

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 24 FEBRUARY 2006

**05/0524/RM: PROPOSED HOUSING DEVELOPMENT COMPRISING THE
ERECTION OF 36 DWELLINGHOUSES, PLOTS 65 TO 100,
PHASE 8, HOLMHEAD, CUMNOCK**

APPLICATION BY D. KING AND SON

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Consent is sought under Reserved Matters for the erection of 36 detached dwellinghouses within the Phase 7 development area. It is proposed to erect a range of house types within the application site as follows:

- (i) 12 Kelburne Type (1½ storey, 7 apartments);
- (ii) 9 Kilchattan Type (single storey, 5 apartments);
- (iii) 11 Cumbrae Type (2 storey, 5 apartments); and
- (iv) 4 Croy Type (single storey, 3 apartments).

1.2 The proposed house types, in terms of style, design and use of finishing materials, are consistent with those currently under construction within the site and those already constructed in previous phases of development at this location. The proposed development to the west bounds an area of proposed open space to serve the wider Holmhead area. A link footpath is provided within the proposed layout serving as an access to this open space.

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, however, it is considered that these issues have been assessed and are supportive of the proposed development.

3.2 The proposed development represents a further phase of residential development within the King Homes development site at Holmhead, in accordance with the site layout previously approved for the site.

3.3 It is not considered that the points of objection are valid or of sufficient weight to justify refusal of the application. Furthermore, the proposed dwellings are of a scale, style and design the same as recent phases of development within the King Homes residential development site, as are the proposed finishing materials for the dwellinghouses.

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 in terms of the principle of the proposed development, the application will require to be referred to the Development Services Committee as 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.

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APPLICATION BY D. KING AND SON

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 a reserved matters application which is to be considered by the Local Planning Committee under the scheme of delegation because it is a larger development of area significance and is the subject of an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located off Robbiesland Drive, in Holmhead, Cumnock and lies some 30 metres north-east of the junction of Robbiesland Drive with Sullivan Way and forming a loop back down towards the junction of Robbiesland Drive with Holmhead Road. The site extends to approximately 2.21 hectares and comprises an area of undeveloped land to the north of the established residential area of Holmhead. The application site represents the eighth phase of residential development by King Homes in Holmhead.

2.2 The site is elevated on a rise above the existing residential development and is constrained to the north by the existing railway cutting of the Kilmarnock – Dumfries rail line. The existing Phase 7 residential development at Sullivan Way lies to the east while the land to the west is open, undeveloped and zoned for future housing development.

2.3 **Proposed Development:** Consent is sought under Reserved Matters for the erection of 36 detached dwellinghouses within the Phase 7 development area. It is proposed to erect a range of house types within the application site as follows:

- (i) 12 Kelburne Type (1½ storey, 7 apartments);
- (ii) 9 Kilchattan Type (single storey, 5 apartments);
- (iii) 11 Cumbrae Type (2 storey, 5 apartments); and
- (iv) 4 Croy Type (single storey, 3 apartments).

2.4 The proposed house types, in terms of style, design and use of finishing materials, are consistent with those currently under construction

within the site and those already constructed in previous phases of development at this location. The proposed development to the west bounds an area of proposed open space to serve the wider Holmhead area. A link footpath is provided within the proposed layout serving as an access to this open space.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Cumnock Community Council has no objections to the proposed development.

Noted.

3.2 Scottish Power and Transco have no adverse comments to make on the proposed development.

Noted

3.3 East Ayrshire Council Roads and Transportation Division has stated that concerns have been raised previously regarding delays exiting from Holmhead Road. The developer has carried out traffic counts which indicate that delays are minimal. This has been confirmed by counts carried out by the Roads and Transportation Division. Flows have improved with the removal of school traffic at St Joseph's Cumnock Campus during the morning peak. Future development of the vacant school site may require the introduction of a roundabout at the Holmhead Road junction, further improving traffic flows. The Division has no objections subject to the following conditions:

1. The site will require to be served by internal roads which comply with the Roads Development Guide 1996 and will require Construction Consent from East Ayrshire Roads Department. This consent would cover details such as road widths, footways, road construction, street lighting, drainage, traffic calming etc. and must be in place prior to commencing roadworks on site. A road bond must be submitted by the developer prior to commencing building work on site
2. Junction visibility splay areas of 2.5 m by 35 m will be required at all internal road junctions with no object greater than 1m in height allowed within these areas. 15m forward visibility is required at speed bends.
3. No surface water must be allowed to discharge from driveways onto existing or proposed public roads.
4. Parking requirement must be to Roads Development Guide 1996, with a minimum of two off-road spaces per dwelling. The proposed driveways should be not less than 4.8 m in length by 2.5 m wide.

