measures will require to be agreed with the Planning Division in consultation with the Roads Division. The traffic calming measures will be designed to allow free access to the Hotel.***

4.5 The existing building has asbestos roofing, this building is to be demolished. They have young children and are concerned about how this roofing is to be removed.

***All demolition and the removal of asbestos sheeting will have to be carried out with regard to Health and Safety Regulations.***

4.6 There are two underground water drains which carry water from the proposed development site through to the adjacent properties. In particular they can be 'heard' within a few feet of the house.

***There is a 100mm diameter drain running from the site across the north end of the garden of No 80. The developer will expose and remove this during ground works. Any ground water will be collected into the new drainage system.***

4.7 The adjacent property is surrounded by a brick wall which forms part of the boundary of the proposed site. Over the years debris has been dumped behind the wall thus artificially raising the height of the ground. It was noted from the plans that this debris is to be removed and the area refilled. Does this mean refill to the artificial height it is at the moment, if so the single brick wall becomes a retainer for this land. They would ask that the land is not refilled to its current height but is instead returned to a natural level, eg to the height of the garden wall foundations.

***All dumped debris will be removed. There is no intention to fill or refill against the wall to No 80 Irvine Road. Further details of the boundary treatment and works adjacent to the existing brick wall can be addressed by attaching a condition to any grant of planning consent.***

4.8 There is debris consisting of tarmac, tyres, general rubbish and diesel. If the ground surrounding the wall needs to be substantially lowered to eradicate any contamination, the foundations of the wall are sure to be left in a very vulnerable condition.

***All debris and shallow areas of fill from mine workings will be removed. This fill has been shown by analysis testing not to be contaminated. Any removal of this fill will be to provide a structural stiffening of the ground to support the new road. This involves shallow working only and not substantial lowering. No damage to the wall is envisaged and any damage which may occur will be made good by the applicant.***

## **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 Adopted Ayrshire Joint Structure Plan and the Adopted Kilmarnock Local Plan (1985). The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Kilmarnock Local Plan the proposal would fall to be considered against Policy 4.1.5 which allows housing development within the urban envelope of Crosshouse provided the development is for a maximum of 10 dwellings, it is on a site of not more than 0.5 hectares, constitutes vacant or degraded land and is not likely to be detrimental to or be adversely affected by adjacent uses.

***The application site is greater than 0.5 hectares however it is considered that the proposed development is largely consistent with the above policy. The proposed development will improve a vacant and derelict site. It is considered that the development will not have an adverse impact on the adjacent residential properties.***

5.3 Part of the application site closest to Irvine Road is affected by Policy 5.9.2 which allows housing development of approximately 3 houses on the site between 78 Irvine Road and the Laurieland Hotel.

***There is one house already built in this area and the present proposal is consistent with the principle of this policy, albeit it exceeds the only approximate figure allocated to the site.***

5.4 There is no conflict between the proposed development and the terms of the Adopted Ayrshire Joint Structure Plan.

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

6.1 The other principle material considerations relevant to the determination of this application are the East Ayrshire Local Plan Finalised Version with Modifications, representations and consultations received and planning history of the site.

6.2 The Adopted Local Plan is considerably out of date and it is considered appropriate that greater weight should be attached to a more recent policy expression. The Council has agreed that the East Ayrshire Local Plan Finalised Version with Modifications (EALP) should be considered as a prime material consideration. Policy RES 1 of EALP encourages and supports residential development on those Development Opportunity Sites identified for housing purposes on the individual local plan maps. The sites identified shall be reserved for residential and associated recreational and amenity open space development.

***The majority of the application site has been identified as being suitable for development of 5 houses within the above plan. The application site also involves the area of land between the Laurieland Hotel and No 82B Irvine Road. It is considered that the proposal to develop 9 serviced housing plots would not conflict with the above policy as the number identified in the EALP is indicative.***

6.3 98/0027/OL: Outline Planning Consent was granted on 04 August 1998 for residential development. This proposal involved the land to the North of 82B Irvine Road and it did not include the land between the Laurieland Hotel and 82B Irvine Road.

6.4 The consultees have not raised any negative comments to the proposed development and their comments can be addressed by attaching conditions to the planning consent if granted. The concerns of the objectors have either been addressed by the applicant or can be alleviated by careful development of the site.

## **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 is indicated at paragraph 5.2 of the report it is considered that the application is largely 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.

