

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 27 JANUARY 2006

**05/1011/OL: PROPOSED RESIDENTIAL DEVELOPMENT AT CAMERON
CRESCENT, CUMNOCK**

APPLICATION BY MR WILLIAM SMITH

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the erection of two dwellings.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As indicated in section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application.

3.2 The application site falls within the settlement boundary of Cumnock and is proposed on a corner area of open ground. As this proposal complies with the requirements of policy RES4 the principle of a residential development at this location is acceptable.

3.3 To conclude, the consultation responses and representations received would indicate that the approval of this application would be appropriate given the attachment of appropriate conditions including restricting the style of dwellings to be single storey, in keeping with the adjacent properties of Cameron Crescent.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee because it would not be classed as 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: 27 JANUARY 2006

**05/1011/OL: PROPOSED RESIDENTIAL DEVELOPMENT AT CAMERON
CRESCENT, CUMNOCK**

APPLICATION BY MR WILLIAM SMITH

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 subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located on a corner plot where Cameron Crescent meets with John Allan Drive within the southern area of Cumnock. The site is bounded to the west by the public footpath and road of Cameron Crescent and, across which on the opposite side, an area of open ground lying between two dwellings. The ground immediately to the rear of the site forms a triangular portion accessed from John Allan Drive with a section of hard surfacing remaining. John Allan drive lies to the east of the site and occupies an elevated position with steps leading down to the triangular area of ground. The house types in close proximity to the application site along John Allan Drive are two storeys in height with a mix of single storey bungalows positioned along Cameron Crescent. To the south a single storey bungalow is adjacent to the application site with a 1 metre high wooden fence creating a distinct boundary.

2.2 The site extends to an approximate area of 760 metres² comprising of open ground with a gradual slope falling in a westerly direction.

2.3 **Proposed Development:** Outline planning permission is sought for the erection of two dwellings.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Cumnock Landward Community Council have objected to the application on the grounds listed below:

The reason for the objection is the site is a location for a play area and was until the Council removed the items of play for safety reasons. It is our belief that the play area has not been discontinued and it awaits prioritisation by the Council for further use as a play area. It is the intention of our Community Council to apply for external funding to reinstate the play park at an earlier timescale than the Council, with the Council having responsibility for maintenance of the site.

Following from this formal objection clarification was sought with the Council's Property Division to ensure that the proposed application area is not under Council ownership. It is noted that the application site does not belong to the Council with Council ownership restricted to a triangular portion of ground lying to the east of the site and taking access from the steps provided on John Allan Drive. This area of ground was the site of the former play area with only a hard surface area and steps remaining. Therefore, as the application site is not owned by the Council and an area remains to the rear of the site, it is considered that such comments are not relevant to the determination of this application.

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) Access to the site shall be taken via a standard driveway access crossing to East Ayrshire Roads Department standards at the southern end of each plot or twinned between the plots.
- (ii) A minimum of two number of road car parking spaces shall require to be provided for each dwelling.
- (iii) Each proposed driveway/parking area should not be less than 6 metres in length by 4.8 metres wide for a 2/3 bedroom house.
- (iv) Any garages must be set back a minimum distance of 6m from the rear of the footway
- (v) The private driveway will require to be paved for a minimum distance of 2 metres from the rear of the footway, to avoid the over carry of loose material onto the public road.
- (vi) Visibility sightline splay areas of 2.5m by 90m will require to be maintained at the junction between Cameron Crescent and John Allan Drive, with no obstruction to visibility greater in height than 1 metre allowed around the property boundary adjacent to the public road.

- (vii) Visibility sightline splay areas of 2.0m by 20m will require to be formed and maintained at the access points, with no obstruction greater in height than 1 metre allowed within the splay areas formed.

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

- 3.3 East Ayrshire Council Housing Division has no adverse comments to make on this application.

Noted.

- 3.4 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.

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

- 3.5 Power Systems has no adverse comments to make on this application.

Noted.

- 3.6 Transco has no adverse comments to make on this application.

Noted.

- 3.7 Scottish Water has no objections in principle to the proposed development providing that a separate application is made to Scottish Water Planning and Development Services team for permission to connect to the public wastewater system and/or water network. In addition, a separate drainage system may be required with respect to the surface water discharge from the site.

Notes can be attached to any consent granted for the development to meet the requirements of the Scottish Water.

