

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 15 AUGUST 2003**

**03/0226/FL: PROPOSED SWIMMING CENTRE AT GROUND AT  
BROOMFIELD RECREATION GROUND ADJACENT TO ST JOSEPH'S  
ACADEMY  
(CUMNOCK CAMPUS), AUCHINLECK ROAD, CUMNOCK**

**APPLICATION BY CUMNOCK AND DISTRICT LEISURE GROUP**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the erection of a swimming centre which would include a 25 metre swimming pool, spa bath, sauna, aerobics room, and a fitness room. The proposed building occupies a footprint of 900 square metres and is set back 30 metres from the nearer edge of Auchinleck Road. The building is modern in design and two storey in scale. The general design makes use of mono-pitched roofing, projecting eaves, and large areas of glazing on the exterior walls. In terms of finishes, it is proposed to clad the roof with grey cement panels, and finish the walls of the building with a mix of cream coloured smooth cement render, buff coloured masonry, and dark stained timber cladding. All exterior glazed sections are proposed to be finished in exposed aluminium.

1.2 A total of 65 car parking spaces have been shown within the site, including 4 designated disabled car parking spaces near the main entrance to the complex. It is further proposed to widen the existing access onto Auchinleck Road to 6 metres and amend the geometry of the road junction 'bellmouth'. A landscaping plan has been submitted which provides details of tree and shrub planting principally within the vehicle parking area and to the front of the proposed building facing Auchinleck Road. It is also proposed to realign the footpath which runs through the site from the direction of the running track complex and the Lugar Water footbridge and link this to a pedestrian footpath running along the northern side of the proposed access to the site. The applicant has also submitted a transportation assessment for the proposed swimming complex.

**2. RECOMMENDATION**

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

### **3. CONCLUSIONS**

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 in Section 6 of the report, there are material considerations relevant to this application, however it is considered that these material considerations are not of sufficient weight to justify the refusal of the application.

3.2 The proposed development will provide a modern recreational facility within an established recreational area and will bring wide community benefits. The proposed development is considered to be in accordance with the leisure and recreational policies of the East Ayrshire Local Plan and the proposed location of the facility is considered to be acceptable.

#### **CONTRARY DECISION NOTE**

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

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

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

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**APPLICATION BY CUMNOCK AND DISTRICT LEISURE GROUP**

**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 it is a larger scale development of area significance and the application is subject to objections.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The site extends to 0.54 hectares and is a grassed area of open space to the west of Auchinleck Road, one of the key access routes into Cumnock. The site is slightly larger than the previous outline planning application granted in order to accommodate the level of car parking provision required. The site is adjoined to the north by St Joseph's Academy Annexe, of modern design, to the south by an open training area and Broomfield House, a category 'B' listed building occupied by Cumnock Rugby Club, to the west by open amenity space adjoining the running track complex, and to the east by Auchinleck Road and residential properties.

2.2 The site is generally level and is located at a lower level than Auchinleck Road. Existing tree cover within the site is mainly towards the north-eastern site boundary although 3 mature trees are located further back from Auchinleck Road within the site.

2.3 **Proposed Development:** Full planning permission is sought for the erection of a swimming centre which would include a 25 metre swimming pool, spa bath, sauna, aerobics room, and a fitness room. The proposed building occupies a footprint of 900 square metres and is set back 30 metres from the nearer edge of Auchinleck Road. The building is modern in design and two storey in scale. The general design makes use of mono-pitched roofing, projecting eaves, and large areas of glazing on the exterior walls. In terms of

finishes, it is proposed to clad the roof with grey cement panels, and finish the walls of the building with a mix of cream coloured smooth cement render, buff coloured masonry, and dark stained timber cladding. All exterior glazed sections are proposed to be finished in exposed aluminium.

2.4 A total of 65 car parking spaces have been shown within the site, including 4 designated disabled car parking spaces near the main entrance to the complex. It is further proposed to widen the existing access onto Auchinleck Road to 6 metres and amend the geometry of the road junction 'bellmouth'. A landscaping plan has been submitted which provides details of tree and shrub planting principally within the vehicle parking area and to the front of the proposed building facing Auchinleck Road. It is also proposed to realign the footpath which runs through the site from the direction of the running track complex and the Lugar Water footbridge and link this to a pedestrian footpath running along the northern side of the proposed access to the site. The applicant has also submitted a transportation assessment for the proposed swimming complex.