5. Any garages must be set back a minimum distance of 6 m from the rear of the footway / service strip.
6. The private driveways will require to be paved for a minimum distance of 2 metres from the rear of the footway or service strip to avoid overcarry of loose material onto the public road.
7. Driveway manoeuvrability should be provided for off-road parking.
8. Any gates will require to open inwards, away from the public road.
9. Drainage details and in particular the use of SUDS will require the approval of East Ayrshire Council Roads and Transportation Division, Scottish Water and SEPA as part of the Construction Consent

Conditions and notes can be attached to any planning consent for the proposed development to meet the requirements of the Roads Division

- 3.4 Scottish Water has not responded to the consultation letter.

Noted.

- 3.5 The Scottish Environment Protection Agency has no objections in principle to the proposed development provided that the drainage arrangements are to its satisfaction. All waste materials generated by this development that require to be removed such as construction, demolition materials and surplus excavated material, must be removed from the site by licensed waste carriers. Waste must be removed to a site that has either an appropriate waste management licence or is registered with SEPA as exempt from licensing.

Appropriate notes can be attached to any consent granted for the proposed development to advise the applicant of the comments of SEPA.

4. REPRESENTATIONS

- 4.1 One letter of representation with two signatories has been received objecting to the proposed development. The points of objection can be summarised as follows:

- 4.2 In principle we have no objections to residential property, however we strongly object to the siting of a common footpath on our existing boundary. We feel that the proposed footpath would detract from the value of our house in terms of security, noise, possible loitering, increased litter and dog fouling. The footpath will have a negative effect on the value of our property and our quality of life.

The location of the link footpath to the proposed area of public open space was agreed under previous application (Ref. No. CD/90/103). This application was for a revised site layout of roads and demarcation of 113 residential plots which was approved on 07 June 1990. Furthermore it is understood that the area of the proposed footpath was retained for site servicing purposes and is required for the routing of power apparatus to serve the development site.

It is not considered that the location of the footpath at this location would result in any significant adverse impacts on the objectors' property. The view that it would lead to a devaluation of property is not material to the consideration of this application.

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 1999 and the Adopted East Ayrshire Local Plan 2003.

Ayrshire Joint Structure Plan

5.2 There are no policies within the structure plan that are especially relevant to the proposed development.

Noted.

East Ayrshire Local Plan

5.3 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 application site is identified as housing site 015H in the adopted local plan and therefore residential development is acceptable in principle.

5.4 Policy RES19 requires all housing developers to provide areas or recreational and amenity open space to the indicative standards set out in the local plan. The policy also states that the precise type, size, location and design of the open space required is dependent on the extent of existing open space provision in the vicinity and the recreational and amenity needs of the wider area.

An area of open space is identified outwith the application site which, when completed will serve the whole Holmhead Estate.

Although it is not part of the current application, it is under the control of the applicant and, as such a condition should be placed on any consent stating that detailed landscaping proposals for the area of open space including timescale for implementation should be submitted and approved prior to the commencement of construction works on Phase 8.

5.5 Policy RES22 sets out the standards for private open space.

The private open space provided for each dwellinghouse meets the requirements of Policy RES22.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representation received and the planning history of the area.

Consultations Responses

6.2 The consultation responses received do not indicate that the proposed development should be refused.

Representation

6.3 The points of objection are considered either to be not valid in planning terms or are not of sufficient weight to justify refusal of the application.

Planning History

6.3 An outline planning application (Ref. No. CD/81/79) for residential development on a larger site at Holmhead, including the current application site, was approved on 27 August 1981.

6.4 A full planning application (Ref. No. CD/90/103) for a revised layout of roads and demarcation of 113 residential plots on this larger site was approved on 07 June 1990.

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, however, it is considered that these issues have been assessed and are supportive of the proposed development.

8.2 The proposed development represents a further phase of residential development within the King Homes development site at Holmhead, in accordance with the site layout previously approved for the site.

