

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 07 MARCH 2003**

**02/0853/FL: PROPOSED RESIDENTIAL DEVELOPMENT OF 30 FLATS WITH  
12 GARAGES, PARKING, LANDSCAPE AMENITY SPACE AND NEW  
ACCESS ROAD  
AT FORMER BAKERY, COCKLEBIE ROAD, STEWARTON**

**NOTIFICATION OF A PLANNING APPEAL  
BY BMJ LTD**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 It is proposed to develop the site for residential purposes and locate 30 flatted properties. The flats will be formed in three individual buildings facing onto Ravenscraig Road in a semi-circular layout. The flats will be three storey in height and the central building will be the largest, accommodating 12 units. Block 1 which will be located southernmost will accommodate 10 units whilst the northern most block (No 3) will house 8 units. The height of the units rises to meet the centre of block 2 which will be the high point at ridge level, then reducing in size and scale at the northern and southern ends of the site. External materials will comprise concrete roof tiles, re-constituted stone/render and upvc window frames. Windows to the front elevation of all three blocks will comprise a mix of bedroom, lounge and kitchen windows. All 30 flats will comprise two bedroom properties.

1.2 The site will have one vehicle access point at Ravenscraig Road close to the boundary with the residential property at No. 71 and an internal one way system leading to a single egress point at Cocklebie Road. There will be 35 vehicle parking spaces provided within the site which, together with the internal access road, will be constructed in coloured tarmac. New lighting columns will be provided both within the site and to the site boundary with Ravenscraig Road and Cocklebie Road. To the south-eastern boundary the applicants propose 12 garages of single storey design finished in concrete roof tiles, render and pvc doors.

1.3 Detailed landscaping is to be provided throughout the site with maintenance via a residents factoring agreement. The area of existing embankment to the rear of residential properties at Ravenscraig Road will not be re-graded and the existing vegetation will be retained and additional planting

formed. The applicants propose to re-grade some areas within the site owing to the rise in levels from the front to the rear at the railway line. The applicants also propose a 1.8 metre high screen fence boundary treatment on all site boundaries except facing directly onto Ravenscraig Road and Cocklebie Road. Located just off the boundary with 71 Ravenscraig Road will be a retaining wall which will vary in height according to the sloping ground level. The maximum height at any point of this wall will be 1.5 metres and the wall will be constructed from facing brick with a coping stone.

## **2. RECOMMENDATION**

**2.1 It is recommended that the Committee agree that the Council's position in the current appeal will be that the application should be refused for the following reasons:-**

- a) The proposed development is considered to be too large in terms of its overall height and scale which at 3 storeys, is detrimental to the amenity of the area and in particular to these residential properties on Lamberton Road being incompatible with the immediately adjacent development form of terraced, semi and detached single and two storey dwellings.**
- b) The proposed development is inappropriate when assessed against the Council's approved design guidance which requires new residential development to complement and harmonise with surrounding buildings in terms of scale, form, materials and finish.**

## **3. CONCLUSIONS**

3.1 As indicated in paragraph 5.1 of the report, the application is considered to be contrary to the development plan (in terms of the Adopted Stewarton Local Plan). Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As discussed in Section 6 of this report, there are material considerations relevant to this application and it is considered that the weight attached to these material considerations should be greater than that given to the policies of the Adopted Local Plan. This is primarily due to the age of this plan which was adopted in 1987 and is considered to be significantly out of date.

3.2 As indicated in Section 6 of the report, there are material considerations which would support refusal of this application. The proposal is not consistent with the Policies of the East Ayrshire Local Plan Finalised Version with Modifications in as much as the buildings are incompatible with the Council's

design guidance. The site is considered to be more appropriate for residential development than its existing industrial use owing to its location within a residential estate and the associated access difficulties and impact on residential amenity. With the exception of Stewarton and District Community Council none of the consultees have raised any negative comments. The objections received have been addressed in Section 4 and paragraph 3.8. The issues raised in Section 4 are in-part considered to be of such significance as would justify the refusal of the application. Any other relevant comments received from consultees or as a result of the neighbour notification process can be addressed through the use of conditions should Members choose to grant consent.

