

## **EAST AYRSHIRE COUNCIL**

### **SOUTHERN LOCAL PLANNING COMMITTEE: 30 MARCH 2001 01/0082/FL: PROPOSED CHANGE OF HOUSE TYPES AND ERECTION OF ADDITIONAL DWELLINGHOUSE ON PLOTS 7-22 AND ERECTION OF GARAGE ON PLOT 4 AT LAURENCEKIRK WYND, BARONY ROAD, AUCHINLECK FOR HOPE HOMES SCOTLAND**

#### **EXECUTIVE SUMMARY SHEET**

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

1.1 This application seeks to amend the previous planning permissions for the site (98/0779/FL and 00/0239/FL). Full planning permission is sought for the erection of 16 dwellinghouses on that part of the site which has not yet been developed under the terms of the previous planning permission. The proposed dwellinghouses consist of four two-storey detached dwellings, four two storey semi-detached dwellings, five one and a half storey detached dwellings and three detached bungalows. The applicant proposes to erect the five one and a half storey dwellings and two of the bungalows adjacent to the existing properties on Barony Road. The remainder of the dwellings, including the two storey dwellings, are located on that part of the site adjacent to the Glasgow to Dumfries railway, furthest from the existing dwellings on Barony Road. The applicant also proposes to erect a double garage on plot 4.

#### **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 at paragraph 5.1 in the report, the proposed development 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 indicated at paragraphs 6.3 and 6.4 in the report, the East Ayrshire Local Plan (Finalised Version with Modifications) is also supportive of the proposed development.

3.2 The points of objection relating to overlooking and overshadowing have been addressed through the submission of amended plans. A further objection relating to overlooking can be addressed through the inclusion of a condition on the planning permission. The other objections can also be addressed by the inclusion of appropriate conditions on the planning

permission or have either not been substantiated through the consultation process or are not considered to be relevant planning considerations.

3.3 No adverse consultation replies have been received in respect of this application.

**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 a full planning application which is to be considered by the Local Planning Committee under the Scheme of Delegation as the proposed development is a larger application of area significance and is subject to objections.

## 2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies to the north of the B7038, Barony Road, Auchinleck, approximately 180 metres east of the junction of Barony Road and Pennylands Road. On part of the site, the topsoil and surface vegetation has been scraped into several large mounds. This aside, the site is relatively flat, although it falls in level slightly from east to west. The site measures 1.19 hectares in area. It was previously subject to earlier planning application (98/0779/FL and 00/0239/FL) for the erection of dwellinghouses which were approved and several of the dwellinghouses are substantially complete.

2.2 The site is bounded to the north by the Glasgow to Dumfries railway line, to the west by agricultural land, and by private residential properties to the south and east. The majority of the site lies to the rear of existing residential properties in Barony Road. There is only a small frontage of some 34 metres onto Barony Road, itself providing access into the development site.

2.3 **Proposed Development:** This application seeks to amend the previous planning permissions for the site (98/0779/FL and 00/0239/FL). Full planning permission is sought for the erection of 16 dwellinghouses on that part of the site which has not yet been developed under the terms of the previous planning permission. The proposed dwellinghouses consist of four two-storey detached dwellings, four two storey semi-detached dwellings, five one and a half storey detached dwellings and three detached bungalows. The applicant proposes to erect the five one and a half storey dwellings and two of the bungalows adjacent to the existing properties on Barony Road. The remainder of the dwellings, including the two storey dwellings, are located on that part of the site adjacent to the Glasgow to Dumfries railway, furthest

from the existing dwellings on Barony Road. The applicant also proposes to erect a double garage on plot 4.

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

3.1 East Ayrshire Council's Roads and Transportation Division has no objection to the proposal subject to the inclusion of conditions on the planning permission in respect of the standard and construction of the site's access, internal roads and footways, visibility splays, the formation of driveways, individual access gates, the provision of in-curtilage and visitor parking spaces and the location of any public utility apparatus.

***Should the application be granted, appropriate conditions in respect of the above can be included on the planning permission.***

3.2 The West of Scotland Water Authority has no objection to the proposal subject to operational requirements being met.

***Should the application be approved, an appropriate note can be attached to the planning permission advising the applicant to make early contact with the West of Scotland Water Authority.***

3.3 The Scottish Environment Protection Agency has no objection to the proposal provided operational requirements are to its satisfaction and that all foul drainage is directed towards the foul sewer.

***Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.***

3.4 British Gas Transco and Scottish Power have no objection to the proposal, subject to the safeguarding of their plant during construction.

***Should the application be approved, appropriate notes in respect of the above can be attached to the planning permission.***

3.5 The Coal Authority has stated that the site lies within the likely zone of influence on the surface from working in 5 seams of coal last worked in 1978. The Authority states however, that, by now, ground movements should have ceased. It also adds that reserves of coal exist within the area which may be worked at some time in the future.

***Should the application be approved an appropriate note in respect of the above can be attached to the planning permission.***

3.6 East Ayrshire Council's Environmental Health Section has no comment to make on the proposals.

***Noted***

3.7 Auchinleck Community Council has no objection to the proposal.

**Noted.**

#### **4. REPRESENTATIONS**

Three letters of objection have been received in respect of the application, all of which are from residents in Barony Road. Details of a petition opposing the development are included in sections 4.3 to 4.4 below. The terms of objection can be summarised as follows:-

4.1 The erection of two storey dwellings on that part of the site adjacent to Barony Road would result in an unacceptable degree of overlooking given that the proposed dwellinghouses have windows to habitable rooms overlooking the existing dwellings.

***The application as originally submitted proposed the erection of 4 two storey detached dwellinghouses, 2 two storey semi-detached dwellinghouses and one bungalow adjacent to the existing dwellings on Barony Road. The two storey dwellings had windows to habitable rooms on the first floor which would have overlooked the existing properties on Barony Road. However, the applicant has since amended the proposals and re-notified neighbours. The amended plans show that the applicant now proposes to erect two detached bungalows and five detached one and a half storey dwellinghouses which do not have windows to habitable rooms on the rear elevation of the first floor. It is therefore considered that any overlooking issues have, as a consequence of the amended scheme, been addressed.***

4.2 The erection of two storey dwellings adjacent to the existing properties at Barony Road, would result in overshadowing and in a reduction in day light to those properties.

***The two-storey dwellinghouses in that location would have been 8m high and located some 25 metres from the existing dwellings in Barony Road. It is not considered that overlooking would have occurred to an extent that would have justified a refusal of the application. Nevertheless, as is noted above, the applicant has since amended the scheme and now proposes to erect a bungalow and one and a half storey dwellings on that part of the site. The one and a half storey dwellings measures 7 metres in height and the bungalow is 5.5 metres in height. It is therefore considered that any overlooking issues would be significantly reduced.***

A petition signed by 22 signatories (all of whom are residents of Barony Road) has also been received. The points of objection state that:-

4.3 The erection of two-storey dwellings on the site would result in overlooking and a reduction of privacy in respect of the existing properties on Barony Road.

**See response to 4.1 above.**

4.4 The erection of two storey dwellings in this locality would be an "eyesore".

**See response to 4.1 above. Furthermore, it is not considered that the erection of two-storey dwellings on the remainder of the site would constitute a reduction in visual amenity to an extent that would justify a refusal of the application. Should the application be approved, a condition can be included on the planning permission requiring the applicant to submit samples of the external construction materials to the planning authority before any work begins on site.**

Two letters of representation have also been received. The points raised in the letters do not object to the proposal and relate to:-

4.5 Overlooking issues in respect of those dwellings which have been erected on the western part of the site under the terms of the previous planning permission. Those dwellings are at a level which results in them overlooking the existing property at 12 Barony Road. The occupant of that property has stated that a screen fence or wall should be erected prior to the occupation of any of the dwellings on the site.

**Should the application be approved, a condition requiring the erection of a 1.8m screen fence on the western boundary of the site, adjacent to 12 Barony Road, can be included on the planning permission.**

4.6 Disturbance during construction

**It is considered that some degree of disturbance would be expected during the construction phase of any residential development. Nevertheless, should the application be approved, a condition can be included on the planning permission, limiting the hours of operation on the site, to minimise any adverse impact on residential amenity.**

4.7 Concern that the junction of the development with Barony Road is dangerous due to vehicles speeding on Barony Road.

**This concern has not been substantiated by the Council's Roads and Transportation Division.**

4.8 Flooding of existing properties at Barony Road, due to earthworks within the site.

***Should the application be approved, a note can be attached to the planning permission requiring the applicant to exercise caution in the development of the site to ensure that no damage is caused to existing adjacent properties which are in proximity to the site.***

4.9 The pavement on Barony Road is in a poor condition

***The pavement lies outwith the site and is not the responsibility of the present applicant. As such this issue cannot be considered in the determination of the application.***

## **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 (1999) and the Adopted Cumnock-Auchinleck Local Plan (1992). The Adopted Plan was prepared in the context of the then approved Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the application is identified for residential development. The application would therefore fall to be determined with regard to policy 23 of the Cumnock-Auchinleck Local Plan which states that housing will be encouraged within sites identified for that purpose.

