

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE – 24 APRIL 2009

**09/0076/FL: THE ERECTION OF 2990SQM OFFICE PLUS ASSOCIATED CAR
PARKING AND COMPENSATORY FLOOD STORAGE**

AT GREENHOLM ROAD/GLAISNOCK STREET, CUMNOCK

BY CUMNOCK REGENERATION (OFFICE) LTD

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the erection of a 2990sqm office development and associated works including two separate car-parking areas and an area of ground located to the south of the office site allocated for compensatory flood storage.

1.2 The general arrangement of the development site has been divided into two distinct levels - utilising the existing topography of the site. This allows for the office building to be positioned at the lower level adjacent to the Glaisnock Water and the associated 41-space staff car park, utilising the area of ground at a higher level directly to the west. A walkway is proposed on the western gable elevation leading to the car park and bin store area.

1.3 The application site boundary extends to Glaisnock Street where signalised junction improvements are proposed to allow for single flow traffic at one of the narrowest sections of Greenholm Road where it meets with Glaisnock Street.

1.4 The office building takes the form of a simple L- shaped building which helps enclose an area of public space immediately in front of the two principle elevations. Accommodation is proposed over two levels on the south, which backs on to the residential properties of Herdston Place and then rising to three levels of accommodation along the eastern side, which overlooks the Glaisnock Water. The building consists of a modern simple design incorporating a mono pitched roofline with modest overhangs falling towards the front of the building. This frontage/central area is proposed as public space/realm shared with a vehicular drop off area and disabled car parking (9 spaces). The building comprises of four main external finishing materials including a silver/grey standing seam roof finish, gloss dark grey aluminium cladding around window details and along the roofline and overhang, a sandstone coloured reconstituted brick work noted on the north gable creating a feature wall with the remainder of

the external walls finished in a lower base course and white render. Aluminium solar shading louvers are proposed above the principle windows on the south elevation.

1.5 The ground floor plan proposes that western side of the building be utilised as a wedding suite and office area. The building's main reception is located within the central area adjacent to the main entrance with a public library and a further office area located on the northern section of the building. All three functions have individual main frontal entrances leading directly into the area of civic space outside. An area directly to the east of the reception area contains a stairwell, lift, male, female and disabled toilets and storage area.

1.6 The building is noted as having three main distinct entrances/exits with a box shaped entrance canopy which is noted within the design statement as "signifying a sense of welcoming". As part of the design statement details of an area of landscaping are noted within the civic space creating a terraced approach to dealing with the natural topography. Details include grass terraces, water feature and hard surface finishes.

1.7 The area proposed for the compensatory flood storage is located approximately 300m upstream from the office application site on the eastern banks of the Glaisnock Water. The site extends to some 0.95 hectares.

2. RECOMMENDATION

2.1 It is recommended that this application for full planning consent 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 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise. As indicated in Section 6 there are material considerations relevant to this application however it is considered that these are generally supportive of the application.

3.2 It is considered that the representations made have not been substantiated through the consultation process and are not of sufficient weight to justify refusal of the application. Comments raised within the consultation process can be incorporated as conditions attached to any consent granted. Although the application site did benefit from planning consent for a residential development, this has now expired and the development of the site for an office development meets with the aims of the Cumnock Town Centre Masterplan.

3.3 It is considered that the proposed office development in terms of scale, density and layout is acceptable for the redevelopment of this brownfield site and with the use of carefully selected finishing materials and a sympathetic approach to the area of public open space/civic space and landscaping areas, will vastly improve the impact not only on the immediate area but the wider town centre.

3.4 The proposal signifies a positive and significant step forward in the regeneration of Cumnock Town Centre; in compliance with the aims established in the Masterplan. The condition of the site at present is unacceptable as it is in an untidy and overgrown condition. The development of this prominent site will help promote vitality within this central area of Cumnock and has the potential to act as a catalyst for the wider regeneration of the town centre as a whole.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, the application would not require to be referred to the Principal Planning Committee as this would not constitute a significant breach of policy.

Alan Neish
Head of Planning, Development and Building Standards

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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BY CUMNOCK REGENERATION (OFFICE) 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 full planning approval, to be considered by the Southern Local Planning Committee under the current scheme of delegation as it represents a major application with an accompanying Traffic Assessment.

2. APPLICATION DETAILS

2.1 **Overview:** East Ayrshire Council has identified the regeneration of Cumnock Town Centre as a priority which must be addressed in an integrated way focusing on the following key objectives:

- Providing jobs in the town centre
- Enhancing and extending the available retail offer
- Enhancing the public realm and the town centre environment and;
- Implementing improved traffic management and a parking strategy

2.2 The Cumnock Town Centre Regeneration Masterplan has been developed by a joint venture partnership comprising East Ayrshire Council and a private Sector Developer.

2.3 The Cumnock Town Centre Masterplan sets out a development framework for the regeneration of Cumnock Town Centre. The Masterplan document and associated Strategic Environmental Impact Assessment Environmental Report was adopted by East Ayrshire Council as supplementary planning guidance on 4th March 2009.

2.4 **Site Description:** The planning application is divided into two distinct areas. Firstly, the area of the office development and the area required for compensatory flood storage. The area proposed for the office is located within a central area of Cumnock falling within the designated Town Centre and out with the nearby Cumnock Conservation Area. The office is proposed on the south side of Greenholm Road positioned some 120 metres downhill and to the east of the junction of Greenholm Road with Glaisnock Street. The eastern boundary of the site lies adjacent to the maintained area of open space and Glaisnock Water walkway with the Sommerfield Supermarket site located directly across the Glaisnock Water accessed by the adjacent pedestrian footbridge. The pedestrian footpath runs along side the Glaisnock Water and links in with the residential area of Herdston Place immediately to the north. The land to the north is occupied by a traditional terraced row of residential properties accessed from Greenholm Road and to the west the site is bounded by vacant disused land at a higher level.

2.5 The site extends to an approximate area of 1.552 hectares and the ground is relatively level although the site rises sharply at the southern and southwestern boundaries towards the residential area of Herdston Place. The site is largely characterised by scattered scrub tree and shrub planting. A vacant standalone two storey building occupies a prominent position within the site fronting onto Greenholm Road.

2.6 Secondly, the area proposed for the compensatory flood storage is located approximately 300m upstream from the office application site on the eastern banks of the Glaisnock Water. Currently this area of ground is grassed and used as an area of open space. The site extends to an approximate area of some 0.95 hectares. Grassed areas of open space surround the application site to the north, east and south with housing backing onto the site at a higher level to the west.

2.7 **Proposed Development:** Full planning consent is sought for the erection of a 2990sqm office development and associated works including two separate car-parking areas and an area of ground located to the south of the office site allocated for compensatory flood storage.

2.8 The general arrangement of the development site has been divided into two distinct levels - utilising the existing topography of the site. This allows for the office building to be positioned at the lower level adjacent to the Glaisnock Water and the associated 41-space staff car park, utilising the area of ground at a higher level directly to the west. A walkway is proposed on the western gable elevation leading to the car park and bin store area.

2.9 The application site boundary extends to Glaisnock Street where signalised junction improvements are proposed to allow for single flow traffic at

one of the narrowest sections of Greenholm Road where it meets with Glaisnock Street.