3.3 It is considered that the derelict and decaying condition of the industrial building currently has a negative impact on the environmental quality of the surrounding area. Residential development of the site as proposed will enhance the residential amenity of the area as a whole and will have a positive effect on the neighbourhood. Notwithstanding this however it is this Division's opinion taking into account the material considerations including the planning history, that there are serious concerns relating to the proposed three storey element of the development. There are no three storey structures of comparable scale within the Lamberton Road/Ravenscraig road neighbourhood and it is considered that to allow the present proposal would damage the residential amenity, in visual terms of the neighbouring properties. The three storey element would introduce an alien feature into the streetscape at this locale which would dwarf neighbouring residential properties. It is not considered that the proposed development would meet the requirements of the Council's Design Guidance owing to its height which fails to harmonise and visually integrate with surrounding properties. Whilst there are other three storey flats on the Stewarton-Dunlop Road, they do not share the same intimate relationship with an established area of lower residential properties.

**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.**

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 07 MARCH 2003**

**02/0853/FL: PROPOSED RESIDENTIAL DEVELOPMENT OF 30 FLATS WITH  
12 GARAGES, PARKING, LANDSCAPE AMENITY SPACE AND NEW  
ACCESS ROAD  
AT FORMER BAKERY, COCKLEBIE ROAD, STEWARTON**

**NOTIFICATION OF A PLANNING APPEAL  
BY BMJ LTD**

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

**1. PURPOSE OF REPORT**

1.1 The purpose of this report is to notify the Northern Area Local Planning Committee of a planning appeal on the above application for the erection of 30 flats, 12 garages, parking, landscape amenity space and new access road. This report assesses the application in order that the Committee can take a view on the merits of the proposed development which can then be submitted for consideration by the Scottish Executive Inquiry Reporters Unit in their determination of the appeal.

**2. APPLICATION DETAILS**

2.1 A detailed planning application was submitted for the above works at the former bakery, Cocklebie Road, Stewarton on 24 October 2002. The application was accompanied by detailed plans showing new buildings and the site layout which were the subject of comprehensive consultation.

Upon the expiry of the statutory two months period, the Division was not in a position to present a recommendation. The applicants had been contacted about drainage issues and officers were assessing other consultations and objections received.

2.2 On 13 January 2002 the Planning and Building Control Division received a letter from the applicant's agent intimating his intention to appeal to the Scottish Executive on the grounds of non-determination of the application and enclosing appeal papers. The implication of this appeal against non-determination of the application, is that the Council can no longer proceed to determine this application. However, the Committee can express a view on the proposal which can be presented to the Scottish Office Inquiry Reporters Unit.

Members should be aware that because their observations on this proposal will not be received by the Inquiry Reporter's Unit within their specified period, it will fall to the discretion of that Unit as to whether they choose to take account of any view agreed by this Committee.

**2.3 Site Description:** The application site is centrally located within Stewarton. The site is of irregular shape and comprises the former Browning Bakers factory. The factory is now lying vacant and is falling into a state of disrepair. The site is bounded to the north by Cocklebie Road and residential properties on Ravenscraig Road. To the east lies the Kilmarnock to Glasgow railway line and the Stewarton Railway Station and car park, to the south the site is bounded by other residential properties and to the west lies Ravenscraig Road. The site area extends to some 0.76 hectares and the site rises to meet the railway to the east with an embankment rising from the site boundary with the rear gardens of the residential properties on Ravenscraig Road.

