

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING COMMITTEE - 13 DECEMBER 2005

DECISION OF THE SOUTHERN LOCAL PLANNING COMMITTEE HELD ON 4 NOVEMBER 2005 RELATING TO PLANNING APPLICATION NO 05/1010/OL: PROPOSED RESIDENTIAL DEVELOPMENT ON LAND AT GLAISNOCK GLEN/PENDER'S WYND, CUMNOCK BY MR G ANTONUCCI

Report by the Depute Chief Executive/Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform the Committee of the decision of the Southern Local Planning Committee held on 4 November 2005, regarding the above planning application.

2. BACKGROUND

- 2.1 The Southern Local Planning Committee on 4 November 2005 considered a report dated 17 October 2005 (attached as an Appendix) by the Head of Planning, Development and Building Standards, and agreed to refer this application to the Development Services Committee with a recommendation for approval, the Local Planning Committee being of the view that residential development on this site would (i) not unduly compromise opportunities for industrial development in the local area, having regard to the availability of alternative locations for industrial development in Cumnock and it being considered that this is not a prime area for industrial development; and (ii) complement and enhance the adjacent existing housing estate; and therefore the proposed development would represent an acceptable departure from the Development Plan.
- 2.2 Two objections were submitted in respect of this application and a partial Hearing took place at the meeting of the Local Planning Committee held on 4 November 2005. Therefore, there is a requirement for a Hearing at this meeting.

3. FINANCIAL/LEGAL IMPLICATIONS - NIL.

4. POLICY IMPLICATIONS

- 4.1 The Committee are referred to the report dated 17 October 2005 by the Head of Planning, Development and Building Standards, attached as an Appendix to this report.

5. RECOMMENDATION

- 5.1** It is recommended that this Committee consider the planning application with reference to the report dated 17 October 2005 by the Head of Planning, Development and Building Standards and with consideration to the recommendation of the Southern Local Planning Committee, as detailed in Paragraph 2.1, above.

Elizabeth Morton
Depute Chief Executive/Executive Director of Corporate Support

15 November 2005
SN/SR

LIST OF BACKGROUND PAPERS

NIL

Any person wishing further information on this report should contact Bill Walkinshaw, Administration Manager, on telephone number 01563 576135.

Implementation Officer: Stuart Nelson, Administrative Officer.

APPENDIX I

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 04 NOVEMBER 2005

**05/1010/OL: RESIDENTIAL DEVELOPMENT AT GLAISNOCK GLEN / PENDERS
WYND, CUMNOCK**

APPLICATION BY MR G. ANTONUCCI

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline consent is sought for a residential development comprising of four dwellings. No further information has been provided in terms of the potential layout of the site or house styles and it is assumed that access to the site will be taken from the existing access road serving the Glaisnock Glen site although potentially access could also be taken from Pender's Wynd.

2. RECOMMENDATION

2.1 **It is recommended that the application be refused for the reasons listed on the attached sheet.**

3. SUMMARY OF ANALYSIS

3.1 As indicated in section 5 of the report, the application is not considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application.

3.2 Outline planning consent is sought for the residential development of an area of open ground positioned between Glaisnock Glen and Penders Wynd. The land in its current state contains no development or structures other than a boundary wall incorporating a metal fence with the majority of the ground largely overgrown. However the ground does provide a 'buffer' area between the relatively new residential development of Penders Wynd and the small industrial estate.

3.3 The consultation responses and representations received would indicate that the approval of this application could proceed without significant detriment but as the site is identified in the Local Plan as a safeguarded industrial area any residential

development clearly would be contrary to policy IND5 of the East Ayrshire Local Plan.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standard, the application will require to be referred to the Development Services Committee because it would represent a significant departure from the East Ayrshire Local Plan.

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.

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 04 NOVEMBER 2005

05/1010/OL: RESIDENTIAL DEVELOPMENT AT GLAISNOCK GLEN / PENDERS WYND, CUMNOCK

APPLICATION BY MR G. ANTONUCCI

Report by Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an outline planning application which is to be considered by the Local Planning Committee under the scheme of delegation, as the proposal is contrary to policy, is the subject of objection and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The site lies to the southern end of the settlement of Cumnock some 50 metres from the junction with Glaisnock Road immediately to the east of the existing access to Glaisnock Glen. The land is positioned between the existing industrial estate of Glaisnock Glen to the north and the residential development to the south and east along Pender's Wynd. The ground forms a 'buffer' zone between the business park and the residential development. The site in its current form is vacant overgrown ground enclosed by a red facing brick wall inset with painted black metal railings along the site frontage with Penders Wynd.

2.2 The site extends to an approximate area of 2800 metres² comprising of level undeveloped ground which in its current state is largely overgrown with a non-maintained appearance.

2.3 **Proposed Development:** Outline consent is sought for a residential development comprising of four dwellings. No further information has been provided in terms of the potential layout of the site or house styles and it is assumed that access to the site will be taken from the existing access road serving the Glaisnock Glen site although potentially access could also be taken from Pender's Wynd.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Cumnock Landward Community Council has not responded to the consultation letter at the time of writing this report

Noted

3.2 East Ayrshire Council Roads and Transportation Division has no objections to the proposed development subject to the following road safety requirements being met:

- (i) Any more than two individual properties served by a single access will require to be provided to adoptable standards
- (ii) Visibility sightline splay areas of 2m by 20m will require to be formed and maintained at any new private accesses onto Penders Wynd, with no obstruction greater in height than 1m allowed within these areas
- (iii) Access to individual plots must be taken via a tarred standard driveway access crossing to East Ayrshire Roads standards
- (iv) Parking provision shall be to the requirements of the Roads Development Guide
- (v) Any garages must be set back a minimum distance of 6m from the rear of the footway
- (vi) The private driveways will require to be paved for a minimum distance of 2 metres from the rear of the adjacent footway to avoid the overcarry of loose material onto the public road.