2.10 The office building takes the form of a simple L- shaped building which helps enclose an area of public space immediately in front of the two principle elevations. Accommodation is proposed over two levels on the south, which backs on to the residential properties of Herdston Place and then rising to three levels of accommodation along the eastern side, which overlooks the Glaisnock Water. The building consists of a modern simple design incorporating a mono pitched roofline with modest overhangs falling towards the front of the building. This frontage/central area is proposed as public space/realm shared with a vehicular drop off area and disabled car parking (9 spaces). The building comprises of four main external finishing materials including a silver/grey standing seam roof finish, gloss dark grey aluminium cladding around window details and along the roofline and overhang, a sandstone coloured reconstituted brick work noted on the north gable creating a feature wall with the remainder of the external walls finished in a lower base course and white render. Aluminium solar shading louvers are proposed above the principle windows on the south elevation.

2.11 The ground floor plan proposes that western side of the building be utilised as a wedding suite and office area. The building's main reception is located within the central area adjacent to the main entrance with a public library and a further office area located on the northern section of the building. All three functions have individual main frontal entrances leading directly into the area of civic space outside. An area directly to the east of the reception area contains a stairwell, lift, male, female and disabled toilets and storage area.

2.12 The building is noted as having three main distinct entrances/exits with a box shaped entrance canopy which is noted within the design statement as "signifying a sense of welcoming". As part of the design statement details of an area of landscaping are noted within the civic space creating a terraced approach to dealing with the natural topography. Details include grass terraces, water feature and hard surface finishes.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Legal, Procurement and Regulatory Services Division have raised no issues with the proposal and confirm that the land within the application site comprises of Council owned ground but also partly land which the Council intends to acquire for the purposes of the regeneration project.

Noted.

3.2 East Ayrshire Council's Environmental Health Division (Ground Contamination) has identified this location as having the potential for soil contamination from its previous uses (formally used as Gas Works, Engineering Factory, Pottery, Smithy and Bacon Curing Factory). As a consequence of the previous uses there is a significant possibility that contaminants associated with these activities are present in the soil/groundwater at this location. Due to these factors comprehensive site investigation works have been undertaken and submitted in support of the planning application in the form of two reports. One report contains outline remedial options to mitigate the risk of exposure to contaminants in the soil to human receptors and drinking water supply pipes. The report recommends that further sampling and monitoring works are required to assess the risk to the water environment (surface and groundwater) and further ground and soil gas monitoring is undertaken to assess the requirements for gas protection measures (buildings). Similar monitoring is required in relation to the Compensatory Flood Storage Area noted within the Geo-Environmental Assessment Report.

These further works shall be required in order to provide an assessment of the risks to the water environment and buildings in line with the requirements of PAN33. A risk assessment requires to be submitted, prior to the formulation of a remediation plan, which will be employed, to mitigate the risks identified.

On completion of these remedial works a verification statement should be supplied documenting all remedial actions, which were undertaken at the site in line with CLR11 Model Procedures for the Management of Contamination.

Conditions can be attached to any consent granted ensuring the above works are implemented in advance of any development works commencing on site.

3.3 East Ayrshire Council's Environmental Health Division have no objection in principle to the proposal and offer the following comments.

- (i) Noisy work on 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.
- (ii) Noise from the works during construction shall at no time cause the underlying background noise level LA90(1 hour) to rise by more than 3dB(A) measured at the nearest noise sensitive location.
- (iii) All waste arising from the works shall be disposed of to the satisfaction of the Waste Management Authority and otherwise than by burning.

Noted. The above comments where relevant can be attached as planning conditions to any consent granted.

3.4 East Ayrshire Council's Roads and Transportation Division have no objections to the proposal subject to the following conditions:

- (i) A site development traffic plan shall be submitted for approval prior to works commencing on site.
- (ii) A minimum of 60 car parking spaces shall be provided within the site. The Roads Division recommend that the 10 temporary overspill spaces be increased to at least 30 spaces giving an overall car parking provision of at least 80 spaces.
- (iii) The access and surface of the temporary/overspill car park shall consist of a bituminous or grasscrete surface.
- (iv) The vehicular area at the frontage of the development should be one way as it will require to provide a turning area for vehicles at the end of the public road. Alternatively a separate turning area could be provided off Greenholm Road.
- (v) The junction of Greenholm Road/Glaisnock Street shall be controlled by a new traffic signal installation as indicated in the submission with ducting and signalling installed such that any future reconfiguration of the junction can be undertaken with minimal disturbance.
- (vi) The lower section of Greenholm Road shall be stopped up but with a footway maintained to the existing footbridge.

Noted. All traffic issues have been resolved to the satisfaction of the Council's Roads Division and the above comments can be attached as planning conditions to any consent granted.

3.5 East Ayrshire Council's Roads and Transportation Division (Flooding) has no objection to the proposal and provide the following comments:

Referring to the Halcrow Group Limited Flood Risk Assessment it would have been expected that this assessment would relate solely to the planning application above. The flood risk assessment submitted refers to a proposed shopping centre extension (Page 3 third paragraph and Page 4 second paragraph and Appendix C) and it also refers to a proposed Glaisnock Water Diversion (Page 4 third paragraph and is shown in Appendix C). Other references to these are reported elsewhere in the flood risk assessment. This only serves to confuse the intention of the flood risk assessment with respect to this application.

As the application is submitted on the proposal for an office block, associated car parking and flood compensatory storage area, the comments below are confined to these aspects.

With respect to the Halcrow flood risk assessment report I would comment as follows:

- 1) Page 4, it is recommended that a detailed analysis and design of the compensatory storage area be conducted to include detailed modelling of the compensatory storage area to test its operation. This will require to be done.

2) Page 5, it is noted that “SEPA’s guidance further states that a brief assessment on the potential impact of the development on river ecology, habitat and morphology should be included”. This will require to be done.

3) Page 26, paragraph 7.4, Design Considerations, the points noted will require to be addressed.

General Comments:

a) The Halcrow flood risk assessment report does not show the flood inundation map for the post scheme under this planning application (flood map shown in Appendix D2 details the river diversion post scheme); comment required.

b) More refined information with existing ground levels, floor levels etc and depths of inundation in the vicinity of the sports ground, supermarket, cottages and any other property that may potentially be affected, pre and post scheme is required.

c) It should be noted that the compensatory storage area will require to be constructed prior to any works undertaken downstream

Noted. The above comments can be attached as a planning condition to any consent granted.

3.6 Scottish Power have no objection in principle however state that apparatus is within/adjacent to the site which may require alteration or protection depending on the extent of the development.

Noted. The above comments can be attached as a planning condition / advisory note to any consent granted.

3.7 Scottish Water have no objection to this proposal stating that the water network that serves the proposed development is currently able to supply the new demand. In addition Cumnock Waste Water Treatment works has sufficient capacity to serve this proposal.

Noted.

3.8 Scotland Gas Networks has no objection to the proposed development provided that no mechanical excavations take place above or within 0.5m of the low pressure system, 2m of the medium pressure system and 3m of the intermediate pressure system.

Noted. The above comments can be attached as a planning condition / advisory note to any consent granted.

3.9 Scottish Environment Protection Agency has no objection to the proposal and offers the following detailed comments.

SEPA (via Flood Risk Hydrology) has provided pre-planning comments to the consultants tasked with resolving the issues relating to flood risk, however on review of the details subsequently submitted with the planning application, SEPA identified information gaps and consequently further discussion and dialogue was undertaken with Halcrow Yolles with a view to progressing these matters to a satisfactory conclusion.

Summary of Technical Points

In summary SEPA has no objection to the proposed development on flood risk grounds, subject to the following planning conditions being imposed:

- Proposed compensatory storage area to be maintained in perpetuity and subject to regular inspection/maintenance by an agreed party.

