

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 03 MAY 2002**

**99/0864/FL: PROPOSED CHANGE OF USE/ALTERATIONS AND EXTENSION TO  
FORM SEVEN DWELLINGHOUSES  
AT LUGTON INN, LUGTON  
BY MR C LYNAS**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 **Proposed Development:** It is proposed to change the use of the hotel and bar and alter and extend the building to form seven houses. The topography of the site is such that the proposed arrangement involves the formation of four units in the body of the existing building. These units will be effectively terraced, all accessed from the lower (northern) side of the building. The size of these units varies with two, 2-bedroom 3-apartment units and two, 3-bedroom 4-apartment units being proposed. It is also proposed to extend the building to allow the creation of an additional three houses, two on the west side and one to the east. These houses will be of a one and a half storey design and will also be in a terraced form and again will be accessed from the lower sides of the site.

1.2 There will be no direct access to the development from the south, main roadside. The boundary along this side will be altered to provide for the creation of private garden areas for the development. The area to the north of the building will be utilised as parking for the development and a common amenity area.

#### **2. RECOMMENDATION**

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

#### **3. CONCLUSIONS**

3.1 As is indicated in paragraph 5 of the report the application is considered to be 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 approved unless material considerations indicate otherwise. As indicated in Section 6 of the report there are material considerations relevant to this application. These considerations are considered to be generally supportive of the application. The

submitted letters of objection are noted but are not considered in themselves to be of sufficient weight to justify a decision contrary to the Development Plan.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee as it would not be a significant breach of policy.

**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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**Report by Head of Planning and Building Control**

### 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application which is to be considered by the Local Planning Committee under the scheme of delegation because the proposal involves more than 4 dwellinghouses and has been subject to objections.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises the existing Lugton Inn Hotel and Public House and the land attached. It is situated on the west side of the junction with A735 and the A736, Barrhead-Irvine road, and on the north extremity of the village of Lugton itself. The site has a significant difference in level from north to south and is characterised by the south facing one and a half storey element of the original Inn changing to 2 and two and a half storeys to the rear through a variety of later additions. The rear of the premises has been utilised as a hard surfaced parking/service area. The building is very prominent and exposed in terms of its relationship with Lugton and the main road to the north. The premises have now been closed for several years and are in danger of falling into a state of minor disrepair. The adjacent uses are mainly residential in character but the Paraffin Lamp is situated to the north east of the site.

2.2 **Proposed Development:** It is proposed to change the use of the hotel and bar and alter and extend the building to form seven houses. The topography of the site is such that the proposed arrangement involves the formation of four units in the body of the existing building. These units will be effectively terraced, all accessed from the lower (northern) side of the building. The size of these units varies with two, 2-bedroom 3-apartment units and two, 3-bedroom 4-apartment units being proposed. It is also proposed to extend the building to allow the creation of an additional three houses, two on the west side and one to the east. These houses will be of a one and a half storey design and will also be in a terraced form and again will be accessed from the lower sides of the site.

2.3 There will be no direct access to the development from the south, main roadside. The boundary along this side will be altered to provide for the creation of private garden areas for the development. The area to the north of the building will be utilised as parking for the development and a common amenity area.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has confirmed that it has no objection to the proposal but has advised of certain issues that will require to be addressed as follows:-

*the extension of the new access road into the car park to allow the formation of an appropriate turning head with a 2.0 m wide footway;*

*the upgrading of the street lighting on the access road to that of a residential road.*

***Noted.***

3.2 West of Scotland Water (Scottish Water) has advised that the proposal can be serviced from an existing public water supply. It has confirmed that it has no comment to make in respect of sewerage issues.

***Noted.***

3.3 The Coal Authority has advised that it would not anticipate any ground stability issues to impact on the ability to implement the proposal.

***Noted.***

3.4 Scottish Environment Protection Agency has advised that a full biological treatment will be required to treat the foul drainage from the development prior to it being discharged to a receiving watercourse.