4. REPRESENTATIONS

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

4.2 During the planning process for my property, namely 1A Cameron Crescent, the position of my dwelling was to be positioned some 10 – 12 metres from the road edge at Cameron Crescent. This was to keep the building inline with dwellings previously built. Also the boundary fence adjacent to the site in question was restricted in height. Reasons that I was given were for road safety and sight lines. After inspecting the submitted plans, the two no. dwelling houses appear to be closer to the road at Cameron Crescent. Surely the same building line and sight line restrictions should be imposed for this development.

Although the proposed two no. dwellings are positioned on Cameron Crescent, it will not be possible for any new development to follow the same building line as that of properties to the south. This is primarily due to the site area and the corner location. However, as stated in section two of this report, the Roads and Transportation Division have provided detailed conditions which would have to be attached to any consent granted to ensure that the visibility sightlines can be maintained and achieved at both new vehicular accesses and at the junction with John Allan Drive.

4.3 Further to my planning process I was restricted to only one window on the north gable elevation. This was due to overlooking of properties on John Allan Drive. If this development goes ahead my existing gable window will now overlook the rear of these dwellings. A total contradiction to previous conditions.

It is not possible in the content of this report to provide justification for the decisions made in a previous planning application. However, it is perceived that overlooking from the dwelling in question to the application site will be at a minimum due to the distance between the gable elevation and the site boundary and due to the lower level of ground within the application site.

4.4 I have also noticed from submitted plans a proposed diversion of the existing sewer system. I would like to point out that a number of properties are connected to this sewer system. Indeed during winter months and during heavy rain, this system backfills and overflows into my garden. I have real concerns that any work on this sewer will increase this problem as there doesn't seem to be any chance of increasing sewer gradients.

These concerns are noted. However, as part of the consultation process, as detailed in section two of this report, Scottish Water is formally consulted and asked to provide detailed comments on the proposal. They have not objected and it will remain the case that the developer will have to secure all appropriate permissions, including from Scottish Water, in terms of delivering their development. In the interests of the amenity of neighbouring properties, clarification of the means of service diversion can be sought by condition.

4.5 The issue we have is the sewage being diverted and we are very concerned that it might interfere with the working of the pump we had to install for the sewage when we built our house. We have been told there have been a few problems with the sewage in the past.

As detailed above, any works the applicant carries out on the mains sewer will have to be to the complete satisfaction of Scottish Water and as part of the planning consultation process Scottish Water have not formally objected at this stage to the proposed development. If this proposal is approved the applicant will have to enter into discussions with Scottish Water's Planning and Development Services team for permission to connect to the public system. It should also be noted that the granting of planning consent does not guarantee a connection to Scottish Water's assets.

4.6 Our other issue is we hope it is proposed bungalows to keep in line with the rest of the Crescent.

As noted Cameron Crescent has a mixture of house styles with the majority being single storey bungalows. Any consent granted for this particular site would be conditioned so that any future dwelling would be single storey in nature, consistent with the adjacent properties of Cameron Crescent.

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 relevant to this application contained within the Ayrshire Joint Structure Plan.

East Ayrshire Local Plan

5.3 Policy RES4 states that, within Settlement Boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites, including those sites created through the large scale demolition of existing housing, not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed against a set of four stated criteria, as follows:

(i) impact on the surrounding natural and built environment and adjacent uses;

Residential use at this site would have limited impact on this existing housing area.

(ii) transportation and infrastructure implications;

This is subject to satisfactory responses from the Roads Division and other consultees.

(iii) compatibility with surrounding densities and housing types; and

It is not possible to comment on house types at this time as the application is in outline only. The site is of sufficient size to accommodate two houses.

(iv) compliance with the Council's Development Promotion and Design Guidance.

It is not possible to comment on design at this time as the application is in outline only.

5.4 Policy RES22 requires all developers to observe the minimum standards for the provision of private open space detailed in Schedule 4 of the Local Plan.

The applicant has indicated that the proposal is for two houses. Although no formal layouts have been provided for this outline application, the applicant should be aware that a minimum of 100m² of secluded private open space per dwelling is required.

It is considered at this stage that this proposal is consistent with policy and therefore, supported by the development plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representations and the statement of support.