Surface Water Drainage

No SUDS information was provided with the application. The surface water drainage strategy for the site should ensure compliance with the requirements of General Binding Rule 10 (GBR 10) of The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR). Further information on this matter can be found on our website at http://www.sepa.org.uk/water/water_publications.aspx.

SEPA will expect surface water from the site to be treated in accordance with the principles of management train approach and to use best practice as detailed in the SUDS Manual (C697), published by CIRIA in March 2007.

SUDS should be provided for the buildings (roofs), car parks, access roads, etc., and that the design of the surface water drainage system must be site specific and dependent upon the contaminants at the site, the remediation strategy and the risks posed by any residual contamination, in addition to normal design considerations.

SEPA would have expected details of the SUDS strategy to have been submitted at this stage for our consideration.

- We would therefore request that, if planning permission is granted for the development, a suitably worded condition is included which requires the applicant to submit details of the proposed SUDS strategy for the perusal of the planning authority, in consultation with SEPA, prior to works commencing at the site.

SEPA would request the inclusion of this condition to ensure that the surface water discharge from the site will not cause detriment to the water environment, inclusive of groundwater.

Issues relating to the attenuation of the surface water discharge from the site are recognised as a matter for East Ayrshire Council.

River Engineering

The impacts of the proposed development and the provision of compensatory storage on the ecology and morphology of the water environment are normally addressed through the CAR licensing process, as these works would constitute an engineering activity which requires to be discussed, agreed and authorised by SEPA.

Reference should be made to SEPA's guidance and policies (see previous link), in particular, the applicant should have regard to WAT-RM-02: Regulation of Engineering Activities; WAT-PS-06-02: Culverting of Watercourses; WAT-PS-06-03: SEPA's Position Statement: Sediment Management; and the relevant supporting guidance on river engineering, e.g. bank erosion, river crossings and riparian vegetation management.

Land Contamination

SEPA is aware that the presence of contaminants at the site has been subject to previous investigations, including the land to be set aside for the provision of compensatory storage.

SEPA has a particular interest in pollution of the water environment arising from any land contamination at the site. It is for the Council to decide whether the site is suitable for the proposed use or can be made suitable for use in the context of any land contaminated at this location (PAN 33: Development of Contaminated Land provides guidance on this matter). This may include, or be informed by, the preparation of appropriate site investigation and risk assessments.

An objective of any investigation should be to determine whether or not any contamination present would constitute pollution of the water environment (including groundwater) so that any required remedial action can be undertaken prior to redevelopment. It is desirable that any investigation and remediation works should be at least sufficient to ensure that the site conditions, once developed, would not constitute contaminated land under Part IIA of the Environmental Protection Act 1990.

As the Local Authority is in most cases the lead authority in relation to contaminated land, SEPA advises consultation with your Environmental Services Department and those responsible for implementing the contaminated land regime in this regard. SEPA would only expect to be consulted when, after evaluation of all available information (including appropriate site investigations

and risk assessments), the local authority has determined that there is the potential for the site to impact on the Water Environment.

Construction, Pollution Prevention

Construction works associated with the development of the site must be carried out with due regard to the SEPA's guidelines on avoidance of pollution. Reference should be made to the relevant Pollution Prevention Guidance (PPG) Notes available on SEPA's website at www.sepa.org.uk and to the CIRIA publication C651 "Environmental Good Practice Pocket Book".

Any waste materials imported to the site during construction must be stored and used only in accordance with the waste management licence or exemption under the Waste Management Licensing Regulations 1994 (as amended). Similarly, any waste materials removed from the site must be disposed of at a suitably licensed or exempt waste management facility in accordance with these Regulations.

The applicants and their contractors should also be fully aware of the relevant requirements relating to the transport of controlled waste by registered carriers and the furnishing and keeping of duty of care waste transfer notes.

SEPA would also request the submission of a construction method statement for the land raising compensatory storage for the office development. The applicant should note that the importation of waste materials into the site must be discussed with SEPA to ensure these works comply with the relevant aspects of the Waste Management Licensing Regulations 1994 (as amended).

Noted. The above comments can be attached as planning conditions and or advisory notes to any consent granted.

3.10 Historic Scotland have no objection in principle and are satisfied that the office buildings would not adversely affect the Cumnock Conservation Area.

Noted.

3.11 Scottish Natural Heritage originally raised concerns relating to the natural heritage interests on the site notably the river Glaisnock Water which was noted as potentially capable of holding otters and water voles. As otters are afforded European Protection status SNH have requested a survey of otters and water voles within the immediate area. This survey was passed to SNH for further comments and SNH have now revised their response stating that although the survey found plenty of evidence of otter activity in the general area they found no evidence of actual otter residence in the immediate vicinity of the above site. The survey found no trace of water voles. SNH is content that the proposed

development will have no significant or lasting impact on the local natural heritage interests and therefore has no objection to the proposal.

Noted.

3.12 The Architectural Heritage Society of Scotland have objected to the proposal providing the following comments:

1. Relationship to the overall urban environment in terms of the regeneration strategy –

The project makes little acknowledgement of the Glaisnock Water and the potential of recreational use and general amenity of the banks and instead plays on the pedestrian linkage between car parks. A more viable and pleasant pedestrian route between the few historic buildings in Glaisnock Street would strengthen the objective of public realm improvement and connectivity of the contrasting commercial and other areas.

2. Site development and urban improvement guidelines –

The concepts of demarcated axis and activity nodes to define usable civic spaces and focus points have not been implemented. The disabled car park doubles as a general drop off point and vehicle access route. The civic space marked on the drawing shows no promise of public amenity use.

3. Architectural Quality –

The general bland character of the building does not appear to be suitable for a key site like this. The reference to the canopy being “welcoming” when it is simply a protruding box shape is symptomatic of this.

We have no objection to the site usage mix but rather to the unresolved manner in which it is proposed. A project like this should not just meet the objectives noted above but act as inspiration and stimulus for further development and the regeneration of the town.

Noted. The design of the building draws merit from simplicity, but benefits also from associated landscaping that softens its overall appearance. The development represents a positive addition to the town, noting, however, that the new buildings, landscaping and car parking lie out with the Conservation Area.

3.13 West of Scotland Archaeology Service indicates that the proposed development falls within an archaeological trigger area based on a historical record of plaque burials dated 1597 which are recorded to have taken place at Greenbraehead outside the medieval burgh of Cumnock at that time. There is no exact location for these burials but Greenbraehead in 1856 was recorded to be located at the Glaisnock end of Greenholm Road on the north side of the application site. Modern development on the site since is likely to have disturbed

to an unknown degree any sensitive deposits laid down in the past. It remains possible, however that highly significant archaeological deposits may survive within the current site in isolated pockets or islands of survival. Because of this WOSAS recommend that the potential archaeological issue could be best addressed by the attachment of a suitable condition to any consent the Council is minded to grant, where any surviving significant remains within the site could be preserved by record through archaeological excavation. Consequently the most appropriate alternative would be to attach a negative suspensive condition noted below:

(i) No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by West of Scotland Archaeology Service and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Noted. The above suspensive condition can be attached to any consent granted for the proposed development to ensure that appropriate arrangements are in place to safeguard archaeological remains in advance of any development works commencing on site.

3.14 Strathclyde Fire and Rescue confirm that following consideration of the plans they have no comment to make.

Noted.

3.15 River Ayr District Salmon Fishery Board have no comment to make specifically with respect to the office development as this alone does not propose major river work other than an area of compensatory flood storage.

Noted.

