

## **EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 23 FEBRUARY 2007**

**05/1202/FL: PROPOSED 12 PLOT RESIDENTIAL DEVELOPMENT  
AT AFTON PARK, NEW CUMNOCK**

**APPLICATION BY GLENAFTON HOMES**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 Full planning permission is sought for the erection of 12 semi-detached dwellings within the application site comprising the same house type which is a 5 apartment, two storey dwelling. The site layout presents a simple linear development fronting onto the A76 road with the exception of plots 11 and 12. This pair of semi-detached houses is located off the A76 road and is served by a new access road providing a turning area and access to 20 car parking spaces to the rear of plots 1-10.

1.2 As part of the proposed development, a small access track will be formed to allow access to existing car parking around Loch Park. The proposed dwellinghouses are of an acceptable design and are to be finished externally with a red facing brick base course, white dry dash render and grey concrete roof tiles.

#### **2. RECOMMENDATION**

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

#### **3. SUMMARY OF ANALYSIS**

3.1 As is 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 is indicated at Section 6 of the report, there are material considerations relevant to this application which are also generally supportive of the proposed development.

3.2 The site lies within the settlement boundary of New Cumnock and although forming part of the existing training ground at Loch Park, it is considered that development of this area for residential purposes is

acceptable. The proposed development in terms of its layout, scale, design and use of finishing materials is also considered to be acceptable for this location subject to the imposition of appropriate conditions.

### **CONTRARY DECISION NOTE**

Should the Committee agree to refuse the application contrary to the recommendation of the Head of Planning, Development and Building Standards the application would not require to be referred to the Development Services Committee as such a decision would not represent a significant departure from the development 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 GLENAFTON HOMES

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 full planning application which is to be considered by the Local Planning Committee under the scheme of delegation due to the scale of the proposed development.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The site is on the west side of The Castle in New Cumnock (A76 Trunk Road) and lies partly within the grounds of Loch Park, the football ground of Glenafton Junior Football Club. The site extends from the River Nith in the north part of the site, skirting around and to the east of the existing football pitch. On the opposite side of the A76 road lies an existing running track.

2.2 The application site extends to approximately 0.93 hectares and the proposed development area forms part of the existing training all-weather training pitch and fronts onto The Castle (A76 Trunk Road). The northern part of the site has a raised bund and is presently overgrown while the southern part is relatively level and is enclosed by an existing brick wall and some shrub planting. Part of the site is also occupied by portacabin buildings used by youth teams associated with the football club.

2.3 **Proposed Development:** Full planning permission is sought for the erection of 12 semi-detached dwellings within the application site comprising the same house type which is a 5 apartment, two storey dwelling. The site layout presents a simple linear development fronting onto the A76 road with the exception of plots 11 and 12. This pair of semi-detached houses is located off the A76 road and is served by a new access road providing a turning area and access to 20 car parking spaces to the rear of plots 1-10.

2.4 As part of the proposed development, a small access track will be formed to allow access to existing car parking around Loch Park. The proposed dwellinghouses are of an acceptable design and are to be finished

externally with a red facing brick base course, white dry dash render and grey concrete roof tiles.

### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 New Cumnock Community Council has not responded to the consultation letter.

***Noted.***

3.2 Transco has no adverse comments to make on the proposed development.

***Noted.***

3.3 East Ayrshire Council's Roads and Transportation Division states that it has no objections in principle to the proposed development subject to the following conditions:

1. Prior to the occupation of any dwellinghouse within the development, the roads and footways to and across the frontage of each property must be completed to the underside of wearing course level and street lighting must be operational.
2. Access to the site will require to be taken via internal roads that comply with the Roads Development Guide 1996 and will require Construction Consent. This consent would cover details such as road widths, footways, road construction, traffic calming street lighting, drainage etc.
3. No surface water must be allowed to discharge onto the public road.
4. A minimum of two off-road parking spaces will require to be provided for each dwelling.
5. Any garages must be set back a minimum distance of 6 metres from the rear of the footway.

***Conditions can be attached to any planning consent granted for the proposed development to meet the requirements of the Roads and Transportation Division.***

3.4 East Ayrshire Roads and Transportation Division (Flooding Section) requested that a Flood Risk Assessment be carried out regarding the proposed development. This assessment was received in January 2007 and following further consultation, the Flooding Section has indicated that the potential flooding issues have been addressed and that there are no objections to the proposal.

