

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 14 FEBRUARY 2003**

**02/0763/OL: PROPOSED SWIMMING CENTRE, AUCHINLECK ROAD,  
CUMNOCK**

**APPLICATION BY CUMNOCK AND DISTRICT LEISURE GROUP**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Outline planning consent is sought for the erection of a swimming centre facility. Permission is also sought for the means of access for the facility that is proposed along the southern boundary of St Joseph's Academy Annex. Specific details regarding the siting, layout and design of the swimming centre have not been provided at this stage and will be dealt with at the detailed application stage.

**2. RECOMMENDATION**

**2.1 The application should be approved subject to the conditions indicated on the enclosed sheet.**

**3. CONCLUSION**

3.1 As is indicated at Section 5 of the report the application is considered to be in accordance with the Development Plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

3.2 As is indicated at Section 6 of the report, there are material considerations relevant to this application and these are supportive of the proposal. The proposed development will provide an up-to-date recreational facility within an existing recreational area that will bring wide community benefits. The proposed development is considered to be in accordance with the leisure and recreational policies of the EALP and the proposed location is considered to be acceptable. With regard to the letter of objection, matters such as the impact of the development on the setting and character of the Listed Building, impact on existing trees and car parking can be addressed at the detailed stage.

**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 would not be a significant breach of policy.

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

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

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 14 FEBRUARY 2003**

**02/0763/OL: PROPOSED SWIMMING CENTRE, AUCHINLECK ROAD,  
CUMNOCK**

**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 an Outline 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 is subject to an objection.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The application site is 0.47 hectares in area and is a grassed area of open space to the west of Auchinleck Road sited on one of the main access routes into Cumnock. The site is surrounded to the north by St Joseph's Academy Annexe, to the south by a 'B' Listed Building, Broomfield House which is occupied by Cumnock Rugby Football Club, to the west by open space and a running track and to the east by Auchinleck Road and residential properties.

2.2 **Proposed Development:** Outline planning consent is sought for the erection of a swimming centre facility. Permission is also sought for the means of access for the facility that is proposed along the southern boundary of St Joseph's Academy Annexe. Specific details regarding the siting, layout and design of the swimming centre have not be provided at this stage and will be dealt with at the detailed application stage.

**3. CONSULTATIONS AND ISSUES RAISED**

3.1 East Ayrshire Council Roads and Transportation Division have no objection in principle to this development. A small scale Transport Impact Assessment will be required to be submitted at the detailed stage to address all traffic related matters such as public transport provision, access arrangements, cycling and pedestrian access. The proposed right-turn lane will require the provision of a pedestrian refuge island.

***Conditions can be attached to any grant of planning consent to meet the requirements of the Roads Division.***

3.2 Scottish Water have commented that the applicant should be satisfied, by site investigation if necessary, that relative levels are such as will allow the development to be connected at an acceptable gradient. Surface water will require to be drained separately to the river and Scottish Water will be required to be notified when the swimming pool is emptied to the river.

***Notes can be attached to any grant of planning consent making the developer aware of the requirements of Scottish Water.***

3.3 Scottish Environment Protection Agency have no objections and advise that the developer should select and install an appropriate Sustainable Urban Drainage System to treat and minimise the amount of surface water leaving the site. There is no record of any flooding problems concerning the site.

***A condition and notes can be attached to any grant of outline planning consent advising the applicant of the above requirements.***

3.4 The Coal Authority and West of Scotland Archaeology Service have no adverse comments to make regarding the proposed development.

***Noted.***

3.5 Sport Scotland are in full support of this project and recognise the requirement for new public swimming facilities in East Ayrshire.

***Noted.***

3.6 Scottish Civic Trust is concerned that any future building on this site could undermine the setting of the Listed Rugby Club Building. Given that this application is in outline they cannot comment in an informed way until details of the footprint, massing and detailing including the materials proposed have been submitted. They also suspect a number of established trees may require to be felled depending on the form and footprint of the building. Again more details will require to be submitted to assess whether this will be the case or not. The Trust would question the need for a swimming centre on this site given that a swimming centre has been provided recently at the nearby Tanyard.