3.16 Ayrshire Rivers Trust has no objection in principle but wish to make the following comments:

Ayrshire Rivers Trust (ART) carried out a survey of invasive weeds across the Ayr catchment in the summer of 2008 and Japanese Knotweed was recorded as being abundant or dominant along the banks of the Glaisnock Water in the vicinity of the supermarket footbridge. If there is any construction work planned close to the Glaisnock Water then measures to prevent the disturbance or spread

of the Japanese Knotweed would need to be incorporated within any method statement.

Noted. The presence of Japanese Knotweed has been identified within the application site boundaries. As this is classed as a controlled waste it must be disposed of safely at a licensed landfill site according to the Environmental Protection Act Regulations 1991. As such a suspensive condition shall be attached to any consent granted.

3.17 Cumnock Community Council has not responded at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 Neighbour notification has been undertaken by the applicant and the application was advertised in the local press. Four letters of objection were received in addition to the objection raised by the Architectural Heritage Society of Scotland which is detailed in section 3.12 of this report. The main issues raised in the other representations are detailed below:

4.2 The width of Greenholm Road at the junction with Glaisnock Street will be too narrow to cope with the volume of traffic created by 150 council staff, visitors to the council offices, public library, wedding chapel/registry office and the housing association offices.

The Council's Roads and Transportation Division have been involved in detailed pre-application meetings with the applicant's architects to ensure the development has an effective and safe means of access/egress onto Glaisnock Street. This is supported by the details contained within the Transport Assessment prepared by Halcrow Group Limited dated February 2009. The information states that an analysis of the existing junction layout with the addition of development traffic indicates that the junction would operate with only a slight increase in queues and delays. However, it is proposed to signalise the Glaisnock Street/Greenholm Road junction to enhance vehicle and pedestrian safety as well as accessibility for servicing and public transport vehicles. Section 8.5 of the TA indicates that a number of options were tested before the most efficient phasing was identified and concludes that in order to operate the junction effectively it is proposed to assign a separate phase to each arm.

4.3 Presently Greenholm Road is used by two car repair businesses three funeral services, delivery vehicles to the rear entrance to Spar, Semi-Chem and numerous motorists using the road to gain access to the Sommerfield supermarket in order to avoid the one-way system. In addition my access/exit door to the car showroom will be in the middle of the traffic light system; therefore it will cause a major safety issue.

As detailed in the above response the Traffic Assessment has highlighted best practice enhancements to improve both pedestrian and vehicular safety at the junction point. In addition it is noted that the width of Greenholm Road is reduced from 6.0m to 4.0m at the junction to allow widening of the existing footway on the south side of Greenholm Road to 1.8m. It is further proposed to include a signalised pedestrian phase at the junction bell mouth to improve pedestrian accessibility to Glaisnock Street and it is also proposed to replace the existing zebra crossing on the south side of the junction with a controlled pedestrian phase at the junction. The points the objector raises are noted however the proposed works to the existing junction are considered an improvement to vehicular and pedestrian safety.

4.4 There will be a major financial effect on my business as according to your plans you are erecting traffic lights at the exit to my filling station. It will also have serious implications to evacuate the site in an emergency.

The financial implications relating to the objectors business are not valid planning grounds of objection. In terms of the safety implications, the proposed junction arrangements have been fully assessed through a detailed Traffic Assessment and independent assessment by the Council's Roads and Transportation Engineers.

4.5 The land in question has the benefit of planning permission for a housing development with this use being supported by the provisions of the development plan.

The southern section of the application site was subject to full planning approval for the erection of 19 residential flats, which was approved on 8th April 2004. To date no information has been approved in relation to discharging the suspensive conditions attached to this approval and no building warrant has been approved. Therefore no development works could commence on site and with the no further submission to extend the existing consent the planning approval has now formally expired (8th April 2009).

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 East Ayrshire Local Plan (EALP).

Ayrshire Joint Structure Plan

5.2 Policy STRAT2 states that the three Ayrshire Councils, working in conjunction with public and private sector agencies, will seek to increase the attraction of Ayrshire as a place to live, work, visit and invest, in 5 ways; 1 of which is directly relevant to this application:

C) supporting the Service Centres as the primary focus for development in the Investment Corridors;

As one of two service centres within the M74 Link Investment Corridor, Cumnock is considered to be an appropriate location for the relatively large office development currently proposed.

5.3 As stated in policy COMM1, the three Ayrshire Councils shall:

A) give priority to proposals that regenerate existing communities including the Coalfield Communities Initiative Area and Kilmarnock Town Centre

The current planning application forms a key part of the wider Cumnock town centre regeneration project and masterplan, which aims to take forward the regeneration of the town centre. This proposal is therefore considered to help meet the aims of this policy criterion.

5.4 Through COMM6, the three Councils shall promote the vitality and viability of town centres in 6 ways; 2 of which are pertinent to this proposal:

A) encourage a wide range of retail, commercial, business, entertainment and leisure and residential opportunities;

The proposed development site is within the boundary of Cumnock town centre and will increase and improve service provision within Cumnock. The town centre is therefore considered to be an appropriate location for such a development.

B) provide development of a size and scale appropriate to the function of the centre and serve the needs of its catchment;

As an identified service centre and the largest town within the M74 Link catchment area, the size and scale of the office development is

considered to be entirely appropriate to meet the needs of Cumnock and the wider area.

5.5 Policy ENV 8 (Flooding) states that:

A) In accordance with the policy in SPP 7, development proposals which would be at significant risk of flooding or which would increase the probability of flooding elsewhere will not be permitted. Local Plans will apply the policy in the light of SEPA's flood risk maps. There will be a presumption against land raising except in exceptional circumstances and in situations where this would not increase the risk of flooding within the area.

B) The three Ayrshire Councils shall take into account the need to preserve, enhance and create water storage areas, such as flood meadows, to reduce the risk of flooding in built up areas.

The current proposal includes provision for compensatory flood storage upstream from the actual office development itself. The Council's Flooding Engineer and SEPA have provided detailed responses to the proposed development and raise no flooding concerns which can not be included as conditions on any consent granted.

East Ayrshire Local Plan

5.6 Cumnock Development Opportunities - Cumnock 3

The current application site is identified in the Local Plan as miscellaneous development opportunity site 024M, whereby the Council will encourage and support a comprehensive mixed use development for uses appropriate to its location within Cumnock town centre as detailed in Schedule 5 of the Local Plan, community facility and residential purposes.

The use of the site for an office development, will involve elements of Class 2 and Class 4 office provision in addition to a library and marriage suite. Whilst Class 4 office is not specifically included in this designation, it is considered that the proposal will greatly benefit the provision of community facilities and public service provision within Cumnock and is broadly in accordance with the aspirations for this site.

5.7 Policy IND6 states that all proposals for new industrial or business development on land not specifically identified for such purposes on the Local Plan maps and changes of use of existing premises to industrial or business use will require to be justified against eight stated criteria.

As the development will involve an element of Class 4 office use, which is not specifically included within the designation of the site, the application requires to be assessed against the provisions of IND6.

The proposal should be assessed against

- (i) locational need;
The development will provide employment and improved service provision in Cumnock town centre, in a central and accessible location. It is considered that the proposed site is an appropriate location for this particular development.

- (ii) availability of alternative land/premises in established industrial areas or on land identified as part of the marketable industrial land supply
Although there are available sites elsewhere in the locality, it is considered that Cumnock town centre is the most appropriate location for this development, in terms of the regeneration benefits it will bring and with regards to ensuring services are delivered in a location accessible to all.

- (iii) economic benefit
The development will significantly increase the number of people employed in Cumnock town centre. It is anticipated that this will have knock on benefits for existing town centre businesses in terms of increased footfall in the town and may act as a catalyst for further new investment in the town.

