

## **EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 25 JUNE 2010**

**10/0465/PP: EXTENSION TO COMPENSATORY FLOOD STORAGE AREA  
AND FORMATION OF TEMPORARY ACCESS ROAD AT  
COMPENSATORY FLOOD STORAGE AREA, OPEN SPACE ON LAND TO  
REAR OF WYLIE CRESCENT, CUMNOCK  
BY: DEANWAY MUIR LTD**

**Report by Head of Planning and Economic Development**

**Click for Application Details:** <http://eplanning.east-ayrshire.gov.uk/online/caseFile.do?category=application&caseNo=10/0465/PP>

### **EXECUTIVE SUMMARY SHEET**

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

1.1 The proposal seeks the extension of the compensatory flood storage area (not yet constructed on site) which was approved as part of the Cumnock Office Development application (Planning Ref: 09/0076/FL). Site investigation has revealed that due to the position and crown level of the sewer an alteration to the approved storage area is required to allow for the area to functionally drain adequately in the event of any flood. The approved compensatory flood storage area is proposed to be extended in two separate areas:

- (i) to the south by 5m at the widest part, extending the existing consented area by 273sqm; and
- (ii) to the north east by some 13m which narrows and joins with a proposed temporary access road and compound, extending the area by 2,289sqm.

1.2 The engineering works associated with the proposed development would last for a period of two to three months and necessitate the excavation of material from the proposed compensatory flood storage area. This will require the removal of soil / subsoil from the site which will require to be removed by lorry to an approved deposition site. The vehicles carrying soils will access the site via Townhead Street during the above period.

1.3 Once completed the existing consented area and this proposed extension area will receive 200mm of topsoil and be grass seeded. A 2 metre wide pathway will be constructed around the edge of the area tying in with the existing path at both the north and south ends.

## **2. RECOMMENDATION**

**2.1 It is recommended that the application be approved subject to conditions.**

## **3. CONCLUSIONS**

3.1 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. As indicated in Section 5 above there are no specific development plan policies relevant to this proposal and greater weight should therefore be attached to the material considerations in this case. As indicated in Section 6 of the report, there are material considerations relevant to this application however it is considered that these would not merit refusal of the application.

3.2 The proposal is acceptable in terms of scale, location and design and is not considered to have any permanent adverse affect on the adjacent open space area or on the visual amenity of the surrounding area. The proposal is integral to the proposed Cumnock Town Centre regeneration and is acceptable in planning terms.

## **CONTRARY DECISION NOTE**

Should the Committee agree that this application be refused contrary to the recommendation of the Head of Planning and Economic Development then the application will not require to be referred to Council as it would not be a significant departure from Council Policy.

**Alan Neish**  
**Head of Planning and Economic Development**

**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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REAR OF WYLIE CRESCENT, CUMNOCK  
BY: DEANWAY MUIR LTD**

### Report by Head of Planning and Economic Development

#### 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for planning permission which is to be considered by the Southern Local Planning Committee under the scheme of delegation as the Council has an ownership interest in the land to which the application relates.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located within the settlement boundary of Cumnock lying to the rear of the houses on Wylie Crescent and those on River View. The surrounding area falls within a hollow between the two housing areas and is largely covered in rough tree planting along the river side and maintained grass land to the east. The site is positioned on a grassed area of undulating open space directly adjacent to the Glaisnock Water. To the north the ground rises and is made up of relatively dense shrub and tree planting. To the south a pathway follows the riverside through a dense area of tree planting leading to a pedestrian footbridge below the viaduct. To the east the land rises slightly to a level area of open space and then rises much more steeply to the houses of River View. To the west the site is bounded by the Glaisnock Water and on the opposite bank the ground rises to the dwellings on Coila Place and the rear of Wylie Crescent.

2.2 **Proposed Development:** The proposal seeks the extension of the compensatory flood storage area (not yet constructed on site) which was approved as part of the Cumnock Office Development application (Planning Ref: 09/0076/FL). Site investigation has revealed that due to the position and crown level of the sewer an alteration to the approved storage area is required to allow for the area to functionally drain adequately in the event of any flood. The approved compensatory flood storage area is proposed to be extended in two separate areas:

- (iii) to the south by 5m at the widest part, extending the existing consented area by 273sqm; and

- (iv) to the north east by some 13m which narrows and joins with a proposed temporary access road and compound, extending the area by 2,289sqm.