***It is considered that the proposal is in accordance with the site designation for residential development and with Policy 23 of the Adopted Cumnock-Auchinleck Local Plan.***

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

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan, (Finalised Version with Modifications), the objections detailed above and the site's planning history.

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 (EALP) should be considered as a prime material consideration.

6.3 The application site is identified for residential development within the EALP. Policy RES1 of the EALP encourages and supports residential development within identified housing sites.

***The proposal is considered to be consistent with the site's designation for residential development and with Policy RES1 of the EALP.***

6.4 Policy RES22 of the EALP is also of relevance. Policy RES22 states that the garden ground of detached dwellings should consist of an area of private open space at least 1.5 times the ground floor area of the dwellings (minimum 100 square metres).

***The proposal is considered to be consistent with the above requirements and with Policy RES22 of the EALP.***

6.5 The proposal has been the subject of previous applications for planning permission:

- (i) CD/91/154: Outline planning permission was approved by the former Cumnock and Doon Valley District Council on 1 October 1992 for the erection of 10 dwellinghouses on the site.

***Noted***

- (ii) 98/0790/FL: Full planning permission was granted on 16 April 1999 by the Southern Local Planning Committee for the erection of 17 dwellinghouses and garages on the site.

***Whilst this permission was implemented only 6 of the 16 dwellings were partially completed.***

- (iii) 00/0239/FL: Full planning permission was granted on 16 June 2000 as an amendment to 98/0790/FL, for the erection of a further four dwellinghouses on the site.

***This permission has not been implemented.***

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

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

## **8. CONCLUSIONS**

8.1 As indicated at paragraph 5.1 above, the proposed development 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 indicated at paragraphs 6.3 and 6.4 above, the East Ayrshire Local Plan (Finalised Version with Modifications) is also supportive of the proposed development.

8.2 The points of objection relating to overlooking and overshadowing have been addressed through the submission of amended plans. A further objection relating to overlooking can be addressed through the inclusion of a condition on the planning permission. The other objections can also be addressed by the inclusion of appropriate conditions on the planning permission or have either not been substantiated through the consultation process or are not considered to be relevant planning considerations.

8.3 No adverse consultation replies have been received in respect of this application.

## **9. RECOMMENDATION**

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

Alan Neish  
Head of Planning and Building Control  
DS/YW/SMB  
16 March 2001  
FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans
2. Statutory notices and certificates
3. Consultation responses
4. Letters of representation and petition
5. East Ayrshire Local Plan (Finalised Version with Modifications)
6. Adopted Cumnock-Auchinleck Local Plan
7. Planning Applications CD/91/154, 98/0790/FL and 00/0239/FL

Anyone wishing to inspect the background papers listed above, should contact Mr Derek Scott on 01563 555483

**Implementation Officer : Dave Morris**

Application no: 01/0082/FL

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Location	Laurencekirk Wynd, Barony Road AUCHINLECK
Nature of Proposal:	Proposed change of house types and erection of additional dwellinghouse on Plots 7-22 and erection of garage on Plot 4.
Name and Address of Applicant:	Hope Homes Scotland Watson Terrace DRONGAN KA6 7AB
Name and Address of Agent	

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DPO's Ref:	[ Derek Scott	]
	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 and plans received by the Planning Authority on 1 February 2001 as amended by the revised site layout plan, received by the Planning Authority on 23 February 2001, the house plans for the Jackton house type received by the Planning Authority on 23 February 2001, the house plans for the Kirkdale house type received by the Planning Authority on 5 March 2001 and the plans for the garage in respect of Plot 4, received by the Planning Authority on 6 March 2001.

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

2. The access to the site from the B7036 Barony Road shall be by means of a standard footway crossing constructed in accordance with the East Ayrshire Council Roads Development Guide 1996.