- (iv) impact on surrounding environment and adjacent uses;
Given that the proposed site is within the town centre, where there is already a mix of uses including both commercial and residential properties, it is considered that the proposal is appropriate in relation to adjacent uses. The site is currently poorly maintained; therefore the proposed development will have a positive impact on the surrounding environment.

- (v) transportation and infrastructure implications
The Roads and Transportation Division have been consulted and have raised no adverse issues with regard to the proposal.

- (vi) loss of public amenity open space.
The development will not involve the loss of any maintained public amenity open space.

(vii) loss of prime quality and good quality locally important agricultural land falling within categories 1, 2, 3.1 and 3.2 of the Macauley Land Use Research Institute;

N/A

(viii) impact on natural and built heritage resources

A very small section of the application site, namely the alteration to the road junction at Glaisnock Street, falls within the boundary of the Cumnock Conservation Area. Assuming the alterations to the road junction can be made with minimal effect on the Conservation Area, it is considered that the proposal will have no significant impact on any natural or built environmental designations.

5.8 Through Policy CS1 the Council will, subject to the necessary finance being available, respond positively to changing needs and demands for community and educational facilities throughout East Ayrshire. Wherever possible, existing facilities will be retained and improved and support and encouragement will be given to all other community facility and public service organisations to maintain and improve the services they provide.

The proposed development will provide a new library and wedding suite within a central and accessible location, to the benefit of the local community. The proposal is therefore considered to be in accordance with this policy.

5.9 RTC2 states that the types of development detailed in Schedule 5 of the Local Plan will be considered acceptable in principle, within town centres and on those development opportunity sites identified as being suitable for such purposes on the Local Plan maps.

It is considered that the office development will include an element of Class 2 use (Financial, Professional and other services) on the basis that the office will have members of the public visiting it. As Class 2 is included as a Schedule 5 use, the proposed town centre site is entirely acceptable.

5.10 Policy RTC11 states that where a property falling within the classes of development detailed in Schedule 5 of the Local Plan becomes vacant or where a gap or infill site is available for redevelopment within Town Centres, the Council will encourage and support the re-use of the property or redevelopment of the site for appropriate similar Schedule 5 uses. The re-use of such properties or the redevelopment of the land to an appropriate residential or other alternative use not included within the above-mentioned classes will be acceptable only where:

(i) it can be demonstrated, to the satisfaction of the Council, that an appropriate use falling within the Classes described in Schedule 5 cannot be found.

(ii) the proposed use of the property is sympathetic to the character and amenity of the area concerned

The current application site comprises an area of vacant land within the boundary of Cumnock town centre, with the current proposal comprising of both Schedule 5 and non-schedule 5 uses. The site has been vacant for a number of years with no proposals for Schedule 5 uses coming forward. The proposed development is considered to be sympathetic to the character and amenity of the area concerned, therefore the development is in accordance with this policy.

5.11 Through Policy T3 the Council will require all developers to provide adequate car parking as an integral part of their development proposals to the standards laid down by the Council as Roads Authority. Parking standards for proposals relating to brownfield redevelopment sites within town centre areas, as shown on the Local Plan maps, may be relaxed by the Council where considered appropriate.

As the location represents a brownfield re-development site within a town centre area, this policy allows for the relaxation of car parking standards. However, minimum parking provision has been specified by the Roads Division and this can be secured by means of conditions attached to any consent.

5.12 As stated in Policy ENV4, the Council will seek to ensure that all development within or affecting the setting of a Conservation Area or affecting the appearance or setting of a Listed Building, is sympathetic to the area or building concerned in terms of its layout, size, scale, design, siting, materials and colour of finish. Wherever possible, all proposals should seek to preserve, enhance or incorporate features, which contribute positively to the character or appearance of the area and have due regard to the architectural and historic qualities of the area or building concerned.

As stated in response to IND6, the application site encroaches to a small degree into the Cumnock Conservation Area. It is considered that the proposal will have no significant impacts on the Conservation Area, assuming the changes to the road junction can

be incorporated sensitively, with thought given to the potential visual impacts on the Conservation Area.

5.13 Through Policy ENV8, the Council will encourage developers, in formulating their development proposals to take on board a number of considerations, 2 of which are particularly relevant to this application:

(v) their designs are architecturally innovative and sensitive to the character of the area in which they are proposed;

As part of the planning application, the applicant has submitted a design statement which outlines the approach to design and access. In general terms, the proposed design of the office development is considered to be appropriate for its location.

(vi) their developments are landscaped to reflect and compliment their surroundings

The design statement mentioned above gives some consideration to the proposed landscaping of the site. This includes a terraced area between the entrance and upper car park and a hard landscaped civic square at the entrance to the office development. It is however, considered that the landscaping of the site and in particular the civic square would benefit from further enhancement. It is also crucial that the landscaping associated with the development, links to the rest of the town centre, delivering wider benefits. This matter should be addressed by condition in order to ensure that the landscaping will bring real benefits to the development and to the wider town centre.

5.14 As stated in ENV17, in areas that have known to have flooded in the past, a precautionary approach to development will be pursued. The Council will require any developer wishing to develop land which has been known to flood in the past to fully investigate the implications of flood risk on their proposals and on adjoining land and property. Appropriate flood prevention measures should be incorporated into the design of their proposals so as to remove or reduce to an acceptable minimum, any adverse effects from flooding that may be experienced. The Council will consult with SEPA on any development proposals in areas of known flood risk in terms of the SEPA/Planning Authority Protocol on Flooding Issues and will expect developers to enter into agreements with the Council under Section 75 of the Town and Country Planning (Scotland) Act 1997, to provide and finance any necessary flood prevention infrastructure that may be required in association with their proposed developments.

As stated above in response to AJSP policy ENV8, the current proposal includes provision for compensatory flood storage upstream from the actual office development itself. SEPA and the

Council's Flooding Engineer have provided detailed comments on the proposal in relation to flood prevention and have raised no objections subject to the imposition of appropriate conditions.

In conclusion, the development is considered to be; on the whole, in accordance with the policies of the Ayrshire Joint Structure Plan as well as the Adopted Local Plan. In addition on 17 December 2008, a Cabinet decision was taken to approve the Cumnock Town Centre Masterplan which was subsequently adopted on 4th March 2009 as supplementary planning guidance, which provides a framework for the regeneration of the town centre. Following the Cabinet approval, the Masterplan shall be treated as a material consideration and due weight should be given to it in the determination of the current application.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the Alterations to the East Ayrshire Local Plan (finalised version with modifications), consultation responses received which are addressed in Section 3 of the report, the letters of objection, the planning history of the site, the Cumnock Town Centre Masterplan and the impact upon the amenity of the area.

6.2 For clarity , whilst development proposals will continue to be assessed first and primarily against the adopted local plan, the Council has now given authority for an appropriate and proportionate degree of weight to be given to the Alteration to the East Ayrshire Local Plan in the determination of planning applications. In this case, significant weight can be given to the policies below.

Alteration to the East Ayrshire Local Plan (finalised version with modifications)

6.3 As stated in Policy SD2, the Council will positively encourage new developments throughout East Ayrshire which make the area more attractive to inward investment. The Council will also specifically encourage developments for improved or additional facilities and amenities which, in turn, help improve the quality of life for residents, particularly within the more disadvantaged parts of the authority area and within those areas suffering from problems of economic and environmental decline.

The proposed office development will bring significant benefits to Cumnock in terms of providing better quality and more accessible community facilities. As a key part of the regeneration masterplan, it is anticipated that the office development will act as a driver for further investment in the town centre.