**2.4 Proposed Development:** It is proposed to develop the site for residential purposes and locate 30 flatted properties. The flats will be formed in three individual buildings facing onto Ravenscraig Road in a semi-circular layout. The flats will be three storey in height and the central building will be the largest, accommodating 12 units. Block 1 which will be located southernmost will accommodate 10 units whilst the northern most block (No 3) will house 8 units. The height of the units rises to meet the centre of block 2 which will be the high point at ridge level, then reducing in size and scale at the northern and southern ends of the site. External materials will comprise concrete roof tiles, re-constituted stone/render and upvc window frames. Windows to the front elevation of all three blocks will comprise a mix of bedroom, lounge and kitchen windows. All 30 flats will comprise two bedroom properties.

**2.5** The site will have one vehicle access point at Ravenscraig Road close to the boundary with the residential property at No. 71 and an internal one way system leading to a single egress point at Cocklebie Road. There will be 35 vehicle parking spaces provided within the site which, together with the internal access road, will be constructed in coloured tarmac. New lighting columns will be provided both within the site and to the site boundary with Ravenscraig Road and Cocklebie Road. To the south-eastern boundary the applicants propose 12 garages of single storey design finished in concrete roof tiles, render and pvc doors.

**2.6** Detailed landscaping is to be provided throughout the site with maintenance via a residents factoring agreement. The area of existing embankment to the rear of residential properties at Ravenscraig Road will not be re-graded and the existing vegetation will be retained and additional planting

formed. The applicants propose to re-grade some areas within the site owing to the rise in levels from the front to the rear at the railway line. The applicants also propose a 1.8 metre high screen fence boundary treatment on all site boundaries except facing directly onto Ravenscraig Road and Cocklebie Road. Located just off the boundary with 71 Ravenscraig Road will be a retaining wall which will vary in height according to the sloping ground level. The maximum height at any point of this wall will be 1.5 metres and the wall will be constructed from facing brick with a coping stone.

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

3.1 Environmental Health have advised that they have no objection in principle to the proposed erection of housing on the site subject to the following comments:-

- a) The proposal is to be welcomed given the present condition of the site which is still occupied by the majority of the former bakery premises. Some initial stripping out and demolition works were commenced some time ago but did not progress far and the site is a considerable eyesore.
- b) The demolition of the existing building should be undertaken in accordance with the relevant Code of Practice and during demolition no nuisance should be created to adjoining householders from dust, noise, burning etc. The contractors should submit a suitable method statement to Building Control concerning demolition proposals which should also include procedures on the satisfactory removal and disposal of any asbestos products in accordance with legislative requirements. The buildings are known to contain asbestos and the developer will require to follow the requisite legal procedures for the safe removal and disposal of this material.
- c) There is a marked difference in ground levels between the front and rear of the site and this is understood to be because the rear portion of the site was originally a rail siding when Stewarton Railway Station was a main line station many years ago. Accordingly, there is a possibility that the area of ground to the rear is made up of ground which would justify some site investigation prior to the commencement of development to assess its suitability for use and freedom from contamination.
- d) Any potentially noisy site engineering activities should be restricted to day time operation for the benefit of existing residents in the area in order to minimise potential nuisance.

***Noted. This Division would agree with the imposition of conditions relative to points (c) and (d). In respect of point (b) this would be a matter for control under a Building Warrant although the hours of***

***operation for demolition could be controlled in the interests of residential amenity.***

3.2 Transco have forwarded a copy of their record plan showing the location of their plant and have recommended that the applicant contact their Glasgow operation's office prior to starting work on site.

***Noted. A copy of the Transco consultation response can be forwarded to the applicant and an advisory note added to any decision notice.***

3.3 The Coal Authority have not identified any instability issues which would affect the determination of this planning application.

***Noted.***

3.4 Railtrack have advised that they have no objection in principle. They have however advised of their statutory obligation to ensure the availability of safe train paths and Railtrack therefore require to take an active interest in any construction/demolition activity adjacent to their property. They have provided guidance details for the developer to follow.