***This present proposal is an outline application dealing only with the principle of the swimming centre at this location. Details regarding the design, siting and layout of the proposed development will be submitted at the detailed stage. Discussions have taken place between the applicant and the Planning Division regarding the siting and design of the proposed building, although no formal details have been submitted as part of this application. It is considered that if the proposed building is carefully sited and is of high quality design it should not have a detrimental impact on the character and setting of the adjacent listed building. The number of trees affected or lost could be reduced by careful siting of the proposed building and will be dealt with at the detailed application stage. It should be noted that there are no proposals***

***to provide a swimming centre at the Tanyard or anywhere else in Cumnock that this Division is aware of.***

3.7 The Architectural Heritage Society of Scotland has no objection to the proposed development. Final acceptance depends on the quality of the design.

***Noted.***

3.8 Historic Scotland has offered the following informal comments. They are satisfied that this outline proposal will not impact on the designed landscape of Dumfries House and that there are no Scheduled Monument interests in the vicinity of the site. As no details of the design and scale of the swimming centre have been submitted it is not possible to assess the impact on the setting of the listed clubhouse. They suggest that the building is sited to the western part of the site so that the amenity and setting of the clubhouse can be preserved, as much as possible by open space containing landscaping that is sensitive to the listed building.

***Refer to response to 3.6.***

3.9 East Ayrshire Council Outdoor Services have reservations regarding the development as it is likely several mature and semi-mature trees will need to be removed to accommodate the building.

***The impact of the proposed development on the existing trees will be assessed at the detailed application stage. However by careful siting, the number of trees affected by the proposed development can be minimised.***

3.10 Cumnock Community Council has not responded to their consultation letter at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 One letter of objection to the proposed development has been received and the grounds of objection are as follows:

4.2 The swimming pool is in such close proximity to the listed building (Broomfield House) that it will have an adverse effect on the appearance of the clubhouse. The trees in the immediate area are subject to a Tree Preservation Order which could have an effect on the area.

***See Response to 3.6.***

4.3 The objectors are concerned that the general public may use their car park as a public car park.

***This is a matter for the Rugby Football Club to enforce. The proposed swimming centre will be required to provide car parking facilities to meet appropriate parking standards which will be submitted as part of the detailed application.***

4.4 The area in front of the clubhouse has been used by the club for more than 20 years as a training area as it was not large enough for a football pitch or rugby pitch. They fear that if they lose this ground they will have nowhere else to train as at present only two small areas are available which are totally overused and unsuitable.

***This is an issue which requires to be addressed between the rugby club and the landowner. However, indicative plans discussed with the applicant suggest a training pitch for the rugby club forming part of the proposals for the swimming centre.***

4.5 A more suitable site could be found which would be more accessible to the general public and not one which is situated near to a bad corner where there already had been 2 accidents this year involving damage to the club boundary fencing. They feel that even the Auchinleck side of St Conval's would be a far more convenient site with much more room and easier access even although a roundabout may be required at Holmhead Road.

***The Roads Division have offered no objection in principle to the proposed development and believe that an acceptable access can be achieved. With regard to alternative locations for the swimming centre, the Committee is asked to consider only the merits of the proposal before them.***

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

5.1 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application, the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted Cumnock and Auchinleck Local Plan (1992). The Adopted Local Plan was prepared within the context of the then approved Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan the proposal would fall against this document and its associated policies. Policies 68 and 71 are relevant.