6.4 Through SD4, the Council will direct all new development to those development opportunity sites specifically identified on the local plan maps as being suitable for the type of development proposed. Any development on sites not identified for the specific purposes envisaged will be assessed on their own merits against the provisions of all appropriate local plan policies.

The current application site forms part of the identified development opportunity site 024M, on which the Council will support comprehensive regeneration and redevelopment for new office uses, a new supermarket and new/refurbished retail shop units appropriate to its location within Cumnock town centre. As the office development acts as the first stage of the regeneration project and masterplan, it is anticipated that the retail elements will follow on from this current application.

6.5 As stated in Policy IND3, proposals for business, industry and storage and distribution uses of a local nature falling within Classes 4, 5 and 6 of the Use Classes Order will be directed towards those Business and Industry Development Opportunity Sites specifically identified in the plan and safeguarded for such purposes on the local plan maps.

Although the site is not classed as a business and industry development opportunity site, the miscellaneous designation that incorporates the current application site allows for the development of Class 4 business use, in addition to other uses.

6.6 Policy RES1 states that the Council will encourage and support the residential development of those Development Opportunity Sites identified for housing purposes on the individual local plan maps. The sites identified will be specifically reserved for residential development at the indicative capacities indicated, with development taking place in line with any phasing programme as may be stipulated or agreed for the sites in question.

A section of the site is designated as a residential opportunity site (260H) with capacity for 19 houses, on the basis of an existing consent granted in 2004. However, this section of the site also forms part of miscellaneous site 024M, whereby the comprehensive regeneration and redevelopment of the area is supported, through the development of a new office, a new supermarket and new retail units, in line with the approved Cumnock town centre masterplan.

Although the development would result in the non-residential use of a site with a housing designation, it is considered that the current application site is central to the wider regeneration strategy for the town centre. Given the benefits to the town centre that the current application will bring, it is considered that the development of 260H

for a non-residential use can be justified (it is noted that the housing consent on 260H has now lapsed)

6.7 Through Policy RTC1, the Council will adopt a sequential approach in assessing development proposals for retail, commercial leisure developments and other uses appropriate to town centres as described in Schedule 6(i) of the Plan. Developers will be required to locate all such development firstly, in town centres as identified on the Local Plan maps; secondly, in edge of centre locations where no such town centre sites are available; and thirdly, in identified commercial centres as identified on the local plan maps, in preference to out of centre locations.

In addition to Class 4 office, the proposal involves an element of Class 2 (Financial, professional and other services) and an element of Class 10 (non residential institutions). As these are both included within Schedule 6(i), Cumnock town centre is considered an appropriate location.

6.8 As stated in RTC2, subject to the provision of all other retail and town centre policies, the Council will ensure that all development proposals for the classes of development detailed in Schedule 6(i) of the Local Plan are commensurate with the size and function of the area or settlement within which they are proposed. In this regard:

- (i) all major retail and other Schedule 6(i) uses of East Ayrshire wide impact and importance are directed to the main town of Kilmarnock;
- (ii) all major retail and other Schedule 6(i) uses of significant importance to a range of local communities within the investment corridors are directed to the service centres of Cumnock, Auchinleck, Stewarton, Galston and Dalmellington.

Given that the development will provide services both for Cumnock and the wider area, it is considered that Cumnock town centre is an appropriate location for this development.

6.9 Policy RTC3 states that both within town centres and elsewhere throughout the area settlements, the Council will positively encourage owners and developers to retain and improve all existing retail facilities and other facilities falling within Schedule 6(i) of the local plan.

Where changes of use of properties in Schedule 6(i) use are proposed or where a property in Schedule 6(i) use becomes vacant, the Council will, in the first instance, encourage and support the re-use or redevelopment of the property for an appropriate alternative Schedule 6(i) use.

The Council will also be supportive, in principle, to changes of use from Schedule 6(i) use to alternative Schedule 6(ii) uses or to the redevelopment of gap or infill sites within town centres for Schedule 6(ii) uses but only where it can be conclusively demonstrated by the applicant / developer that:

- (i) the properties or sites concerned have been actively and widely marketed for Schedule 6(i) uses for a period of six months and that no appropriate Schedule 6(i) use for the premises can be found; and
- (ii) the proposed development is sympathetic, in terms of its scale, design and material finish to the character and amenity of the area concerned.

The proposed development comprises the redevelopment of a vacant site within Cumnock town centre for both Schedule 6(i) and 6(ii) uses. The site has been vacant for a significant number of years and, in general terms, the proposal is considered to be appropriate in terms of the character and amenity of the area concerned. The proposal is therefore in accordance with this policy.

6.10 As stated in Policy RTC12, the Council will actively promote and support the upgrading and improvement of existing town centre environments and of other recognised local shopping centres or out of town centre retail and commercial areas as an integral part of any new development proposals pertaining to those areas. In this regard, the Council will actively encourage developers, where considered appropriate, to create new, accessible public open spaces and to carry out landscaping and environmental improvements to provide an enhanced setting for their particular development proposals.

As the application represents a highly significant development for Cumnock and the regeneration of its town centre, it is crucial that the associated landscaping works are carried out to a high standard so as to fully maximise the developments benefit to the town centre as a whole. At present, only limited details have been submitted with regard to the proposed landscaping and specifically the new civic square that is to be developed. The detail involved in these elements of the development will be vital in ensuring the success of the project and can further be enhanced by an appropriate condition attached to any consent.

6.11 Through CS1, the Council will respond positively to changing needs and demands for all community, educational, sporting, leisure, cultural and other facilities serving local communities throughout East Ayrshire. In particular, the Council will encourage and support the development of such new facilities as may be required and the upgrading, expansion and improvement of existing facilities to meet local needs.

As well as office accommodation the proposed development will incorporate a new library and marriage suite. The proposal will bring a number of key local services and community facilities together in one central location, helping to improve the accessibility of services for local residents. It is considered that this will improve community and educational facilities within the area and is therefore in accordance with this Local Plan policy.

6.12 Through Policy T4, the Council will require all developers to provide appropriate car parking as an integral part of their development proposals to the standards laid down by the Council as Roads Authority and in line with the provisions of the Council's proposed Parking Management Strategy. Parking standards for proposals relating to brownfield redevelopment sites within town centre areas may be relaxed by the Council where considered appropriate. Developer contributions will be directed, as considered appropriate and necessary, towards supplementing and improving the overall supply of public parking areas within town centres.

As the location represents a brownfield redevelopment site within a town centre area, this policy allows for the relaxation of car parking standards.

6.13 As stated in policy ENV7, development and demolition within a conservation area or affecting its setting shall preserve or enhance its character and be consistent with any relevant conservation area appraisal or management plan that may have been prepared for the area.

The design, materials, scale and siting of any development shall be appropriate to the character of the conservation area and its setting. Trees which are considered by the planning authority to have amenity value shall be preserved. Given the importance of assessing design matters, outline applications will not normally be considered appropriate in conservation areas.

Where an existing building, listed or not, contributes positively to the character of the conservation area, policy ENV5 on demolition shall apply. Where it does not, proposals for demolition will not be considered in the absence of a detailed planning application for a replacement development that enhances or preserves that character. Demolition will not begin until evidence is given of contracts let for the approved development.

The Council will seek to ensure that all development within or affecting the setting of a Conservation Area or affecting the appearance or setting of a listed building complies with the Council's appropriate Design Guidance. In particular, the Council will not be supportive of any development that is unsympathetic to the area or building concerned in terms of its layout, size, scale, design, siting, materials and colour of finish. Wherever possible, all proposals should seek to

preserve, enhance or incorporate features, which contribute positively to the character or appearance of the area and have due regard to the architectural and historic qualities of the area or building concerned.

