

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 29 NOVEMBER 2002**

**02/0482/FL: PROPOSED ERECTION OF 39 DWELLINGHOUSES  
AT MAIN STREET. AUCHINLECK**

**APPLICATION BY NEW CITY HOMES LIMITED**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the residential development of the site consisting of a mixed development of detached, semi-detached and flatted dwellings providing a total of 39 residential units. The development comprises the following elements:

- (i) the erection of six semi-detached, two-storey dwellinghouses (type S1 – 4/5 apartments);
- (ii) the erection of four, single storey detached dwellinghouses (type B1 – 4 apartments);
- (iii) the erection of five, two storey detached dwellinghouses with integral garage (type V1 – 5 apartments); and
- (iv) the erection of a three storey block of flatted dwellings consisting of eight flats on each floor (a total of 12 type RF1 – one bedroom, 6 type RF2 – two bedrooms and 6 type RF3 – two bedrooms).

1.2 The proposed residential development will be serviced by a new access road off Main Street and the proposed semi-detached and detached dwellings will occupy the greater part of the application site to the north. The flatted development will be located on the southern part of the site toward its boundary with Auchinleck railway station. The flatted development has an 'L' shape configuration with two residential wings coming off a central access stairwell and central lift facility. The flatted development will be accessed from a private parking court with a feature archway that also serves as bin stores for the flats.

1.3 Although the flatted development is three storeys in height, it is located within the application site, such that it will not have any significant adverse impacts on the amenity of any residential properties in the vicinity of the application site. It is considered that with the design proposed and the use of appropriate finishing materials, this could present as an acceptable visual feature in an otherwise bland streetscape and set against unattractive rear curtilages. The applicant has indicated that the flatted development will provide for retirement homes.

1.4 The proposed dwellinghouses, in terms of scale, design and use of finishing materials would also compliment the flatted development.

## **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, however it is considered that these are generally supportive of the application.

3.2 It is considered that the proposed residential development, in terms of its scale, density and layout, is acceptable for this brownfield site within the central part of Auchinleck. With the demolition of the former Auchinleck Primary School, the site currently detracts from the visual amenity of Main Street. It is further considered that the erection of the proposed flatted development, with the design proposed and the use of appropriate finishing materials, would present as an acceptable visual feature in an otherwise bland streetscape and unattractive rear curtilages.

3.3 It is considered that the representations made have been resolved either through the submission of amended plans, by use of appropriate conditions or are not of sufficient weight to justify refusal of the application. There are no consultation responses that would merit refusal of the application. The objection by Scottish Water can be addressed through the imposition of an appropriate suspensive condition to ensure that the drainage of the site is to its satisfaction.

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused in terms of the principle of development, contrary to the recommendation of the Head of Planning and Building Control, the application would require to be referred to the Development Services Committee as it would be a significant departure from the East Ayrshire Local Plan.

**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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SOUTHERN LOCAL PLANNING COMMITTEE: 29 NOVEMBER 2002

02/0482/FL: PROPOSED ERECTION OF 39 DWELLINGHOUSES  
AT MAIN STREET. AUCHINLECK

APPLICATION BY NEW CITY HOMES LIMITED

Report by Head of Planning and Building Control

### 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 Southern Local Planning Committee under the Scheme of Delegation as the proposal is a larger application of area significance and is subject to objections.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies on the south side of Main Street in Auchinleck, immediately opposite the Railway Hotel and comprises the site of the former Auchinleck Primary School which was recently demolished. The site extends to approximately 0.8 hectare (2.03 acres) and is bounded by residential and commercial properties to the north, by Auchinleck Bowling Green and residential properties to the west, by a coach depot and Auchinleck railway station to the south and by residential and commercial properties to the east. The application site is currently in the ownership of the Council.