***Noted. It is recommended that a copy of Railtrack's correspondence be forwarded to the developer together with an advisory note bringing the matter to the applicant's attention.***

3.5 The Scottish Environment Protection Agency (SEPA) seek a written assurance from Scottish Water that the additional foul drainage arising from this development can be accommodated within the present sewerage infrastructure and will not cause or constitute the premature operation of existing consented storm stream overflows. It is also possible that previous uses at the site as a bakery and its proximity to railway sidings may have resulted in land contamination although no details have been received relating to the site history or conditions. SEPA further requires that surface water from the site is treated in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) Design Manual for Scotland and Northern Ireland published by CIRIA in March 2000. It is considered that the type of SUDS scheme achievable at the site may be compromised if the subsequent site investigation works show there to be a significant level of contamination present at the location. SEPA recommend that these matters be addressed at an early stage of the development.

***Noted. In respect of the first point, it is recommended that an advisory note be attached to any grant of planning permission. In order to fully address SEPA's comments regarding SUDS, it is recommended that a condition be attached to any grant of consent requiring the use of a SUDS system and the submission of details.***

***In respect of site contamination, Members are referred to the comments of Environmental Health in paragraph 3.1 of this report.***

3.6 Scottish Water object to the application whereby the proposed development drains to the public sewerage system. This is due to the cost of providing infrastructure to serve the development being outwith Scottish Water's "reasonable cost" obligations in terms of the Sewerage (Scotland) Act 1968. Scottish Water would remove its objections if the applicant –

- a) Bears the cost of the increase in capacity of Scottish Water's existing infrastructure to accommodate their development; and/or
- b) Promotes a scheme that does not compromise the quality and quantity of discharge from the existing sewerage system and which is in terms satisfactory to Scottish Water.

The following comments are also offered:

There is an existing public water main located in the street adjacent to the site which may be suitable to provide a supply to the proposed development. However, details of the highest water fitting related to Ordnance Datum and the proposed demands must be forwarded to Scottish Water in order that hydraulic testing can be carried out.

Separate application will have to be made for the provision of site water mains, if required, and service connections. Consultation should be made with Developer Services regarding compliance with current bylaws and use of water for building purposes is advised. It is strongly recommended that a cold water storage system is provided, for each house or flat having an actual (not nominal) capacity of 200 litres.

***Noted. It is recommended that a condition be attached to any consent requiring that the drainage from the development be to Scottish Water's satisfaction and advisory notes concerning the other matters that the applicant will require to note.***

3.7 The Stewarton and District Community Council welcome development of the site but not as currently proposed. They object to the development on the following grounds:-

- (i) The buildings will comprise a three storey development which is regarded as over-development and not in keeping with the surrounding area. A two storey development would be more suitable and more acceptable to residents.

- (ii) High vehicles which cannot proceed under the adjacent railway bridge use this road as an alternative route through the town. Any additional parking on this narrow road could create problems for those high sided vehicles.

***Noted and this Division would respond as follows:-***

- 1. The merits of the scheme in terms of its design and impact on surrounding properties are discussed in detail in Section 4 of this report.***
- 2. It is noted that the Roads Division have not objected to this application and that car parking facilities are to be provided in the site which would negate car parking on street. It is also this Division's understanding that Ravenscraig Road is also located within a residential area and perhaps not entirely suitable for larger commercial traffic.***

3.8 East Ayrshire Council's Roads and Transportation Division have no objections subject to conditions and require improvements to street lighting, signage and footpaths framing the site. Any trees to be planted at the rear of the footway must be positioned 3.0 metres from the rear of the footway.

***Noted. An advisory note can be attached to any consent drawing attention to the requirement for a Roads Construction Consent (with the reconstruction of the street lighting and footpath included).***

#### **4. REPRESENTATIONS**

Six letters of objection have been received representing seven parties together with one letter of objection from Stewarton and District Community Council and another from Scottish Water; (the points raised by the Community Council have been noted in paragraph 3.7 of this report and those from Scottish Water in paragraph 3.6). The objections can be detailed as follows:-

4.1 Residents at Lamberton Road strongly object to the position and angle of the building (Block 3) which has been moved and entails the three storey flats looking directly onto the rear of the houses invading privacy and sunlight into houses and gardens. These flats will look directly into the rear gardens and also directly into the windows of the houses comprising kitchen, lounge and rear bedroom. Although residential development of flats is welcomed, strong objection is offered when the style of development proposed invades privacy as the flats will only be some 16 - 18 metres from the properties and will severely infringe on privacy.