2.3 The engineering works associated with the proposed development would last for a period of two to three months and necessitate the excavation of material from the proposed compensatory flood storage area. This will require the removal of soil / subsoil from the site which will require to be removed by lorry to an approved deposition site. The vehicles carrying soils will access the site via Townhead Street during the above period.

2.4 Once completed the existing consented area and this proposed extension area will receive 200mm of topsoil and be grass seeded. A 2 metre wide pathway will be constructed around the edge of the area tying in with the existing path at both the north and south ends.

### **3. CONSULTATIONS RECEIVED**

3.1 Cumnock Community Council has not responded to their consultation at the time of writing.

3.2 Outdoor Services has not responded to their consultation at the time of writing.

3.3 East Ayrshire Council's Roads and Transportation Service has no objections to the development subject to the following conditions:

- (i) Advisory temporary traffic signs to be erected on Townhead Street (DIA 7001 and DIA 7301) in both directions during the work.
- (ii) Townhead Street to be kept clean at all times. Contractor to have a mechanical sweeper on site.

***The above comments can be attached as planning conditions to any consent granted.***

3.4 East Ayrshire Council's Flooding Section has no objections to the proposal.

***Noted.***

3.5 The Scottish Environment Protection Agency (SEPA) has provided detailed comments stating that due to the increase in the capacity of the storage area, it is thought that the area provides appropriate compensatory storage for the 200 year plus climate change level. As this area for storage is not a significant increase from the original application and associated Flood Risk Assessment (FRA) in support of the application it is not thought that additional modelling is required in this instance. However SEPA concludes that they object to the planning application unless the following planning condition is attached to any consent granted.

(i) The proposed compensatory storage area is to be maintained in perpetuity and subject to regular inspection/maintenance by an agreed party.

***The above comments can be attached as planning conditions to any consent granted.***

3.6 East Ayrshire Council's Environmental Health Division has no objections to the proposed development subject to the following conditions:

- (i) Noisy work on the site during construction should be restricted to 7am to 7pm Monday to Friday, 8am – 1pm on a Saturday, and no noisy work on a Sunday.
- (ii) Noise from the works during construction should be at such a level as will not cause annoyance or be otherwise detrimental to the amenity of the area. Particular cognisance should be paid to the close proximity of residential accommodation in the near vicinity.

***The above comments can be attached as planning conditions to any consent granted.***

#### **4. REPRESENTATIONS**

4.1 No third party representations have been received with regard to the proposed development.

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

5.1 For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (EALP) (2003).

##### Ayrshire Joint Structure Plan

5.2 There are no specific policies are relevant to this proposal.

##### East Ayrshire Local Plan

5.3 There are no specific applicable policies and therefore greater weight should be afforded to the relevant material considerations in the determination of this application.

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

6.1 The principle material considerations relevant to the determination of this application are the consultation responses, planning history, Scottish Planning Policy (SPP) and the impact on the amenity of the area.

### Consultation Responses

6.2 No significant issues have been raised in the consultation process which warrant refusal of the application.

### Planning History

6.3 Planning permission was approved for the erection of a 2990 sqm office plus associated car parking and compensatory flood storage at Greenholm Road, Cumnock by the Southern Local Planning Committee on 5<sup>th</sup> May 2009.

### Scottish Planning Policy (SPP)

6.4 The proposal seeks to extend the approved surface area occupied by the compensatory flood storage area required in relation to both the office development and the wider regeneration of the Glaisnock Shopping Centre. A full Flood Risk Assessment (FRA) has been undertaken. It is considered that the options for and assessment of flood storage have been considered in line with the principles of the SPP.

### Impact on the amenity of the area

6.5 The proposed extension to the existing approved compensatory storage area is not considered to be of a size significant enough to detrimentally impact on the surrounding amenity of the area. Traffic impacts may occur as a result of transportation of excavated material off site but these would be temporary in nature and are not considered to be of sufficient weight to justify refusal of the application.