***The erection of a commercial leisure development such as the proposed swimming centre on the site should be assessed against the provisions of policy POL 68 of the adopted plan which states that, wherever possible, existing community facilities will be retained. The proposal provides a new community facility and therefore can be considered acceptable in terms of the policy. The proposal should also be assessed against policy POL 71 of the adopted plan which presumes against any development on maintained open space which is used for***

***recreational purposes or is important to amenity. While the development would involve the loss of an area of maintained, recreational open space, the area of land involved forms only a small portion of a much larger recreational area. The loss of this area for the proposed development is not considered to compromise the overall recreational or amenity use of the wider area. POL 71 is presaged in the Adopted Plan by an expressed desire to improve existing tourist and recreational facilities and provide new facilities. The proposal gives effect to that particular issue and is considered to be broadly consistent with Pol 71.***

## **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) 2002, (EALP) the consultation responses and representations detailed in Sections 3 and 4 of the report.

### East Ayrshire Local Plan Finalised Version with Modifications

6.2 The Adopted Cumnock and Auchinleck Local Plan is considerably out of date and it is therefore appropriate that greater weight should be attached to more recent expressions of Policy. The Council has agreed that the EALP should be considered as a prime material consideration. Policy RTC1 is relevant which adopts a sequential approach in assessing development proposals directing such developments firstly to town centres, secondly to edge of centre locations in preference to out-of-town centre locations. Applicants proposing such developments in such out of town centre locations should demonstrate that no suitable alternative site can be found or assembled within town centres and thereafter in an edge of centre location. Policy RTC5 requires the development to be assessed against a number of criteria

- i) Compliance with the sequential approach detailed in Policy RTC1
- ii) the effect of the development on the vitality and viability of the town centre
- iii) accessibility of the site by a choice of means of transport
- iv) the compatibility of the use with surrounding land uses
- v) quality of the design and finish of the proposal
- vi) compatibility of the proposal with all other policy objectives of the Local plan; and
- vii) implications that the development would have on existing infrastructure and the link and local road networks.

***The applicant has justified the development against the sequential approach. They have indicated that a study was undertaken by consultants which recommended this location as being ideal as it is already a sports area with running, rugby and football taking place. The site is also adjacent to two schools and in close proximity to a third school which enables school children to walk to these facilities. The site of the existing Cumnock Pool was discounted due to traffic access***

***difficulties, children's safety during dark winter months and general security issues due to its location being more detached from the hub of the community.***

***In terms of the other criteria of Policy RTC5, the Roads Division have no objections to the proposed development and it can be easily accessed by foot, car or public transport.***

***It would be compatible with the surrounding other leisure uses and its detailed design and finish would be submitted at the detailed application stage. The proposal does not conflict with other policy objectives of the East Ayrshire Local Plan which are detailed below.***

6.3 Policies TLR8 and TLR9 are also relevant which presume against development on those safeguarded areas of public and private recreational or amenity open space identified in the Local Plan. Developments considered appropriate include the creation of all-weather sports facilities, new playing fields, bowling greens, putting greens and the development of pavilions or other ancillary facilities. Policy TLR9 allows the development of both private and public recreational or amenity open space where the retention or enhancement of the facilities can best be achieved by the redevelopment of part of the site and where the development would not adversely affect the overall sporting, recreational and amenity value of the site itself and alternative provision of equal community benefit and accessibility can be made available within close proximity to the site or there is a clear long term excess of pitches, playing fields and amenity open space in the wider area.

***Although the proposed development is on maintained open space, it is a recreational use identified in Policy TLR8, the proposal is considered to be in keeping with both Policies TLR8 and TLR9 as it is an indoor recreational facility which will be provided for the benefit of the community and will enhance the recreational facilities of the surrounding area.***

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

7.1 There are no financial implications for the Council in the determination of this application. The Council has an ownership interest.

## **8. CONCLUSIONS**

8.1 As is indicated at Section 5 of the report the application is considered to be in accordance with the Development Plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

8.2 As is indicated at Section 6 of the report, there are material considerations relevant to this application and these are supportive of the proposal. The proposed development will provide an up-to-date recreational facility within an existing recreational area that will bring wide community benefits. The proposed development

is considered to be in accordance with the leisure and recreational policies of the EALP and the proposed location is considered to be acceptable. With regard to the letter of objection, matters such as the impact of the development on the setting and character of the Listed Building, impact on existing trees and car parking can be addressed at the detailed stage.