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

3.1 East Ayrshire Council Roads and Transportation Division has commented that a cycle route through the development site is being investigated as a by-pass of Cumnock Town Centre for the proposed Dalmellington to Coalburn cycle route by Scottish Coal. There appears to be no pedestrian provision to the footbridge across the river. This does not allow a suitable link to the existing Academy or to the proposed Primary School. It is likely that the schools will be significant users of the facility. The developer should upgrade the footpath network from the proposed site to the footbridge at Cumnock Academy. The existing path has been constructed using unbound materials but will require a bituminous surface. The access ramp to the footbridge is in a very poor condition and will require to be reconstructed to provide a 1 in 20 gradient.

***An appropriately worded condition can be attached to any planning permission granted for the proposed development to ensure that these requirements of the Roads and Transportation Division are met prior to the development being brought into use.***

The car parking layout appears to comply with East Ayrshire Council guidelines. Designated cycle parking should be located to the main entrance to the proposed building in full view of patrons entering and leaving. Racks should be similar to the Sheffield type shown in East Ayrshire Council guidelines. Similarly, motorcycle parking should be located in full view of the entrance.

***Appropriately worded conditions can be attached to any planning permission granted for the proposed development to ensure that***

***these requirements of the Roads and Transportation Division are met.***

The developer should re-locate the southbound bus stop adjacent to the footpath from Auchinleck Road to Holmhead road and a shelter provided to meet the requirements of East Ayrshire Council and SPT. Visibility sightlines from the Holmhead Road junction must not be compromised.

***An appropriately worded condition can be attached to any planning permission granted for the proposed development to ensure that these requirements of the Roads and Transportation Division are met prior to the development being brought into use.***

No coach parking has been indicated within the application site. This has the potential to raise difficulties if a large group of persons are bussed to the site. It may be possible to construct bus parking in the wide footway area in front of St Joseph's Academy, although this may be used as a car parking area, especially if security in the swimming pool car park is not good. The developer should extend the limits of the existing bus parking area to provide parking for an additional coach.

***An appropriately worded condition can be attached to any planning permission granted for the proposed development to ensure that these requirements of the Roads and Transportation Division are met prior to the development being brought into use.***

The traffic flows indicated within the submitted traffic assessment would seem to indicate that the proposed development and its junction will not have an adverse effect on the adjacent public road network. There is no need to construct a dedicated right-turn lane shown on the drawings submitted. A priority junction is adequate provided the required visibility sightline areas are provided and maintained thereafter.

***Noted.***

The right-hand visibility splay from the junction of the access to the site with Auchinleck Road shown on the submitted drawings should be revised to measure 4.5 metres by 90 metres.

***Noted. This visibility splay area lies wholly within the public road boundary. An appropriately worded condition can be attached to any planning permission granted for the proposed development to ensure that these requirements of the Roads and Transportation Division are met prior to the development being brought into use.***

3.2 Scottish Water has not responded to the consultation letter.

***Noted. At the time of the outline planning application for the proposed swimming centre on the site (Ref 02/0763/OL), Scottish Water raised no objections to the proposed development provided that the applicant was satisfied that relative levels were such that would allow the development to be connected to the public sewer at an acceptable gradient. Additionally, Scottish Water commented that surface water would require to be drained separately to the river and that Scottish Water would require to be notified when the swimming pool was emptied to the river. Notes can be attached to any grant of planning permission to make the developer aware of the requirements of Scottish Water.***

3.3 Scottish Power has no objections to the proposed development provided that the access to the substation site is maintained and the proposed works do not interfere with Scottish Power cables and apparatus.

***Noted. The substation in question is located outwith the application site. A note can also be attached to any planning permission granted for the proposed development advising the applicant to ensure that access to the substation is maintained and that the proposed works do not interfere with Scottish Power's cabling and apparatus.***

3.4 Cumnock Community Council has not responded to the consultation letter.

***Noted.***

3.5 The Scottish Environment Protection Agency (SEPA) has commented that they have no objections in principle to the proposed development provided that the drainage arrangements are to their satisfaction. SEPA has advised that the developer should select and install an appropriate Sustainable Urban Drainage System (SUDS) arrangement to treat and minimise the amount of surface water leaving the site. The use of porous paving/asphalt for car parking and infiltration trenches/French drains for roof water would also be most welcome.