The development site encroaches slightly into the Cumnock Conservation Area. It is considered that the development will have no significant impact on the town Conservation Area. As the only element of the proposal actually within the Conservation Area is the proposed alterations to the road junction at Glaisnock Street and Greenholm Road, it should be ensured that the alterations take into account any potential visual impacts on the Conservation Area.

6.14 Through ENV9 the Council will actively encourage and demand the highest possible standards of design from applicants in the formulation of their development proposals. All developers will be expected to comply fully with the Council's existing design guidance documents relating to, and advising on, the particular type of development proposed. Developments which do not meet the required design standards detailed in these documents will require to be fully justified and may not be supported by the Council.

The proposal has been accompanied by a design statement, presenting justification for the proposed design, scale and materials. It is considered that the design is generally appropriate for the site and its characteristics.

6.15 As stated in Policy ENV12, the Council will strongly encourage developers to include elements of public art as an integral part of their development proposals, especially with regard to proposals within the central areas of settlements and in association with rural development proposals related to tourism, leisure and recreational activities.

The design statement submitted by the applicant does not include an element of public art, with regard to the building itself or surrounding landscaped area. As the development is within a central area of Cumnock, the applicant should be encouraged to incorporate some form of public art.

6.16 Through Policy ENV21, the Council will ensure that all new development proposals:

- (i) are free from significant flood risk from any source;
- (ii) do not themselves materially increase the probability of flooding elsewhere;
- (iii) do not add to the area of land which requires protection by flood prevention measures;

- (i) do not take place on, or affect the ability of functional flood plains to attenuate the affects of flooding by storing flood water;
- (ii) do not compromise major options for future river management;
- (iii) do not give rise, through the introduction of necessary flood prevention measures, to any deterioration in the ecological status of the particular watercourse or body affected by the development; and
- (iv) meet all of the relevant provisions of Scottish Planning Policy (SPP) 7: Planning and Flooding, including the requirements of the Risk Framework detailed in the document.

Land raising, with compensatory storage, which permanently elevates a site above the functional flood plain of a water course, or elsewhere where flooding is an issue, will not generally be considered appropriate.

Developments which do not meet these requirements will not be supported by the Council. However, developments in the undeveloped functional flood plain could be considered acceptable in certain circumstances where a development location is essential for operational reasons and a lower risk location is not achievable, and for some recreational, sporting, amenity and nature conservation uses.

As stated above in response to AJSP policy ENV8, the current proposal includes provision for compensatory flood storage upstream from the actual office development itself. SEPA and the Council's Flooding Engineer have provided detailed comments on the proposal in relation to flood prevention and have raised no objections subject to the imposition of appropriate conditions.

Consultation Responses

6.17 The consultation responses are detailed in the report and have been carefully considered. The submissions do not raise any issues of sufficient weight to warrant refusal of this application. The Architectural Heritage Society of Scotland submitted an objection detailed in section 3 of this report. Whilst this raises valid planning issues relating to the overall design concept of the proposal the design statement submitted in support of the proposal assists in justifying the proposed design and use of materials. Any issues raised by consultees can be addressed by conditions should Members choose to grant consent.

Objections

6.18 The letters of objection and the objection received from The Architectural Heritage Society of Scotland have been addressed under Sections 3 and 4 of this report. None of the issues raised are considered to warrant refusal of this application.

Planning History

6.19 The most relevant application for Members consideration is the detailed planning application (ref: 02/0267/FL) for the proposed erection of 19 no. residential flats. The application was approved by the Southern Local Planning Committee subject to a Section 75 Legal Agreement in respect of a contribution to the Sports Leisure and Recreation Fund. This was completed and the decision notice issued on 8th April 2004. This consent has no expired without works commencing on site.

6.20 Advertisement Consent for the display of two site signboards advertising a forthcoming residential development within a central position on the road frontage of Greenholm Road was approved under delegated powers on 17th June 2008 (ref: 08/0393/AD).

6.21 An outline planning application for the re-routing of a section of the Glaisnock Water (ref: 09/0075/OL) is also before this committee for consideration.

Cumnock Town Centre Masterplan

6.22 The purpose of the Masterplan is to provide a development framework for the regeneration of Cumnock Town Centre. To meet the key objectives for the regeneration of Cumnock Town Centre, the Masterplan will provide the following:

- (i) Provision of a new supermarket;
- (ii) Modernise and extend Glaisnock Shopping Centre;
- (iii) Development of town centre offices for EAC and other agencies to deliver services locally;
- (iv) Improve town centre access, traffic flows, parking and pedestrian movements;
- (v) Enhance the public realm and appearance of the town centre.

6.23 The Cumnock Town Centre Masterplan has been subject to a Strategic Environmental Assessment as required by the Environmental Assessment (Scotland) Act 2005, which has fully assessed the likely significant impacts the Masterplan may have on the environment. The Environmental Report is an integral part of the Masterplan's development. It has helped to determine the final content of the Masterplan and assess the various components and likely significant environmental impacts that the Masterplan and its reasonable alternatives may have on the environment.

6.24 The Masterplan is the framework that the Council considers will achieve the regeneration of Cumnock Town Centre within acceptable environmental standards while achieving social and economic growth and this office development is considered to be an integral part of achieving this outcome.

Impact on Amenity

6.25 The site is currently classified as a brownfield site in a poor overgrown condition with a vacant two storey workshop present, in reasonably close proximity to the town centre and is visible over a wide area including from the Glaisnock Shopping Centre car park to the north and the approach from the east from Sommerfield supermarket. The site has lain derelict for a number of years and presently constitutes an unattractive feature within Cumnock. The re-development of this area of ground can only be a positive contribution to the visual amenity of the area.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 The Council has a financial interest in the application site in that the proposal has been submitted by its joint venture partners, Cumnock Regeneration Office Ltd. The Council also has an ownership interest in part of the site and cabinet authority has been granted for the acquisition of the remainder.

7.2 The Council has a legal interest in the development through its joint venture partnership, its ownership of part of the site and its ongoing negotiation for the acquisition of the remainder of the site. Should the council be unsuccessful in acquiring the remainder of the site by voluntary negotiation, it will have to consider the compulsory purchase of it.

7.3 The application will not require to be referred to the Scottish Ministers in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

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 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise. As indicated in Section 6 there are material considerations relevant to this application however it is considered that these are generally supportive of the application.

8.2 It is considered that the representations made have not been substantiated through the consultation process and are not of sufficient weight to justify refusal of the application. Comments raised within the consultation process can be incorporated as conditions attached to any consent granted. Although the application site did benefit from planning consent for a residential development, this has now expired and the development of the site for an office development meets with the aims of the Cumnock Town Centre Masterplan.

8.3 It is considered that the proposed office development in terms of scale, density and layout is acceptable for the redevelopment of this brownfield site and with the use of carefully selected finishing materials and a sympathetic approach to the area of public open space/civic space and landscaping areas, will vastly improve the impact not only on the immediate area but the wider town centre.

8.4 The proposal signifies a positive and significant step forward in the regeneration of Cumnock Town Centre; in compliance with the aims established in the Masterplan. The condition of the site at present is unacceptable as it is in an untidy and overgrown condition. The development of this prominent site will help promote vitality within this central area of Cumnock and has the potential to act as a catalyst for the wider regeneration of the town centre as a whole.