8.2 There are other material considerations relevant to this application as indicated in Section 6 of the report and they are supportive of the proposal. The proposed development is consistent with the policies of the EALP. There is also a current 'live'

outline planning consent on the majority of the application site. The proposed development will add to the amenity of the area by removing a derelict contractors haulage yard. The development of the application site for 9 serviced housing plots is consistent with the surrounding area. Details of the design and layout of the proposed houses for each house plot will require to be submitted at a later stage.

## **9. RECOMMENDATION**

**9.1 The application should be approved subject to the conditions indicated on the enclosed sheet.**

**Alan Neish**  
**Head of Planning and Building Control**

25 April 2001  
(PC/MMM)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Letters of objection.
4. Adopted Kilmarnock Local Plan.
5. East Ayrshire Local Plan Finalised Version with Modifications.
6. Adopted Ayrshire Joint Structure Plan.
7. Planning Consent No: 98/0027/OL.

Anyone wishing to inspect the above papers please contact Pamela Clifford on 01563 576772.

***Implementation Officer: Dave Morris***

010105FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0105/FL

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Site of Proposal:	82 Irvine Road CROSSHOUSE
Nature of Proposal:	Proposed Formation of Access Road And 9 Services Housing Plots
Name & Address of Applicant:	Mr John Dunlop 82B Irvine Road CROSSHOUSE Kilmarnock KA2 0HQ
Name & Address of Agent:	Gurton Architecture 13C Seton Terrace SKELMORLIE PA17 5AX

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DPOs Reference: PC/MMM

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 received on 12 February 2001 and the amended plans received by the Planning Authority on 02 and 10 April 2001.

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

2. The consent hereby granted relates only to the formation of an access road and 9 Serviced plots. Further separate, full planning consent will be required in respect of the houses proposed on each plot.

REASON To clarify the nature of the consent issued.

3. In the determination of subsequent, detailed applications, the Planning Authority will require that:

- (i) each plot shall provide for no greater than 30% coverage of the plot with buildings;
- (ii) no external house wall, including any garages, shall be within 2 metres of any plot boundary;
- (iii) any dwelling shall have private, secluded garden space of at least 100 square metres in area;
- (iv) the design of any dwelling shall be compatible with any existing buildings adjacent to the particular plot;
- (v) Plot 2 shall be no more than the equivalent of two storeys in height including any under building required and no higher than the adjacent house of 80B Irvine Road;
- (vi) Plots 3 to 9 shall be single storey in height;
- (vii) Plot 1 shall be no more than one and a half storey in height including any under building required.

REASON In the interests of residential and visual amenity.

4. Prior to the commencement of any development on site, the applicants shall submit to, and have had approved by, the Planning Authority details of a limited range of finishing materials; (one brick type, one render type and one roofing material type); to be used throughout the site and details of a building line to be observed by the developers of each plot.

REASON In the interest of residential or visual amenity and to secure a consistent character and appearance to the proposed development.

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

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

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

REASON In the interests of residential amenity.

7. Prior to the commencement of development on site and in order to compensate for inadequate junction spacing, traffic calming measures shall be implemented on the Irvine Road. Details of these measures and their location shall be submitted to and approved by the Planning Authority in consultation with the Roads Division and shall be implemented prior to the occupation of any houses.

REASON To overcome a junction spacing inadequacy in the interests of road safety.

8. Prior to the commencement of development on site and notwithstanding the submitted plans, details of the proposed method of capping the mine shaft, including full information on the design parameters to allow an independent assessment of the design to be undertaken, shall be submitted to and approved by the Planning Authority and any findings shall be implemented prior to the construction of the access road.

REASON To prevent the collapse of the mine shaft, which would affect the adjacent road.

9. Prior to the commencement of development, full details of the proposed site treatment, site levels and any infilling of material adjacent to the existing brick wall surrounding the curtilage of 80 Irvine Road, Crosshouse shall be submitted to and approved by the Planning Authority.

REASON In order to secure adequate details of the site levels adjacent to the neighbouring residential property.

Notes:

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. The applicant shall make early contact with West of Scotland Water, 35 Glenburn Road, Prestwick, KA9 2NS (0808 100 5333) regarding permission to connect to the public sewerage system and to discuss whether diversion or protection of the public sewer is required.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**

**AGENDA**