***Noted. This element can be addressed by condition if the Committee are of a mind to approve the application.***

### 4. REPRESENTATIONS

4.1 Two letters of objection have been submitted in respect of this application from or on behalf of local residents. These objections were submitted in respect of an earlier proposal which involved a significantly higher number of units but have not been altered or withdrawn since the scope of the proposal has been reduced.

4.2 The grounds of objection vary but relate to the following issues:-

The scale of the proposal is such that the character of Lugton will be altered to the detriment of the existing community by reason of additional noise and traffic from residents.

***Noted. It should be borne in mind that this comment was submitted in respect of a proposal which involved a total of 12 units. Through negotiation with the applicant this has now dropped to 7 units and it is considered that these could be accommodated on site with no significant detrimental impact on the character of Lugton.***

The proposal will result in traffic difficulties during construction and additional congestion from new residents.

***Noted. The Council's Roads Division have confirmed that they are satisfied with the proposal before the Committee. A certain degree of disturbance would be anticipated during construction works but a condition restricting that activity could be attached if the Committee was of a mind to approve the application.***

There will be drainage problems with the site if the proposal is approved.

***No substantive information was brought forward with this particular issue but it is understood that there was an incident in the past when a culvert adjacent to the site was blocked and a part flooding of the site occurred. This aspect has been assessed by the Council's Division responsible for such matters and they are satisfied that there is no flooding risk at the site. They have confirmed however that the internal drainage of the site will require further investigation prior to the commencement of work on site. A condition can address this issue.***

## **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 Stewarton Local Plan (1987). The Adopted Local Plan was prepared within the context of the then emerging Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan the proposal would fall to be considered against Policy 5.3.3 as follows:-

Single dwellings shall be allowed within the village envelope of the following settlements:  
Lugton, Moscow, Waterside, where the development is proposed for a gap site and is in accordance with the rural character of the settlement.

***The proposal has been assessed against this policy and is considered to be in accordance with the terms thereof. It has been designed in an attempt to retain the dominant character of the Lugton Inn but also introduce additional units to complement the existing building. Given the constraints of the site it is considered that this has been achieved with no significant detrimental impact on the character of the settlement.***

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

6.1 The other principle material considerations relevant to this application are the East Ayrshire Local Plan (Finalised Version with Modifications), consultation responses, representations received and impact on the amenity of the area.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) (EALP) should be considered a prime material consideration.

### East Ayrshire Local Plan Finalised Version with Modifications

6.3 The relevant policies in the EALP against which the proposal requires to be assessed are RES 4, RES 7 and RTC 10.

Policy RES 4 confirms the assessment criteria for residential development in existing settlements. The reason for this policy is to improve the amenity of the area and to consolidate the built environment.

***The proposal has been assessed against the listed criteria. The site is unusual and the arrangement of the units and the associated private garden ground has been the subject of considerable correspondence and amendments as outlined above. The proposal now before the Committee is considered to be on balance acceptable.***

Policy RES 7 confirms that proposals to convert existing buildings to residential use will require to be assessed against listed criteria.

***The condition of the premises and the nature of this application are such that there is confidence in the ability of the building to accommodate the alterations proposed. The building is in a generally sound structural condition and up until very recently was occupied and run as a hotel/bar.***

### Consultation Responses

6.4 The consultation responses submitted in respect of this application are as reflected in paragraph 3 above, considered to be generally supportive of the application.

Certain matters are required to be addressed but it is considered that these can be appropriately secured by means of a condition if the Committee of a mind to approve the application.

### Representations

6.5 The matters raised by the objectors have been assessed and considered to be of insufficient weight to justify the refusal of the application.

### Impact on the Amenity of the Area

6.6 The circumstances of the site are such that the existing building is very prominent and exposed from all sides. Previous alterations to the building have only served to add to the prominence. Consequently the proposal does involve significant changes to the building and the aspects to the building will be altered dramatically but necessarily. It is considered that these alterations can be accommodated with no detriment to the overall amenity of Lugton and the adjacent residents.