9. RECOMMENDATION

9.1 It is recommended that this application for full planning consent 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 Economic Development, and that the basis of that refusal related to the principle of the proposed development, then the application would require to be referred to the Principal Planning Committee as this would constitute a significant breach of policy;

Alan Neish
Head of Planning and Economic Development

15 April 2009
(RG/RG)

FV/DVM
Amended 29 April 2009

LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Letter of Objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. Modified East Ayrshire Local Plan
8. Application No: 02/0267/FL & 08/0393/AD
9. Cumnock Town Centre Masterplan and SEA Environmental Report (March 09)

Anyone wishing to inspect the above papers please contact Robin Ghosh Planning Officer, on 01563 555483.

Implementation Officer: Dave Morris

TP24

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 09/0076/FL

Site of Proposal:	Greenholm Road/Glaisnock Street, Cumnock
Nature of Proposal:	Erection of 2990sqm office plus associated car parking and compensatory flood storage
Name & Address of Applicant:	Cumnock Regeneration (Office) Ltd

DPOs Reference: Robin Ghosh

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

1. The proposed development shall be carried out in accordance with the application form, plans and reports received by the Planning Authority on 29th January 2009.

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

2. Prior to the commencement of development works on site a full site investigation shall be submitted to and approved by the Planning Authority in line with PAN33 to assess the risk of exposure to contaminants in the soil to key receptors. The investigation shall be conducted in line with BS10175:2001 code of practice for "The investigation of potentially contaminated sites" and will contain details of:

- (i) The nature, extent and type(s) of contamination on the site
- (ii) A site specific risk assessment of all relevant pollutant linkages and
- (iii) A remedial strategy (if required) to treat remove contamination to ensure the site is fit for the use proposed.

Reason: To ensure potential risks arising from previous site uses have been fully assessed.

3. Prior to any further site development the developer shall where contamination has been identified on site, submit a report confirming that the remedial work has been carried out in accordance with the remediation plan.

Reason: To provide verification that remediation has been carried out in accordance with the remediation plan and to the Authority's satisfaction.

4. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by West of Scotland Archaeology Service and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

REASON: In the interests of archaeological protection.

5. Prior to the commencement of any development works on site, the applicant shall submit to the Planning Authority for approval in consultation with SEPA, a detailed programme of works for the construction of the proposed office building that demonstrates the parallel construction and provision of the proposed compensatory flood storage area such that at no point during the construction works there will be any net loss of flood storage areas attributable to the construction works.

REASON: In the interests of flood risk mitigation and flood prevention.

6. Prior to the commencement of any development works on site a detailed analysis and design of the compensatory storage area be conducted to include detailed modelling of the compensatory storage area to test its operation as noted in the Halcrow Group Limited Flood Risk Assessment page 4. This shall be submitted to the Planning Authority for the written approval in consultation with the Council's Flooding Engineer.

REASON: In the interests of flood prevention.

7. Prior to the commencement of any development works on site further details addressing the points raised within the Halcrow Group Limited Flood Risk Assessment Page 26, paragraph 7.4, Design Considerations, shall be addressed and submitted to the Planning Authority for the written approval in consultation with the Council's Flooding Engineer.

REASON: In the interests of flood prevention.

8. Prior to the commencement of any development works on site further details relating to the flood inundation map for the post scheme under this planning application (flood map shown in Appendix D2 of the Halcrow Group Limited Flood Risk Assessment

details the river diversion post scheme) shall be submitted to the Planning Authority for the written approval in consultation with the Council's Flooding Engineer.

REASON: In the interests of flood prevention.

9. Prior to the commencement of development works on site, a detailed landscaping plan shall be submitted for the areas of public open space surrounding the office as shown on the approved plans. This shall include the finishing details for the civic space area and any associated public art and incorporate details of an appropriate mix of native trees, hedges plants and shrubs which shall be planted no later than the first planting season following completion of development.

REASON: In the interests of road safety.

10. Prior to any development works commencing on site details of the inspection and maintenance programme for the proposed compensatory storage area shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA; and thereafter undertaken as approved.

REASON: In the interests of flood prevention.

11. Prior to any development works commencing on site full details of the proposed Sustainable Urban Drainage System (SUDS) shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. The surface water drainage strategy for the site should ensure compliance with the requirements of General Binding Rule 10 (GBR 10) of The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR). The SUDS shall be provided for the buildings (roofs), car parks, access roads, etc., and the design of the surface water drainage system to be site specific and dependent upon the contaminants at the site, the remediation strategy and the risks posed by any residual contamination, in addition to normal design considerations.

REASON: In the interests of ensuring an effective Sustainable Urban Drainage System.

12. Notwithstanding the submitted plans the external entrance box canopies are not hereby approved. Further details of the finishing materials and signage shall be submitted for approval by the Planning Authority prior to any development commencing on site.

REASON: In the interests of the amenity of the development.

13. Notwithstanding the submitted plans, the external wall covering is not hereby approved. Details/samples of the external wall finish of the office block shall be submitted to and approved by the Planning Authority before any development commences on site.

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

14. Notwithstanding the details on the submitted plans the gutters and down pipes on the office building shall be aluminium or metal profile and of a colour to be agreed in writing by the Planning Authority.

REASON: In the interests of visual design.

15. Construction works and any associated deliveries on site shall not be carried out prior to 0700 hours and after 1900 hours on Monday to Friday, 0800 hours and after 1300 hours on a Saturday and not at any time on Sundays.

REASON: To prevent noise disturbance during the construction period extending into hours during which other sources of noise have subsided in the interest of residential amenity.

16. Prior to the commencement of any development works on site, a site development traffic plan shall be submitted to the Planning Authority in consultation with the Roads and Transportation Division for written approval.

REASON: In the interests of road safety.

17. A minimum of 60 car parking spaces shall be provided within the site. The Roads Division recommend that the 10 temporary overspill spaces be increased to at least 30 spaces giving an overall car parking provision of at least 80 spaces.

REASON: In the interests of road safety.

18. The access and surface of the temporary/overspill car park shall consist of a bituminous or grasscrete surface the details of which shall be submitted to and approved in writing by the Planning Authority prior to any works commencing on site.

REASON: In the interests of road safety.

19. The vehicular area at the frontage of the development shall be one way with a turning area for vehicles at the end of the public road provided. Alternatively a separate turning area could be provided off Greenholm Road the details of which shall be submitted to and approved by the Planning Authority in consultation with the Roads and Transportation Division prior to any works commencing on site.

REASON: In the interests of road safety.

20. The junction of Greenholm Road/Glaisnock Street shall be controlled by a new traffic signal installation as indicated in the submission with ducting and signalling installed such that any future reconfiguration of the junction can be undertaken with minimal disturbance.

REASON: In the interests of road safety.

21. The lower section of Greenholm Road shall be stopped up but with a footway maintained to the existing footbridge.

REASON: In the interests of road safety.

22. Prior to any development works commencing on site including site clearance, details of the methodology for the safe removal of any Japanese Knotweed encountered on site shall be submitted to and approved in writing by the Planning Authority.

REASON: In the interests of preventing the spreading of this controlled waste.

23. Prior to any development works commencing on site a construction method statement for the land raising and compensatory storage for the office development shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA and thereafter undertaken as approved.

REASON: In the interests of construction, pollution prevention.

Notes to Applicant:

1. Scottish Power have noted the presence of apparatus within the application site and advise that prior to development works commencing on site contact should be made directly with Scottish Power. Scottish Power can be contacted on 0141 567 4155.
2. Scotland Gas Networks advise that no mechanical excavations take place above or within 0.5m of the low pressure system, 2m of the medium pressure system and 3m of the intermediate pressure system. Scotland Gas Networks can be contacted on 0141 418 4093.

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