***A condition can be attached to any permission granted for the proposed development to meet SEPA's requirements with regards to an appropriate SUDS arrangement within the site to attenuate and treat surface and roof water run-off. A note can also be attached to any planning permission granted for the proposed development advising the applicant to make early contact with SEPA regarding drainage, a sustainable urban drainage system, and the use of porous paving / asphalt.***

#### 4. REPRESENTATIONS

4.1 Two letters of representation have been received objecting to the proposed development. The points of objection are summarised as follows:

4.2 The siting of the proposed development on a very dangerous and an already heavily congested bend is nothing short of lunacy and will be a source of frustration and perhaps worse.

***The Roads and Transportation Division has offered no objection in principle to the proposed development and believe that an acceptable safe access can be achieved to the proposed swimming centre.***

4.3 Like most Cumnock residents I puzzle as to why the Woodroad Park with its access, parking space and existing services was not utilised. I must assume there are good reasons for this. Might I suggest that if it has to be on Auchinleck Road, a wiser choice would be to utilise the empty space on the north side of St Joseph's.

***Outline planning permission was granted on 14 February 2003 (Ref. 02/0763/OL) for a proposed swimming centre on the site. The principle of the development of the site for a proposed swimming centre has therefore been established. With regard to alternative locations for the swimming centre, the Committee is asked to consider only the merits of the proposal before them.***

4.4 The type of structure which is to be erected is also of concern. The first impression of Cumnock seen by visitors coming from the north end is a pleasing one, due largely to the style of existing buildings in juxtaposition with a green belt. The proposed building will be an architectural disaster, which will do nothing to enhance this impression. The proposed siting of it amidst buildings of character will spoil the pleasing aspect of those buildings.

***The adjacent buildings at St Joseph's Academy are not listed and are of no particular architectural merit. Broomfield House, located to the south of a site is a category 'B' listed building. The degree of separation from the proposed swimming complex is 35 metres. The principle merit of Broomfield House derives from the design and setting of the front elevation within wooded open space onto Auchinleck Road. Whilst the proposed swimming centre is located in close proximity to Broomfield House, it is located outwith the main aspect of the building onto Auchinleck Road. The proposed design is bold, modern, and distinctive and therefore will be 'read' as a***

***distinctive separate element. Given the operational requirements of the complex, a building of such a mass and scale is essential. Attempting to replicate a building such as Broomfield House would be difficult to achieve on this scale.***

- 4.5 Object to the proximity of the building to property at the main road junction.

***The proposed swimming centre is set back 30 metres from the edge of Auchinleck Road. It is not considered that building is too close to the main road junction in relation to surrounding development.***

- 4.6 The architecture of the new building is not in conjunction with the area where there are listed buildings.

***The adjacent buildings at St Joseph's Academy are not listed and are of no particular architectural merit. Broomfield House, located to the south of a site is a category 'B' listed building. The degree of separation from the proposed swimming complex is 35 metres. The principle merit of Broomfield House derives from the design and setting of the front elevation within wooded open space onto Auchinleck Road. Whilst the proposed swimming centre is located in close proximity to Broomfield House, it is located outwith the main aspect of the building onto Auchinleck Road. The proposed design is bold, modern, and distinctive and therefore will be 'read' as a distinctive separate element. Given the operational requirements of the complex, a building of such a mass and scale is essential. Attempting to replicate a building such as Broomfield House would be difficult to achieve on this scale.***

- 4.7 Why is the new swimming pool being built on a green field site where there are established and mature trees on the site? Are they to be removed? If so, what are the provisions for replacement trees?