Consultations Responses

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

Representations

6.3 The Cumnock Landward Community Council has objected to this proposal on the grounds that the site should and possibly will still be utilised as a play area. However, the applicant has clearly certified land ownership within the application forms and therefore would have no obligation to provide a play area. This has been further certified by contacting the Council's Property Division which has clarified the application site is not owned by the Council. It should be noted that a triangular area of ground still remains to the rear of the application site which is accessed by steps from John Allan Drive forming part of the former play area and considered to be of a suitable size for any future play equipment.

6.4 The two, third party representations received show concerns with respect to building lines and sightlines, the type of development proposed and impact on the current infrastructure, all of which are valid concerns. However, it is considered that the points raised have been sufficiently addressed in both Sections 2 and 4 of the report and therefore it is considered that they are not of sufficient weight to merit refusal of the application.

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 considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application.

8.2 The application site falls within the settlement boundary of Cumnock and is proposed on a corner area of open ground. As this proposal complies with the requirements of policy RES4 the principle of a residential development at this location is acceptable.

8.3 To conclude, the consultation responses and representations received would indicate that the approval of this application would be appropriate given the attachment of appropriate conditions including restricting the style of dwellings to be single storey, in keeping with the adjacent properties of Cameron Crescent.

9. RECOMMENDATION

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

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee because it would not be classed as a significant departure from the East Ayrshire Local Plan.

Alan Neish
Head of Planning, Development and Building Standards

11 January 2006
RG/SMB
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: 05/1011/OL

Location	Cameron Crescent, Cumnock
Nature of Proposal:	Proposed Residential Development
Name and Address of Applicant:	Mr William Smith Snr Skerrington Mill John Allan Drive, CUMNOCK KA18 3AF
Name and Address of Agent	Mr Robert Lang 25 Bellevue Crescent AYR KA7 2DP

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

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

1. 1) The further approval of the Planning Authority shall be obtained in respect of the under mentioned matters hereby reserved. The development of the site shall not commence until all these reserved matters have been approved:
 - (a) the overall site layout/internal layout of the house plots;
 - (b) the size, height, design and external appearance of the proposed dwellinghouses;
 - (c) the means of drainage and sewage disposal including the provision of a SUD system and details of any service diversions consequent on the development of the site;
 - (d) details of the access arrangements;
 - (e) the provision for car parking and turning within the site;
 - (f) the boundary walls/fences to be erected;
 - (g) the provision of private open space to East Ayrshire Council's standards;
 - (h) existing and finished site levels/floor levels.

REASON: The approval is in outline only.

2. Notwithstanding the provisions of Condition 1(b) above, the proposed dwellinghouse shall be single storey in height and of a similar design to the adjacent properties on Cameron Crescent.

REASON: In the interests of residential visual amenity.

3. Notwithstanding the provisions of Condition 1(d) above, visibility splay areas of 2.0 metres by 20 metres shall be provided at the access points with no obstruction to visibility greater than 1 metre in height being allowed within these areas.

REASON: In the interest of road safety.

4. Notwithstanding the provisions of Condition 1(d) above, the visibility splay areas of 2.5 metres by 90 metres shall be maintained at the junction of Cameron Crescent with John Allan Drive with no obstruction to visibility greater than 1 metre in height being allowed within these areas.

REASON: In the interest of road safety.

5. Notwithstanding the provisions of Condition 1(d) above the access to the site shall be taken via a standard driveway access crossing to East Ayrshire Roads Department standards at the southern end of each plot or twinned between the plots.

REASON: In the interest of road safety.

6. Notwithstanding the provisions of Condition 1(e) above, the driveways shall not be less than 6.0 metres in length and 4.8 metres wide.

REASON: In the interest of road safety.

7. Notwithstanding the provisions of Condition 1(e) above, any garage to be erected shall be set back a minimum distance of 6 metres from the rear of the footway.

REASON: In the interest of road safety.

8. Notwithstanding the provisions of Condition 1(e), a minimum of 2 no. off road parking spaces shall be provided within the application site.

REASON: In the interest of road safety.

NOTES TO APPLICANT

- 1) Scottish Water has advised that contact should be made with their Developer Services section to discuss how the proposed development would be best served by a public water supply. Scottish Water Developer Services can be contacted on Tel 0845 601 8855.
- 2) Contact should be made with the Scottish Environment Protection Agency (SEPA) with regards to surface water drainage arrangements. SEPA can be contacted at the Ayr Office, 31 Millar Road, Ayr, Tel: 01292 294000