REASON – In the interests of public road safety.

3. Prior to the occupation of any dwellinghouses, a visibility splay area shall be formed and thereafter maintained such that there shall be no obstruction to visibility over 1 metre in height within a visibility splay of 4.5 metres by 60 metres at the proposed access to the site from the B7036, Barony Road.

REASON – In the interests of public road safety.

4. All roads and footways within the site shall be constructed in accordance with the East Ayrshire Council Roads Development Guide 1996.

REASON – In the interests of public road safety.

5. Prior to the occupation of any of the dwellinghouses, a visibility splay area shall be formed and thereafter maintained such that there shall be no obstruction to visibility over 1 metre in height within a visibility splay of 2.5 metres by 35 metres at the internal road junction within the site.

REASON – In the interests of public road safety.

6. The access to each plot shall be by means of a standard footway crossing constructed in accordance with the East Ayrshire Council Roads Development Guide 1996.

REASON – In the interests of public road safety.

7. All individual driveways within the site shall be suitably surfaced to ensure that no surface water discharges or loose material is carried out onto the public road.

REASON – In the interests of public road safety.

8. The gradient of each driveway shall not exceed 1:10.

REASON – In the interests of public road safety.

9. Any detached garages to be erected within the site shall be set back a minimum of 6 metres from the rear of the footway.

REASON – In the interests of public road safety.

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

REASON – In the interests of public road safety.

11. Any public utility apparatus located within the road verge adjacent to the B7036 shall be protected beneath the proposed access to the site to the satisfaction of the Planning Authority.

REASON – To ensure the protection of the public utility apparatus.

12. A landscaping scheme including details for the treatment and maintenance of the boundary of the site and areas of public open space shall be submitted to and approved by the Planning Authority prior to the commencement of any development. The landscaping shall be implemented not later than the next appropriate planting season after the development has been carried out. The landscaping shall be maintained in accordance with the approved maintenance regime at all times thereafter.

REASON – To ensure that adequate landscaping is provided, to an adequate standard, and that it is subsequently maintained, in the interests of residential and visual amenity.

13. Notwithstanding any specification on the approved plans or application form, and before any work is commenced on site, samples of all external construction materials to be used shall be submitted to and approved by the Planning Authority.

REASON – In the interests of visual amenity.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any other order or enactment replacing this, all detached garages erected within the site shall be pitched roofs and shall be externally constructed in materials to match the dwellinghouses to which they relate.

REASON – In the interests of visual amenity,

15. Notwithstanding any specification on the approved plans or application form and before any work commences on site, details of the height, location and construction of all fences, walls

and other means of enclosure shall be submitted to and approved by the Planning Authority. An unclimbable fence, 1.8 metres high, shall be constructed along the northern boundary of the site, adjacent to existing railway line.

REASON – In the interests of visual amenity and public safety.

16. Any screen fencing to be erected shall not project forward beyond the front building line of any of the dwellinghouses.

REASON – In the interests of visual amenity.

17. Before any work is commenced on site, details of a 1.8 metre high screen fence to be erected in the position indicated in blue on the approved plan (Ref No. 01/22/01) shall be submitted to and approved by the Planning Authority. Thereafter, the screen fence as approved shall be erected on site prior to the occupation of any of the dwellinghouses.

REASON – In the interests of residential amenity.

18. During the construction of the dwellinghouses, no building or other operations shall take place on the site outwith the hours of 0800 to 1900 Monday to Saturday, nor at any time on a Sunday.

REASON – In the interests of residential amenity.

#### NOTE

1. The applicant is advised to make early contact with the West of Scotland Water Authority, 35 Glenburn Road, Prestwick KA9 2NS, with regard to water supply and drainage.
2. The applicant is advised to make early contact with the Scottish Environment Protection Agency, 2 Alloway Place, Ayr KA7 2AA, with regard to drainage.
3. The applicant is advised to make early contact with British Gas Transco, 95 Kilbirnie street, Glasgow G5 8JD with regard to the protection of its plant during construction.
4. The applicant is advised to make early contact with The Coal Authority, 200 Lichfield Lane, Berry Hill, Mansfield NG18 4RG, with regard to the presence of minerals within the site.
5. The applicant should exercise caution during the construction phase of the development, ensuring that no damage is caused to adjacent properties by reason of surface water run-off or as a result of any other works.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 555320.**

**AGENDA**