## **9. RECOMMENDATION**

**9.1 The application should be approved subject to the conditions indicated on the enclosed 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 would not be a significant breach of policy.

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

4 February 2003  
(PC/MS)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letter of Representation.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted Cumnock-Auchinleck Local Plan.
7. East Ayrshire Local Plan (Finalised Version with Modifications) 2002
8. Approved Ayrshire Joint Structure Plan

Anyone wishing to inspect the above papers should contact Pamela Clifford on (01563) 576772.

**Implementation Officer: Dave Morris**

Form TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 02/0763/OL

---

Location: Auchinleck Road  
CUMNOCK  
KA18 1AN

Nature of Proposal: Proposed swimming centre with ancillary facilities.

Name & Address of Applicant: Cumnock and District Leisure Group  
27 Walker Court  
CUMNOCK  
KA18 1TF

Name & Address of Agent: Barr Technical Services  
Heathfield  
AYR  
KA8 9SL

---

DPO's Ref: PC/MS

The above OUTLINE application should be granted subject to the following conditions:

1. Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby reserved.
  - (a) The layout of the site;
  - (b) The size, height, design and external appearance of the proposed building(s).
  - (c) The means of drainage and sewage disposal;
  - (d) Details of the access arrangements;
  - (e) The provision for open space and associated maintenance arrangements;
  - (f) The provision for car parking;
  - (g) The boundary walls/fences to be erected;
  - (h) The landscaping of the site and associated maintenance arrangements;
  - (i) Finished and existing site levels/floor levels.

REASON The approval is in outline only.

2. That the layout and elevational plans submitted along with the application are for information purposes only and shall not be treated as forming part of the issued consent.

REASON The approval is in outline only.

3. Prior to the commencement of development on site a Traffic Impact Assessment (TIA) shall be submitted to and approved by the Planning Authority addressing pedestrian, cyclist and public transport provision, traffic generation and parking provision. All measures required to be provided on the basis of the TIA shall be implemented on site prior to the opening of the swimming centre.

REASON The application is in outline only and such details are required to be approved and implemented in the interests of road safety and providing sustainable travel patterns.

4. The details to be submitted under Condition 1(d) above shall include at the site access on Auchinleck Road, a right-turn lane with the provision of pedestrian refuge islands. This lane and the refuge islands shall be installed on site prior to the opening of the swimming centre.

REASON In the interests of road and pedestrian safety.

5. 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.

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

REASON In the interest of visual amenity and to maintain the existing visual contribution of the trees to the amenity of the area.

7. Before any work commences 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 Sustainable Urban Drainage System shall thereafter be installed on site prior to the opening of the swimming centre.

REASON To ensure that adequate drainage is provided.

8. The details to be submitted under Condition 1(a), (b) and (f) shall propose a development whose form and layout shall respect the character and setting of the adjacent Listed Building and ensures the retention of the maximum number of trees on the site. Where trees are to be removed, substantial replacement tree planting shall be included as part of the proposal.

REASON To ensure the new development does not detract from the contribution of the existing features to the visual quality of the area.

9. The details to be submitted further to Condition 1 above shall allow for the swimming centre to be orientated such that it lies parallel to the site access road and thereby as far as practical away from the Broomfield House Listed Building.

REASON To secure a location which preserves the setting of the adjacent listed building.

10. The details to be submitted further to Condition 1 above shall allow for the provision on site of a minimum of 63 car parking spaces, including four for disabled persons and two for motor cycle/push bike parking.

REASON In the interests of road safety.

Notes to Applicant:

1. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.
2. The proposed access road shall comply with the Roads Development Guide 1996 and shall require Construction Consent from East Ayrshire Council Roads Division.
3. The Developer shall make early contact with the Scottish Environment Protection Agency and Scottish Water to confirm their request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require 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.
5. The applicant should notify Scottish Water in advance of any intention to empty the pool to the river.

**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.**