8.3 It is not considered that the points of objection are valid or of sufficient weight to justify refusal of the application. Furthermore, the proposed dwellings are of a scale, style and design the same as recent phases of development within the King Homes residential development site, as are the proposed finishing materials for the dwellinghouses.

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 in terms of the principle of the proposed development, the application will require to be referred to the Development Services Committee as it would represent a significant departure from the East Ayrshire Local Plan.

Alan Neish
Head of Planning, Development and Building Standards

08 February 2006
HM/HM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Adopted East Ayrshire Local Plan (2003)
5. Approved Ayrshire Joint Structure Plan (1999)
6. Previous application CD/81/79.
7. Previous application CD/90/103.

Any person wishing to inspect the background papers listed above should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

Application no: 05/0524/FL

Location	Plots 65 to 100, Phase 8, Holmhead, Cumnock
Nature of Proposal:	Proposed housing development comprising the erection of 36 dwellinghouses
Name and Address of Applicant:	D. King and Son 93 Glaisnock Street Cumnock KA18 1JP
Name and Address of Agent	Thomson McCrea 9 Old Bridge Street Ayr KA7 1QA

DPO's Ref: []
PPO's Ref; [Hugh Melvin]

The above **RESERVED MATTERS** application should be approved subject to the following conditions:-

1. Notwithstanding the plans hereby approved, and the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, any domestic garage(s) associated with the development shall be set back at least 6 metres from the nearer edge of the footpath, shall be of a permanent construction and finished in the same materials as the dwellinghouse(s) to which it/they relate.

REASON – To ensure that any future domestic garages within the site are an appropriate match with the approved dwellinghouses in the interests of visual amenity.

2. Notwithstanding the approved plans and the terms of condition 1 above, any gates to be provided within the site shall open away from the public road to prevent obstruction.

REASON – In the interests of road and public safety.

3. A minimum of 2 car parking spaces shall be formed and thereafter maintained within each plot.

REASON – To ensure that adequate car parking provision is available in relation to the approved development and thereby to secure the interests of road safety and residential amenity.

4. Prior to the occupation of the proposed dwellinghouses, the respective driveways shall be paved for a minimum distance of 2 metres from the rear of the footway to avoid the over-carry of loose materials onto the public road.

REASON – In the interests of road and public safety.

6. No surface water shall issue from any of the dwellinghouse plots onto any existing or proposed public roads.

REASON – To ensure the provisions and maintenance of a secure road surface in the interests of road and public safety.

7. Junction visibility splays measuring 2.5 metres by 35 metres shall be formed and thereafter maintained at all internal road junctions with no object greater than 1 metre in height allowed within these areas thereafter.

REASON – In the interests of road and public safety

8. Prior to the commencement of development on site, the applicant shall submit to and have approved by the Planning Authority, details of screen fencing to be erected on site, particularly where bounding onto the proposed area of public open space and proposed footpath.

REASON – In the interests of visual and residential amenity

9. Prior to the commencement of the Phase 8 development, the applicant shall submit to, and have approved by the Planning Authority, details of the proposed landscaping scheme for the proposed area of open space adjacent to the western boundary of the proposed Phase 8 development. The proposed landscaping scheme shall provide details of the timing of implementation and future maintenance of the approved scheme.

REASON - To ensure that the provision of public open space is to an adequate standard and subsequently maintained in the interest of residential and visual amenity.

10. The applicants shall satisfy themselves as to the suitability of the site for development purposes prior to the commencement of development.

REASON – To ensure that the site is suitable for development in the interests of residential amenity and public safety.

Notes to applicant:-

1. East Ayrshire Council Roads and Transportation Division has advised that access to the site will require to be taken via internal roads which comply with the Roads Development Guide 1996 and will require Construction Consent from East Ayrshire Council Roads and Transportation Division. This Consent will cover details such as road widths, footways, road construction, street lighting, and drainage.
2. The applicant is advised to contact the Scottish Environment Protection Agency and Scottish Water with regard to the drainage of the site.
3. All waste materials generated by this development that require to be removed such as construction, demolition materials and surplus excavated material, must be removed from the site by licensed waste carriers. Waste must be removed to a site that has either an appropriate waste management licence or is registered with SEPA as exempt from licensing.

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