***Outline planning permission was granted on 14 February 2003 (Ref. 02/0763/OL) for a proposed swimming centre on the site. The principle of the development of the site for a proposed swimming centre has therefore been established. With regard to existing tree cover within the site, the applicant has indicated that the proposed development will result in the loss of three mature trees within the site. As part of the proposed development, details have been submitted of a landscaping scheme retaining the majority of existing tree cover within the application site, and depicting areas of proposed tree and shrub landscaping. Appropriately worded conditions can be attached to any grant of planning permission to ensure that an effective and appropriate landscaping scheme is undertaken within the site.***

4.8 Access to the new pool and site will restrict the access to my house.

***The Roads and Transportation Division has offered no objection in principle to the proposed development and believe that an acceptable access can be achieved to the proposed swimming centre without restricting access to any of the adjacent properties in the immediate environs of the site.***

4.9 Object to environmental issues such as noise, pollution and privacy impact.

***Due to its location and degree of separation from adjacent properties, it is considered that, once operational, the proposed swimming centre will not materially detract from standards of residential amenity in the area.***

4.10 The original proposal for the swimming pool was to be located at the changing room area of Broomfield. Why has it moved?

***See response to paragraph 4.3 above.***

4.11 There is a perfectly good site at Woodroad Park where all the infrastructure and services are in place. The resident pool will have to be knocked down and in this day of environmental issues should you not be looking at locating the new swimming pool on the existing site instead of a green field site?

***See response to paragraph 4.3 above.***

## **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 East Ayrshire Local Plan (2003).

### East Ayrshire Local Plan 2003

5.2 Policy TLR 8 states that there will be a presumption against development on those safeguarded areas of public and private recreational open space as identified on the Local Plan maps and on other undeveloped land within settlement boundaries which contributes to the setting, character and

appearance of the settlement concerned. However, the following types of development on existing areas of maintained amenity or recreational open space will be considered appropriate, subject to compliance with all appropriate Council Development Promotion and Design Guidance:

- (i) laying out of new playing fields, bowling greens, putting greens;
- (ii) creation of all-weather sports facilities;
- (iii) creation of new children's play areas; and
- (iv) development of pavilions or other ancillary facilities to serve any existing or proposed outdoor sport and recreational activities in the area.

***Although the proposed development is on maintained open space, it is a recreational use identified within the terms of this policy (an all-weather sports facility). Additionally, outline planning permission was granted on 14 February 2003 (Ref. 02/0763/OL) for a proposed swimming centre on the site. This application was assessed in the light of Policy TLR 8. The principle of the development of the site for a proposed swimming centre has therefore been established.***

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

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses, representations received, and the planning history of the site.

### Consultations Responses

6.2 Subject to the imposition of appropriately worded conditions, the consultation responses do not indicate that the application should be refused.

### Representations

6.3 It is not considered that the points of objection raised are of sufficient weight to justify the refusal of the application contrary to the provisions of the East Ayrshire Local Plan.

### Planning History

6.4 Outline planning permission was granted on 14 February 2003 (Ref. 02/0763/OL) for a proposed swimming centre at Auchinleck Road, Cumnock. A number of conditions were imposed on this outline planning permission to ensure that :-

- (i) a Traffic Impact Assessment (TIA) would be submitted addressing pedestrian, cyclist and public transport provision, traffic generation and parking provision; and
- (ii) at the site access onto Auchinleck Road, a right-turn lane would be provided including pedestrian refuge islands prior to the opening of the swimming centre; and
- (iii) the swimming centre would be orientated such that it would lie parallel to the site access road and thereby as far as practical away from Broomfield House; and
- (iv) a minimum of 63 car parking spaces would be included on site, including four for disabled persons and two for motor-cycle/push bike parking.

It should be noted that as the current application is for full planning permission, the conditions attached to this outline planning permission are not prescriptive.

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

7.1 Financial and legal implications will arise from the sale of this site which is in the ownership of the Council. The Council would be obliged to notify the Scottish Executive under the Town and Country Planning (Notification of Planning Applications) (Scotland) Direction 1997 if it intends to grant planning permission and there is either a substantial body of objections or the proposed development is deemed to be contrary to the Adopted Local Plan.

***As discussed in Section 5 of this report, the planning application is not contrary to the adopted East Ayrshire Local Plan, nor subject to a substantial body of objections. Consequently, there is no requirement to notify the Scottish Ministers should the Council be minded to grant planning permission.***

## **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 in Section 6 of the report, there are material considerations relevant to this application, however it is considered that these material considerations are not of sufficient weight to justify the refusal of the application.

8.2 The proposed development will provide a modern recreational facility within an established recreational area and will bring wide community benefits. The proposed development is considered to be in accordance with the leisure

and recreational policies of the East Ayrshire Local Plan and the proposed location of the facility is considered to be acceptable.