***It is noted that there are no objections to the residential use of the site. The site has been designed such that the buildings are positioned in a semi-circular setting in order to limit their effect on neighbouring properties. Block 3 which is closest to these properties will be 17 metres from the rear gardens and some 30 plus metres from the rear elevations of the neighbouring houses. The recognised minimum standard window to window distance is 18 metres. It is considered that the new residential development will not significantly adversely affect neighbouring properties in terms of amenity and privacy.***

4.2 The overall height of the units will tower above houses in the immediate vicinity and the flats will greatly restrict the outlook from the properties at Lamberton Road. The buildings will also be out of place with surrounding buildings.

***There is no right to a view and the flats will be higher than the surrounding dwellinghouses. Whilst the design features of the scheme take cognisance of surrounding properties to an extent with some two storey elements, the proposed buildings could form a better relationship with surrounding properties in such a manner that would not 'dwarf' these properties. The majority of the surrounding properties are bungalows with some two storey properties at Ravenscraig Road. The three storeys of the proposed flats would visually not be in keeping with the dominant development form.***

## **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

5.1 Sections 25 and 37(2) 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. The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

### **5.2 Ayrshire Joint Structure Plan**

The Structure Plan states that in terms of housing land supply, there will be a preference for allocating new housing areas to brown field land and housing policy should allow for choice in terms of location, size and types of development.

***The application site lies within the urban envelope of Stewarton and if approved would result in the development of a brown field site which means land lying within a settlement which has previously***

***been developed for purposes other than agriculture and which has the potential for future redevelopment. The proposal can be assessed against Policy ADS 3 which states that new development shall be directed to and located within settlements delivered by Local Plans. The proposal can also be considered against Policy G1 which states that in providing for new development, priority shall be given to the use of land within existing settlements.***

***The development site is situated within the settlement boundary of Stewarton and the site can be defined as being "brown field". The proposal can be seen to be in compliance with the relevant policies detailed above owing to its location within Stewarton.***

### 5.3 Adopted Stewarton Local Plan

The applicable policies under the Adopted Stewarton Local Plan are Policies 4.2.3, 4.2.5 and 4.1.2.

5.4 Policy 4.2.3 encourages the re-use of vacant industrial premises for industrial use although Policy 4.2.5 refines this policy to indicate that industrial proposals within areas which are primarily residential, will only be permitted if they are for light industrial uses. Policy 4.1.2 permits housing development within the urban envelope of Stewarton on sites of not more than 0.5 hectares up to a maximum of 10 dwellinghouses.

***The Stewarton Local Plan was adopted by the former Kilmarnock and Loudoun District Council in May 1987 and its policies are now substantially out-of-date. The proposal is however technically contrary to Policy 4.1.2 as it is for a site of 0.76 hectares in area and will accommodate 30 residential units. Owing to the age of the Adopted Local Plan, the Council has however agreed to consider the East Ayrshire Local Plan (Finalised Version with Modifications) as a prime material consideration. The provisions of this document are detailed in Section 6 of this report.***

## 6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to this application are the East Ayrshire Local Plan (Finalised Version with Modifications), the statutory consultation responses and representations received above and the planning history of the site.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should 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 EALP does not safeguard the site for industrial purposes, nor does it identify the site as a development opportunity for industry. Policy IND 8 of the EALP, is the relevant policy and indicates that other than sites specifically safeguarded, proposals for alternative uses of land and premises formerly used for industry, will be considered acceptable provided that it is not detrimental to the surrounding established uses, meets other relevant Local Plan Policies, and there is acceptable alternative industrial land or premises available within Stewarton.