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

7.1 There are no financial implications for the Council relative to this application. In terms of legal implications, whilst the Council has a ground ownership interest, there is no requirement to refer the application to the Scottish Government under Circular 3/2009 "Notification of Planning Applications" should Members choose to grant consent, since the proposal does not represent a significant departure from policy.

## **8. CONCLUSIONS**

8.1 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. As indicated in Section 5 above there are no specific development plan policies relevant to this proposal and greater weight should therefore be attached to the material considerations in this case. As indicated in Section 6 of the report, there are material considerations relevant to this application however it is considered that these would not merit refusal of the application.

8.2 The proposal is acceptable in terms of scale, location and design and is not considered to have any permanent adverse affect on the adjacent open space area or on the visual amenity of the surrounding area. The proposal is integral to the proposed Cumnock Town Centre regeneration and is acceptable in planning terms.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to conditions.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that this application be refused contrary to the recommendation of the Head of Planning and Economic Development then the application will not require to be referred to Council as it would not be a significant departure from Council Policy.

**Alan Neish**  
**Head of Planning and Economic Development**

RG/HM/RG  
14 June 2010  
FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application forms and plans
2. Statutory Notices and Certificates
3. Adopted East Ayrshire Local Plan
4. Alteration to the East Ayrshire Local Plan with Modifications
5. Planning application 09/0076/FL
6. Consultation responses

Anyone wishing to inspect the above papers should contact Robin Ghosh, Senior Planning Officer on 01563 553505.

TP24

**East Ayrshire Council**

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

**Application No: 10/0465/PP**

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Location	OPEN SPACE TO THE REAR OF WYLIE CRESCENT, CUMNOCK
Nature of Proposal:	EXTENSION TO COMPENSATORY FLOOD STORAGE AREA AND FORMATION OF TEMPORARY ACCESS ROAD
Name and Address of Applicant:	DEANWAY MUIR LTD
Name and Address of Agent	ANDREW CLARK 229 WEST GEORGE STREET GLASGOW

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Officer's Ref: Robin Ghosh

The above Planning Permission application should be approved subject to the following conditions:

1. The proposed compensatory storage area shall be maintained in perpetuity and be the subject of regular inspection/maintenance by an agreed party, details of which shall be submitted to and approved in writing by the Planning Authority prior to any development works commencing on site.

REASON: In the interests of flood prevention.

2. Notwithstanding the submitted plans, advisory temporary traffic signs shall be erected on Townhead Street (DIA 7001 and DIA 7301) in both directions during the period of construction work to the satisfaction of the Roads and Transportation Service.

REASON: In the interests of road safety.

3. Notwithstanding the submitted plans Townhead Street shall be kept clean at all times and the contractor shall have a mechanical sweeper available on site for that purpose.

REASON: In the interests of road safety.

4. Notwithstanding the submitted plans, following the grass seeding of the compensatory flood storage area, the ground on which the temporary access road has been formed shall be restored and re-graded to its former condition and then grass seeded to the satisfaction of the Planning Authority.

REASON: In the interests of the visual amenity of the area.