2.2 **Proposed Development:** Full planning permission is sought for the residential development of the site consisting of a mixed development of detached, semi-detached and flatted dwellings providing a total of 39 residential units. The development comprises the following elements:

- (i) the erection of six semi-detached, two-storey dwellinghouses (type S1 – 4/5 apartments);
- (ii) the erection of four, single storey detached dwellinghouses (type B1 – 4 apartments);
- (iii) the erection of five, two storey detached dwellinghouses with integral garage (type V1 – 5 apartments); and
- (iv) the erection of a three storey block of flatted dwellings consisting of eight flats on each floor (a total of 12 type RF1 – one bedroom, 6 type RF2 – two bedrooms and 6 type RF3 – two bedrooms).

2.3 The proposed residential development will be serviced by a new access road off Main Street and the proposed semi-detached and detached dwellings will occupy the greater part of the application site to the north. The

flatted development will be located on the southern part of the site toward its boundary with Auchinleck railway station. The flatted development has an 'L' shape configuration with two residential wings coming off a central access stairwell and central lift facility. The flatted development will be accessed from a private parking court with a feature archway that also serves as bin stores for the flats.

2.4 Although the flatted development is three storeys in height, it is located within the application site, such that it will not have any significant adverse impacts on the amenity of any residential properties in the vicinity of the application site. It is considered that with the design proposed and the use of appropriate finishing materials, this could present as an acceptable visual feature in an otherwise bland streetscape and set against unattractive rear curtilages. The applicant has indicated that the flatted development will provide for retirement homes.

2.5 The proposed dwellinghouses, in terms of scale, design and use of finishing materials would also compliment the flatted development.

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

3.1 Auchinleck Community Council has no objections to the proposed development.

***Noted.***

3.2 East Ayrshire Council's Roads and Transportation Division has no objection to the proposal subject to the imposition of conditions as follows:

- (i) Access to the site will require to be taken via internal access roads which comply with the Roads Development Guide 1996 and will require Construction Consent. This consent would cover details such as road widths, footways, road construction, street lighting, drainage etc.
- (ii) Junction visibility splay areas of 2.5 metres by 35 metres will be required at all internal road junctions with no object greater than 1 metre in height being allowed within these areas.
- (iii) Two off-road parking spaces will require to be provided internally for each dwelling.
- (iv) Three on-road visitor parking spaces will require to be provided within Phase 1 of the development.
- (v) Any garages must be set back a minimum distance of 6 metres from the rear of the footway.
- (vi) Private driveways will require to be paved for a minimum distance of 2 metres from the rear of the footway to avoid overcarry of loose material onto the public road.
- (vii) The proposed driveways/parking areas should be not less than 4.8 metres in length by 2.5 metres in width.
- (viii) Any access gates shall open inwards away from the public road.

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

3.3 The Coal Authority and Scottish Power have no objections to the proposal

***Noted.***

3.4 The Scottish Environment Protection Agency states that it has no objections in principle to the proposed development provided the drainage arrangements are to SEPA's complete satisfaction. In this regard foul drainage should be connected to the public sewerage system to the satisfaction of Scottish Water. Surface water should be kept separate from the foul drainage. SEPA wishes to ensure that appropriate surface water drainage systems are selected and installed so as to exfiltrate/infiltrate as much drainage on site as possible. The provision of porous surfacing for car parking areas in particular would be welcomed.

***Noted. A note can be attached to any consent granted for the proposed development to advise the applicant to make early contact with SEPA to address issues of surface water drainage.***

3.5 Scottish Water objects to this 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:

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

***The applicant has been advised of the comments of Scottish Water and is currently attempting to resolve issues raised by Scottish Water. A suspensive condition can be attached to any consent granted for the proposed development to ensure that appropriate arrangements for the drainage of the site are agreed with Scottish Water prior to any works commencing on site.***

Scottish Water also indicates that 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. 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.

***The applicant has been advised of the comments of Scottish Water.***

3.6 Railtrack has no objections in principle to the proposed development. However, due to the nature of the proposed development, Railtrack considers there to be an increased risk of trespass onto the railway and consequently would ask that the applicant provides a 1.8 metres high concrete post and weld mesh fence along the mutual boundary with the railway station.