It has been further noted that the Roads and Transportation Division would not object to the this proposal provided access is taken off the public road (Penders Wynd) and not via the private industrial access road to the rear of the site.

Conditions can be attached to any consent granted for the development to meet the requirements of the Roads Division.

3.3 The Scottish Environment Protection Agency has no objections in principle to the development provided that all foul drainage from the development is connected to the public sewerage system in accordance with Scottish Water requirements. Surface water must be excluded from the foul drainage system to minimise the amount of drainage being treated and should be discharged to a separate soakaway or a watercourse via a suitably designed SUDS system.

Conditions can be attached to any consent granted for the development to meet the requirements of the Scottish Environment Protection Agency.

3.4 Power Systems has no adverse comments to make on this application

Noted

3.5 Transco has made no representations at this stage.

Noted

3.6 Scottish Water has made no representations at this stage.

Noted

3.7 East Ayrshire Council Environmental Health Division has no adverse comments to make on this application but makes the following comments:

- (i) Any waste arising from the construction works should be disposed of to the satisfaction of the Waste Management authority.
- (ii) Noisy work on the site during construction should be restricted to 7am to 6pm Monday to Friday, 8am – 1pm on a Saturday, and no noisy work on a Sunday.
- (iii) Noise from construction should be at such a level as will not cause annoyance or be otherwise detrimental to the amenity of the area.
- (iv) The views of Scottish Water should be sought with regard to drainage from the proposed development.

Conditions can be attached to any consent granted for the development to meet the requirements of the Council's Environmental Health Division.

4. REPRESENTATIONS

4.1 Two letters of representation have been received with regard to the proposed development. The main points of which are summarised below:

4.2 Concerns in relation to our security - if the perimeter wall were to be altered – we would object if the wall was not replaced in full to ensure Unit 1 had the same security as present.

At this stage no details have been provided as to whether the perimeter wall will be retained, however a condition can be attached to any consent granted to ensure the retention of the perimeter wall or formation of a new one.

4.3 We would also object if access to the houses was to be through the existing gates at Unit 1.

The proposal is in outline only and no access details or proposed layout are required to be provided. The Roads and Transportation Division has commented on this application as detailed in section 3.2 and state that they have no objections provided the access is taken off the public road and not via the private industrial access road.

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 (2003).

Ayrshire Joint Structure Plan

5.2 There are no policies contained in the structure plan which are especially relevant to the development.

Noted.

East Ayrshire Local Plan

5.3 Policy IND5 safeguards those established industrial areas as shown on the Local Plan Maps for business, industrial and storage and distribution uses.

The proposed site lies within a safeguarded industrial area which identifies the site only for those uses falling within classes 4, 5 and 6 of the Use Classes Order. It is also noted that this land forms an effective buffer between the business park and the housing estate although the ground does need landscaping improvements to make it less unsightly. Residential development at this location is contrary to policy IND 5.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultations Responses

6.2 The consultation responses received would indicate that approval of the application would be appropriate.

Representations

6.3 The two third party representations received show concern with respect to the possible disturbance of the industrial units located in Glaisnock Glen. However, these issues have been sufficiently addressed in Section 4 of the report and therefore it is considered that they are not of sufficient weight to merit refusal of the application.

Planning History

6.4 The red line site in question has been subject to a number of planning applications since being established and granted planning consent in 1991. Details of relevant applications are provided below:

- (i) 97/0523/FL – A detailed planning application for the erection of two light industrial units was approved on 17 September 1997
- (ii) 01/0011/FL – A detailed planning application was made for the erection of 4 dwellings and subsequently withdrawn on 20 February 2001
- (iii) 03/0296/FL – A detailed planning application was made for the erection of an office building and was approved on 18 June 2003.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As indicated in section 5 of the report, the application is not considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application.

8.2 Outline planning consent is sought for the residential development of an area of open ground positioned between Glaisnock Glen and Penders Wynd. The land in its current state contains no development or structures other than a boundary wall incorporating a metal fence with the majority of the ground largely overgrown. However the ground does provide a 'buffer' area between the relatively new residential development of Penders Wynd and the small industrial estate.

8.3 The consultation responses and representations received would indicate that the approval of this application could proceed without significant detriment but as the site is identified in the Local Plan as a safeguarded industrial area any residential development clearly would be contrary to policy IND5 of the East Ayrshire Local Plan.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons listed on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standard, the application will require to be referred to the Development Services Committee because it would represent a significant departure from the East Ayrshire Local Plan.

Alan Neish
Head of Planning, Development and Building Standards

17 October 2005
RG/RG
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Two Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).

Anyone wishing to inspect the above background papers should contact Mr Ghosh on 01563 555483.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/1010/OL

Location	LAND AT GLAISNOCK GLEN/PENDERS WYND, CUMNOCK
Nature of Proposal:	OUTLINE CONSENT FOR RESEDENTIAL DEVELOPMENT
Name and Address of Applicant:	MR G ANTONUCCI 23 PORTLAND ROAD KILMARNOCK KA1 2BT
Name and Address of Agent	MUNRO ARCHITECTS 23 PORTLAND ROAD KILMARNOCK KA1 2BT

DPO's Ref: Robin Ghosh
PPO's Ref: Hugh Melvin

The above **OUTLINE** application should be refused for the following reason: -

1. The proposed development would constitute a residential development within a safeguarded industrial area which is not a use within classes 4, 5 and 6 of the Use Class Order 1997. The proposed development is therefore contrary to Policies IND5 of the adopted East Ayrshire Local Plan 2003.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**