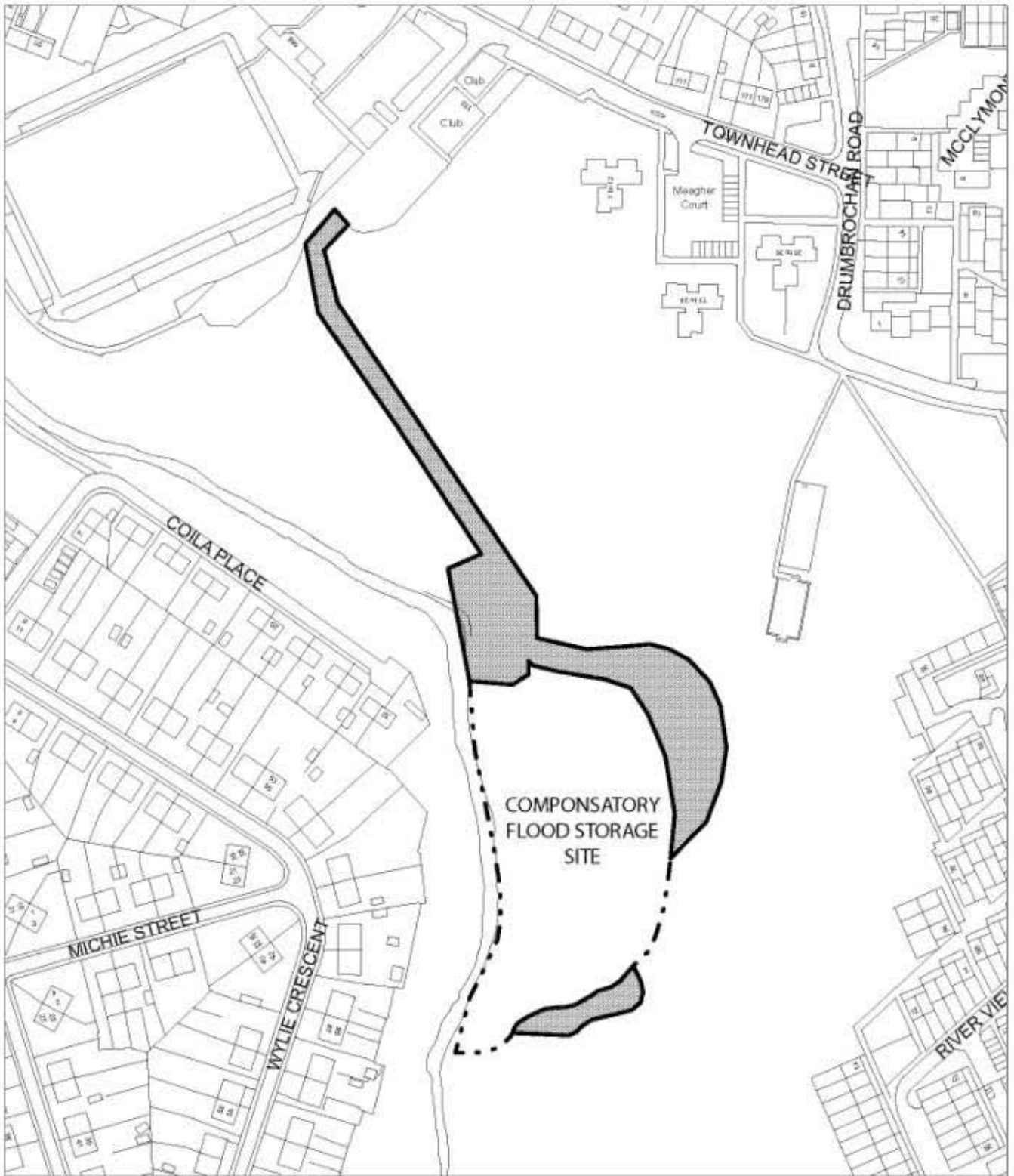
5. Noisy work on the site during construction shall be restricted to 7am to 7pm Monday to Friday, 8am – 1pm on a Saturday, and no noisy work on a Sunday.



REASON: In the interests of the residential amenity.

6. Noise from the works during construction shall be at such a level as will not cause annoyance or be otherwise detrimental to the amenity of the area. Particular cognisance should be paid to the close proximity of residential accommodation in the near vicinity.

REASON: In the interests of the residential amenity.





<p>Title/Location    <b>Land to Rear of Wylie Crescent</b> <b>Cumnock</b> <b>Application No. 10/0465/PP</b></p>	<p><b>East Ayrshire Council</b> Department of Neighbourhood Services Planning &amp; Economic Development Service 6 Croft Street Kilmarnock KA1 1JB Tel: (01563) 576790    Fax: (01563) 576774 E-Mail : <a href="mailto:Planning@east-ayrshire.gov.uk">Planning@east-ayrshire.gov.uk</a> <b>Com Date: 25/07/2010</b></p>
<p>Key</p> <p>    <b>Application Site</b></p>	<p style="text-align: right;"></p>

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