***A condition can be attached to any consent granted for the proposed development to meet the requirements of Railtrack.***

3.7 East Ayrshire Council's Outdoor Services Section has no objections to the proposed development.

***Noted.***

3.8 British Gas Transco has advised that there is gas plant within the application site and that the applicant should contact Transco prior to works commencing on site.

***A note can be attached to any consent granted for the proposed development to advise the applicant of the requirements of Transco in respect of its apparatus within the development site.***

#### **4. REPRESENTATIONS**

4.1 A total of four letters of representation have been received, including the objection received from Scottish Water as outlined in section 3.5 above. The main points of objection or representation are summarised as follows:

4.2 I am dismayed and disappointed to see that four houses on this development back onto my bungalow, with at least 8 of the windows with a clear view of my garden, lounge, kitchen and bedroom. This is a gross intrusion of the privacy and seclusion of my home. I am not in disfavour with the whole development and if single storey or bungalow house types were to be placed there I would foresee no difficulties.

***The applicant has submitted amended plans that have resulted in the four, two storey dwellings proposed at this location being replaced by one single storey dwelling which will have little impact on the objector's property in terms of privacy. With this amendment it is considered that the point of objection has been adequately addressed by the applicant.***

4.3 We have a bus depot immediately adjacent to the top corner of the development site which is in operation 24 hours a day with vehicles coming out and in, starting up at odd hours and we feel that this would be detrimental to houses built near our premises. If these new houses were built we would have complaints from the neighbours.

***The coach depot is an existing operational business and it would be for prospective purchasers of the proposed dwellinghouses in proximity to the depot to satisfy themselves as to the potential impact the operations may have on the amenity and enjoyment of these dwellings.***

4.4 We would like to lodge our concern regarding the existing boundary wall between the proposed site and the bowling club. The Council who previously owned the land also owned the boundary wall and maintained it. It is however now in disrepair and could be a danger to the public. We therefore ask that this wall be part of the condition of the application that it is rebuilt to ensure the safety of the public and to an adequate height to ensure the privacy of the club.

***The plans for the proposed development show the retention of the existing stone boundary wall that generally runs along the western boundaries of the application site. A condition can be attached to any consent granted for the proposed development to ensure that the boundary wall is retained and maintained in the interests of public safety.***

## **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 is the Adopted Cumnock and Auchinleck Local Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be determined with regard to the following policies:

(i) Policy 16 states that subject to the provisions of other policies contained within the Local Plan, the Council will encourage the residential development of those gap sites or redevelopment sites considered appropriate for residential use in preference to the development of Greenfield sites.

***It is considered that the proposed development would be consistent with the provisions of Policy 16.***

(ii) Policy 25 states that development detrimental to the amenity of residential properties will not be permitted.

***The development of this site for residential purposes would not be significantly detrimental to the amenity of existing residential properties at this location. It is considered that the proposed development would not conflict with Policy 25.***

(iii) Policy 67 states that there shall be a general presumption that there shall be no demolition of buildings in Council ownership without first investigating whether these are suitable for use or adaptation for any community facility or use by any local group. Policy 68 further states that wherever possible, existing community and educational facilities will be retained.

***The Council has promoted the construction of a new primary school at Dalshalloch to replace the existing school at Main Street/School Road. After due consideration, the site and buildings were declared surplus to requirements by the Council. It is considered that in these circumstances there is no significant conflict with the provisions of policies 67 and 68.***

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

6.1 The other principal material considerations relevant to the determination of this application are the East Ayrshire Local Plan (Finalised Version with Modifications) 2001, the consultation responses and representations received.

### East Ayrshire Local Plan (Finalised Version with Modifications)

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 as a prime material consideration.

6.3 The application site forms part of a larger site identified for residential development within the EALP as a Miscellaneous Development Opportunity site (221M). Under policy AUCHINLECK3, the Council will encourage and support the development of the site for community, residential or other uses appropriate to their location within Auchinleck Town Centre.