## **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 contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee because there will not be a significant breach of Council policy.

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

31 July 2003  
RD/RD  
FV/AN

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Traffic Assessment submitted by applicant.
3. Statutory Notices and Certificates.
4. Letters of Representation.
5. Consultation responses.
6. Adopted East Ayrshire Local Plan (2003).
7. Approved Ayrshire Joint Structure Plan (1999).
8. Outline planning application Reference Number 02/0763/OL.

Anyone wishing to inspect the above background papers should contact Robert Duncan on 01563 555483.

**Implementation Officer: Dave Morris**

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0226/FL

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Location	Ground at Broomfield Recreation Ground adjacent to St Joseph's Annexe, Auchinleck Road, Cumnock
Nature of Proposal:	Proposed swimming centre
Name and Address of Applicant:	Cumnock and District Leisure Group 27 Walker Court Cumnock KA18 1TF
Name and Address of Agent	Barr Technical Services 100 Inchinnan Road Paisley PA3 2RE

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

The above **FULL** application should be granted subject to the following conditions:-

1. Prior to the development hereby approved being brought into use, the developer shall implement the following matters to the satisfaction of the Planning Authority :-
  - (i) the bituminous surfacing of a 138 metre stretch of footpath linking the application site to the footbridge which crosses the Lugar Water;
  - (ii) the installation of an access ramp on the northern end of the footbridge which crosses the Lugar Water with a gradient not greater than 1 in20;
  - (iii) the relocation of the southbound bus stop to a site to be agreed in writing with the Council as Planning Authority near the junction of Holmhead Road with Auchinleck Road and the erection of a bus stop;
  - (iv) the extension of the existing bus lay-by located adjacent to St Joseph's Academy to provide room for an additional bus to park.

REASON – In the interests of road and pedestrian safety and the provision of sustainable travel patterns.

2. Details shall be submitted to the Planning Authority, and agreed in writing prior to the development being brought into use, to show designated cycle and motorcycle parking areas located in full view of the entrance to the building.

REASON – To ensure that adequate and safe parking provision is available in relation to the approved development.

3. Notwithstanding the submitted plans, prior to the development being brought into use, visibility splay areas of 4.5 metre by 90 metres shall be provided on both sides of the access to the site from Auchinleck Road with no obstruction to visibility greater than 1 metre in height being allowed within these areas thereafter.

REASON – To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.

4. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 and the Town and Country Planning (Use Classes) (Scotland) Order 1997, this permission relates to the use of the site as a swimming centre, and the further express permission of the Planning Authority shall be required in respect of any other use which falls within the same use class to the use hereby approved.

REASON – To enable the Planning Authority to retain control over the use of the site in the interests of residential amenity.

5. The landscaping proposed shall be implemented in accordance with the submitted landscaping plan submitted, unless otherwise agreed in writing with the Planning Authority. The landscaping shall thereafter maintained in accordance with maintenance schemes to be submitted to and approved by the Planning Authority prior to the commencement of development. Planting of species shall take place not later than the next appropriate planting season after the development has commenced.

REASON – In the interests of visual amenity

6. Prior to the commencement of works on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved by the Planning Authority in writing. The agreed Sustainable Urban Drainage System shall thereafter be installed on site prior to the swimming centre being brought into use.

REASON – To ensure that adequate surface water drainage is provided within the site.

7. No trees shall be felled, lopped, have roots cut, or be the subject of any other works within the site without the prior written consent of the Planning Authority.

REASON – To safeguard against widespread felling of trees within the application site, in the interest of the visual amenity of the area

8. No construction works, building or other operations shall take place on the site outwith the hours of 0800 to 1800 Monday to Saturday and at any time on a Sunday.

REASON – In the interest of residential amenity

#### **NOTES TO APPLICANT**

- (1) The applicant is advised to contact Scottish Water, 35 Glenburn Road, Prestwick, Ayrshire, KA9 2NS, with regard to water and drainage provision.
- (2) The applicant is advised to contact SEPA, 31 Miller Road, Ayr, KA7 2AX, Tel 01292 294000, regarding drainage of the site.

- (3) The developer shall make early contact with Scottish Water and the Scottish Environment Protection Agency to confirm their request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.
- (4) The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.

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