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

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

## **8. CONCLUSIONS**

8.1 As is indicated in paragraph 5 of the report the application is considered to be 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 approved unless material considerations indicate otherwise. As indicated in Section 6 of the report there are material considerations relevant to this application. These considerations are considered to be generally supportive of the application. The submitted letters of objection are noted but are not considered in themselves to be of sufficient weight to justify a decision contrary to the Development Plan.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions 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, the application will not

require to be referred to the Development Services Committee as it would not be a significant breach of policy.

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

23 April 2002  
(IW /MMM)

FV/DVM

#### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Letters.
4. Adopted Stewarton Local Plan.
5. East Ayrshire Local Plan Finalised Version with Modifications.
6. Approved Ayrshire Joint Structure Plan.
7. Representations.

Anyone wishing to inspect the above papers please contact Ian Walker on 01563 576769.

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

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

99/0864/FL

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Site of Proposal:	The Lugton Inn Lochlibo Road LUGTON
Nature of Proposal:	Proposed Change of Use, Alterations & Extension to Form 7 Dwellinghouses
Name & Address of Applicant:	Mr C Lynus Lugton Inn Lochlibo road LUGTON Kilmarnock KA3 4DZ
Name & Address of Agent:	Carricks Architects 7 Alloway Place AYR KA7 2AE

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DPOs Reference: IW/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 20 November 2001 and the amended plans received by the Planning Authority as follows:- location, existing site and proposed block plan received on 12 November 2001; existing plans, elevations received on 17 April 2001; proposed plans, elevations received on 12 November 2002.

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

2. 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.

3. The details submitted in respect of condition 2 above shall provide for the retention and lengthening of the south boundary wall with railings affixed on top to height of 1.8m from the finished ground levels of the gardens for houses 3 and 6.

REASON In the interests of residential/visual amenity.

4. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, (or any order or enactment replacing this) no extensions or garages (unless forming part of the approved layout plan) shall be erected on the site, unless a further specific planning application is submitted to and approved by the Planning Authority.

REASON To enable the Planning Authority to ensure that such structures are provided in a manner compatible with the visual amenity of the area.

5. Notwithstanding the plans hereby approved the external appearance of all materials to be used in the construction of the extensions shall match the materials of the original building.

REASON To ensure that the extensions matches the external appearance of the existing building and thereby maintain the visual quality of the area.

6. A landscaping scheme including the treatment of the boundary of the site/areas for open space/play areas shall be submitted to and approved by the Planning Authority prior to 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 open space is provided, to an adequate standard, and that it is subsequently maintained, in the interest of residential and visual amenity.

7. Prior to the commencement of development on site the applicant shall have submitted to and have had approved by the Planning Authority, details confirming the suitability of the site for construction purposes.

REASON To ensure that due regard is taken of the previous use of the land.

8. The foul drainage from the development will require full biological treatment prior to discharge to a receiving water course and details of same shall be submitted to and approved by the Planning Authority prior to the commencement of works on site.

REASON In the interests of public health/residential amenity.

9. Prior to the commencement of work on site a full investigation of the capacity and condition of the on-site internal drainage system should be undertaken. The results/conclusion of this investigation shall be submitted to and approved by the Planning Authority for approval prior to the commencement of works on site.

REASON In the interests of public health/residential amenity.

10. The access road should be extended into the existing car park to allow a standard turning head to be formed with a 2.0 metre wide footway being constructed from the A735 to the private car park. The street lighting on the access road will require to be upgraded to conform to the standard required of a residential road. This construction work will require a Road Construction Consent to be obtained prior to commencement of any construction work.

REASON In the interests of road safety.

11. Public roads adjacent to the site shall be kept clear of mud or other deposited materials at all times by means of mechanical brushing as appropriate.

REASON In the interests of road safety.

12. Construction works shall not be undertaken on site outwith the hours of 08.00 hours to 18.00 hours Monday to Friday, and 09.00 hours to 17.00 hours on Saturday and not at any time on Sunday.

REASON In order to protect the amenity of neighbouring properties.

#### NOTE TO APPLICANTS

1. 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 development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.
2. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.

**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**