***It is considered that the proposed development is consistent with the provisions of policy AUCHINLECK3.***

6.4 For the remaining part of the site not covered by policy AUCHINLECK3, there is no specific policy safeguard on this area, but the proposed development would require to be assessed against Policy RES4 which states within the settlement boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites, subject to assessment against specific criteria.

***It is considered that the proposed development would not conflict with the provisions of Policy RES4.***

6.5 Policy RES19 requires developers to meet the standards of public open space set out in Schedule 3 of the EALP.

***It is considered that the proposed development does not meet the requirements of Policy RES19. Although the area around the proposed flatted development will provide open space, this will effectively be passive in nature given that the flats are being aimed at the retirement market. Similarly, there is no active children's play area proposed within the development.***

***However, it is acknowledged that this is a brownfield redevelopment site within the central area of Auchinleck. There is also local provision of active open space and children's play areas at the nearby Merlin Park. The applicant has indicated that he is not willing in this instance to contribute to the Sports, Leisure and Recreation Fund in terms of Policy TLR5. As an alternative, the possibility of providing facilities and improvements to existing areas within Auchinleck has been explored with the applicant. In this regard the applicant has made an offer to contribute a sum of £3000 towards the enhancement of existing open space provision within the locality of the application site, this being due to the absence of specific provision within the development itself.***

6.6 Policy RES22 of the EALP is also of relevance. Policy RES22 requires the developer to meet the Council's private open space standards as set out in Schedule 4 of the EALP.

***The proposal is considered to be generally consistent with Policy RES22.***

### Consultation Replies

6.7 There are no consultation responses that would merit refusal of the application. The objection by Scottish Water can be addressed through the imposition of an appropriate suspensive condition to ensure that the drainage of the site is to its satisfaction.

### Representations

6.8 It is considered that the representations made have been resolved either through the submission of amended plans, by use of appropriate conditions or are not of sufficient weight to justify refusal of the application.

## **7. FINANCIAL OR LEGAL IMPLICATIONS**

7.1 Financial implications will arise for the Council in the sale of this site to the applicant. Legal implications will arise through the securing of a financial

contribution offered by the applicant towards upgrading existing recreation facilities in Auchinleck.

## **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, however it is considered that these are generally supportive of the application.

8.2 It is considered that the proposed residential development, in terms of its scale, density and layout, is acceptable for this brownfield site within the central part of Auchinleck. With the demolition of the former Auchinleck Primary School, the site currently detracts from the visual amenity of Main Street. It is further considered that the erection of the proposed flatted development, with the design proposed and the use of appropriate finishing materials, would present as an acceptable visual feature in an otherwise bland streetscape and unattractive rear curtilages.

8.3 It is considered that the representations made have been resolved either through the submission of amended plans, by use of appropriate conditions or are not of sufficient weight to justify refusal of the application. There are no consultation responses that would merit refusal of the application. The objection by Scottish Water can be addressed through the imposition of an appropriate suspensive condition to ensure that the drainage of the site is to its satisfaction.

## **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 in terms of the principle of development, contrary to the recommendation of the Head of Planning and Building Control, the application would require to be referred to the Development Services Committee as it would be a significant departure from the East Ayrshire Local Plan.

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

18 November 2002

HM/HM

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans
2. Statutory notices and certificates
3. Consultation responses
4. Letters of representation
5. East Ayrshire Local Plan (Finalised Version with Modifications)
6. Adopted Cumnock and Auchinleck Local Plan
7. Approved Ayrshire Joint Structure Plan
8. Approved Strathclyde Structure Plan

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

***Implementation Officer: Dave Morris***

Application No: 02/0482/FL

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Location	Main Street. Auchinleck
Nature of Proposal:	Proposed erection of 39 dwellinghouses
Name and Address of Applicant:	New City Homes Limited 42 Auchinleck Road CUMNOCK KA18 1AE
Name and Address of Agent	Drew Deans Design 11 Dryburgh Walk Moodiesburn GLASGOW G69 0HH

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

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 (as revised by the letter Ref. DD/08/2002/AD dated 04 September 2002) and plans submitted on 18 June 2002, as revised by the amended plans received by the Planning Authority on 05 September 2002.