6.4 Policy RES 4 of the EALP encourages the sympathetic residential development of gap, infill and redevelopment sites within settlement boundaries. Development in these cases will be assessed against its impact on the surrounding built environment and adjacent uses and the transportation and infrastructure implications.

6.5 Schedules 3 and 4 of the EALP are also relevant and relate to the provision of public and private open space. The development provides 1500 square metres of open space which meets the Council's requirements.

***The site for the housing development is located on land which was previously occupied as a bakery. None of the existing buildings are of obvious architectural merit and it is also worth noting that the site is located centrally within an existing housing estate. Stewarton is short of industrial land and this site is not safeguarded for industrial purposes in the local plan. There is only one other small site identified for industrial use and no sites safeguarded. It is considered that the location of the site within a predominantly residential area, with difficult access from the main routes taken through residential areas with little expansion opportunity due to physical constraints, collectively makes the site unsuitable for a modern industrial operation. The site is therefore considered suitable for housing purposes.***

***In terms of the relationship of the proposed scheme to neighbouring uses, this Division has no objections to the general layout. Car parking is predominantly provided to the rear with amenity open space to the front and rear. However, the proposal is predominantly 3-storey in height, although 2-storey elements relate visually to the existing 2-storey housing at the southern and northern ends of the site. The height and scale of the three blocks is incompatible with the surrounding area.***

## Statutory Consultations and Representations

6.6 The issues raised by statutory consultees and as a result of the representation process have been detailed and addressed in Sections 3 and 4 of this report. It is considered that some of the issues raised would warrant refusal of this application. Those concerns pertaining to the overall height of the buildings being at 3 storey are relevant and the adjacent houses being predominantly single storey at Lamberton Road will be significantly lower than the flats on the application site.

## Planning History

6.7 A planning application (Ref No: 01/0262/FL) was submitted by the applicant for the application site for an identical development to that currently under consideration. The application was refused by the Northern Area Local Planning Committee on 21 December 2001 on the grounds that the proposed development was considered to be too large at 3 storeys in height and would therefore be detrimental to the amenity of the area. The applicant attempted to appeal this decision to the Scottish Executive but failed to submit the appeal within the statutory six months period following the Council's decision.

6.8 A subsequent planning application Ref No: 02/0076/FL was submitted to this Division for 30 flats, 12 garages, new access road, parking and landscaping. This application detailed the same format of development in terms of site layout to the previous refusal although the applicant submitted amended elevation details. Detailed discussions took place to attempt to achieve an acceptable scheme although this proved impossible. The applicant submitted proposals which retained the three storey features although reduced the height of the building by 1.4 metres to virtually equate it to the maximum height of the existing factory at its highest point. The number of units remained the same although the applicant reduced the roof pitches to achieve a lower building and also proposed to lower the external ground level of the site. This application was withdrawn by the applicant prior to it being presented to the Committee for determination. The proposal under the terms of this application was for predominantly three storey structures.

***It is considered that the previous decision of this Committee relative to the application detailed in paragraph 6.7 of this report should be given appropriate weight in reaching any decision.***

## East Ayrshire Council Design Guidance

6.9 This document was approved by the Council in April 2001 with the aim of making East Ayrshire a more attractive place in which to live and invest. The document formulates a series of design policies in order to build on the best

elements of the built environment. The design policies have been formulated not to restrict development but to ensure that all proposed developments are of the highest quality of design, in keeping with and sympathetic to the character and appearance of the area.

6.10 The Design Guidance states that all designs will be required to conform, complement and harmonise with the landscape character of the area, the design of surrounding buildings and the general appearance of settlements in which the development site is located, particularly in terms of scale, form, materials and finish.