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

2. No work shall commence on site until such time as the applicant has provided the Planning Authority with written confirmation from Scottish Water that there is in place adequate drainage infrastructure sufficient to accommodate the proposed dwellinghouses.

REASON -To ensure that adequate drainage is provided to serve the proposed development.

3. Prior to any works commencing on site, the applicant shall provide a detailed survey of the trees within the development site and shall submit to and have approved by the Planning Authority an appropriate scheme for the protection of those trees to be retained within the site.

REASON – In order to protect trees in the interests of visual amenity.

4. Prior to the occupation of the proposed dwellinghouses, the respective driveways shall be paved for a minimum distance of 2 metres from the rear of the footway to avoid overcarry of loose materials onto the public road.

REASON - In the interests of road safety.

5 Junction visibility splay areas of 2.5 metres by 35 metres shall be formed and maintained at all internal road junctions with no object greater than 1 metre in height being allowed within these areas.

REASON - In the interests of road safety

6 Two off-road parking spaces will require to be provided internally for each dwelling.

REASON - In the interests of road safety and residential amenity

7. Three on-road visitor parking spaces shall be provided within the area of the proposed dwellings of the development. The developer shall also provide 34 parking spaces associated with the proposed flatted development.

REASON - In the interests of road safety and residential amenity

8. Any future garages must be set back a minimum distance of 6 metres from the rear of the footway.

REASON - In the interests of road safety and residential amenity

9. The proposed driveways/parking areas should be not less than 4.8 metres in length by 2.5 metres in width.

REASON - In the interests of road safety and residential amenity

10. Any access gates shall only open inwards, away from the public road.

REASON - In the interests of road safety.

11. Prior to the commencement of any work on site, samples of all external materials to be used in the construction of the dwellinghouses shall be submitted to and approved by the Planning Authority.

REASON - In the interests of visual amenity.

12. Prior to the commencement of any work on site, details of the design and construction of all fences and walls to be erected within the site shall be submitted to and approved by the Planning Authority. In this regard the applicant shall provide a 1.8 metres high concrete post and weld mesh fence along the mutual boundary with the Auchinleck railway station.

REASON - In the interests of visual amenity and public safety

13. Notwithstanding the plans hereby approved, and the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, any future garages associated with the development shall be of permanent construction and finished in the same materials as the dwellinghouses to which they relate.

REASON - In the interests of visual amenity.

14. No construction or preparation works shall take place on site before 0800 hours and after 1800 hours on Mondays to Fridays, before 0800 hours and after 1200 hours on Saturdays and not at anytime on Sundays.

REASON - In the interests of residential amenity.

15. In so much as it lies within the ownership of the applicant, the existing wall bounding the Auchinleck Bowling Club shall be retained and thereafter maintained in a safe condition.

REASON – In the interests of amenity and public safety.

#### Notes

1. Access to the site will require to be taken via internal access roads which comply with the Roads Development Guide 1996 and will require Construction Consent. The applicant should make early contact with the Council's Roads Division in this regard.
2. The applicant should satisfy him/herself, by site investigation if necessary, that relative levels are such as will allow the development to be connected at a gradient acceptable to Scottish Water.
3. The applicant must make separate application to Developer Services for permission to connect to the public sewerage system at the appropriate time. Scottish Water may refuse permission to connect, or grant permission to connect, subject to such conditions as they think fit.
4. 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.
5. The applicant should make early contact with the Scottish Environment Protection Agency with regard to the treatment and disposal of surface water from the development site.
6. The applicant should make early contact with British Gas Transco with regard to its apparatus that may be affected by the development proposals.

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