***It is not considered that the proposal as it stands meets the terms of the Council's Design Guidance. The three storey element of the proposal is the dominant architectural form and does not harmonise with the other properties in the estate. Whilst the applicant has introduced some two storey features the overall height, mass and scale of the properties are not seen to be complementary to the surrounding neighbourhood. Whilst the Design Guidance is not a statutory document, it has been approved by the Council for use in the determination of planning applications and should therefore be given appropriate weight in reaching any decision.***

## **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 indicated in paragraph 5.1 of the report, the application is considered to be contrary to the development plan (in terms of the Adopted Stewarton Local Plan). Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As discussed in Section 6 of this report, there are material considerations relevant to this application and it is considered that the weight attached to these material considerations should be greater than that given to the policies of the Adopted Local Plan. This is primarily due to the age of this plan which was adopted in 1987 and is considered to be significantly out of date.

8.2 As indicated in Section 6 of the report, there are material considerations which would support refusal of this application. The proposal is not consistent with the Policies of the East Ayrshire Local Plan Finalised Version with Modifications in as much as the buildings are incompatible with the Council's

design guidance. The site is considered to be more appropriate for residential development than its existing industrial use owing to its location within a residential estate and the associated access difficulties and impact on residential amenity. With the exception of Stewarton and District Community Council none of the consultees have raised any negative comments. The objections received have been addressed in Section 4 and paragraph 3.8. The issues raised in Section 4 are in-part considered to be of such significance as would justify the refusal of the application. Any other relevant comments received from consultees or as a result of the neighbour notification process can be addressed through conditions should consent be granted.

8.3 It is considered that the derelict and decaying condition of the industrial building currently has a negative impact on the environmental quality of the surrounding area. Residential development of the site as proposed will enhance the residential amenity of the area as a whole and will have a positive effect on the neighbourhood. Notwithstanding this however it is this Division's opinion taking into account the material considerations including the planning history, that there are serious concerns relating to the proposed three storey element of the development. There are no three storey structures of comparable scale within the Lamberton Road/Ravenscraig road neighbourhood and it is considered that to allow the present proposal would damage the residential amenity, in visual terms of the neighbouring properties. The three storey element would introduce an alien feature into the streetscape at this locale which would dwarf neighbouring residential properties. It is not considered that the proposed development would meet the requirements of the Council's Design Guidance owing to its height which fails to harmonise and visually integrate with surrounding properties. Whilst there are other three storey flats on the Stewarton-Dunlop Road, they do not share the same intimate relationship with an established area of lower residential properties.

## **9. RECOMMENDATION**

**9.1 It is recommended that the Committee agree that the Council's position in the current appeal will be that the application should be refused for the reasons shown on the attached sheet.**

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

27 February 2003  
(FMF/MMM)

FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. East Ayrshire Local Plan, Finalised Version with Modifications.
5. Adopted Ayrshire Joint Structure Plan.
6. East Ayrshire Council Approved Design Guidance.
7. Representations Received.
8. Adopted Stewarton Local Plan.

Anyone wishing to inspect the above papers please contact Fiona Finlay on 01563 576768.

***Implementation Officer: Yvonne Nisbet***

## EAST AYRSHIRE COUNCIL

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

00/0853/FL

---

Site of Proposal:	Former Bakery Cocklebie Road STEWARTON KA3 5BE
Nature of Proposal:	Proposed Residential Development of 30 Flats with 12 Garages Parking Landscape Amenity Space and New Access Road
Name & Address of Applicant:	BMJ Ltd C/o Agent
Name & Address of Agent:	CRGP 26 Herbert Street GLASGOW G20 6NB

---

DPOs Reference: FMF/MMM

The above FULL application should be refused for the following reasons:-

1. The proposed development is considered to be too large in terms of its overall height and scale which at 3 storeys, is detrimental to the amenity of the area and in particular to these residential properties on Lamberton Road being incompatible with the immediately adjacent development form of terraced, semi and detached single and two storey dwellinghouses.
2. The proposed development is inappropriate when assessed against the Council's approved design guidance which requires new residential development to complement and harmonise with surrounding buildings in terms of scale, form, materials and finish.

**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.**