***Noted.***

3.5 Scottish Water objects to the proposed development but this can be deemed to be withdrawn if conditions are attached to any consent granted for the proposed development. No development shall commence until evidence is

presented to the Planning Authority that an agreement has been reached by the applicant with Scottish Water for the provision of a drainage and/or water scheme to serve the development. A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water supports the principle of a sustainable urban drainage system (SUDS) and the developer should consider utilising this in the surface water drainage design. It is important to note that Scottish Water will not adopt surface water drainage systems that require water to be pumped. The developer should contact SW Planning and Development Services Department to discuss drainage arrangements as the development may result in obstruction to access to an existing water main / sewer.

***Conditions and notes can be attached to any consent granted for the development to advise early contact with Scottish Water regarding service provision and drainage of the site.***

3.6 The Scottish Environment Protection Agency states that it understands that Scottish Water is currently renewing its policy with regard to the acceptance of foul drainage into its existing sewer network, specifically if there are existing problems with infrastructure or at the receiving sewage treatment works. It is therefore essential that the applicant contacts Scottish Water and obtains from them a written assurance that the acceptance of foul drainage arising from the development will not cause premature operation of existing consented storm water overflows or affect the operational capability of New Cumnock Sewage Treatment Works. Provided that this written assurance is obtained SEPA will have no objection to the proposal. SEPA recommends that the applicant is requested to provide more detailed surface water drainage information prior to planning consent being granted to demonstrate that the proposed scheme will deliver the required level of treatment and attenuation. The development of the site may entail operations such as importation or removal of waste material such as soil which may require a waste management licence or confirmation of exemption registered with SEPA.

***A note can be attached to any consent granted for the proposed development advising the applicant to make early contact with SEPA regarding drainage of the site and disposal of waste materials. A condition can be attached to any consent granted in respect of the requirement for a SUD system to serve the development site.***

3.7 Power Systems has no objections to the proposed development.

***Noted.***

3.8 East Ayrshire Council Environmental Health Division has not responded to the consultation letter but part of the site has previously been infilled in the past.

***Appropriate standard conditions relating to assessment and remediation of potential ground contamination can be attached to any consent granted for the proposed development.***

3.9 Transport Scotland (Trunk Road Network Management Directorate) has not objected to the development subject to the following conditions:

1. Prior to the construction of the dwellinghouses, visibility splays shall be provided and maintained on each side of the access. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 90 metres (the Y dimension) in both directions from the intersection of the access with the trunk road.
2. The proposed access shall join the trunk road at a new junction which shall be constructed by the applicant to a standard described in the Department of Transport Advice Note TA 41/95 (Vehicular Access to All Purpose Trunk Roads) (as amended in Scotland) complying with Layout 3. The junction shall be constructed in accordance with details that shall be submitted to and approved by the Planning Authority, after consultation with the Roads Authority, before any part of the development is commenced.
3. There shall be no drainage connections to the trunk road drainage system.
4. The gradient of the access road shall not exceed 1 in 40 metres for a distance of 6 metres from the nearside edge of the trunk road carriageway, and the first 6 metres shall be surfaced in a bituminous surface.
5. There shall be no means of direct pedestrian access to the trunk road except from the new proposed access to be formed as per Condition 9, (see sheet attached).

***Conditions can be attached to any consent granted for the proposed development to meet the requirements of Transport Scotland.***

**4. REPRESENTATIONS**

- 4.1 There are no representations.

**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 structure plan policies directly relevant to this application.

***Noted.***

## East Ayrshire Local Plan

5.3 The site has not been identified or safeguarded for open space purposes in the adopted local plan but does comprise an area of undeveloped land within the settlement boundary of New Cumnock which contributes to the setting, character and amenity of the settlement. Policy TLR8 presumes against development on safeguarded areas of public and private recreational or amenity open space as identified on the Local Plan maps and on other undeveloped land within settlement boundaries which contributes to the setting, character and appearance of the settlement concerned. However, certain types of development on existing areas of maintained amenity or recreational open space will be considered appropriate, as follows:-

- (i) laying out of new playing fields, bowling greens, putting greens;
- (ii) creation of all-weather sports facilities;
- (iii) creation of new children's play areas; and
- (iv) development of pavilions or other ancillary facilities to serve any existing or proposed outdoor sport and recreational activities in the area.

***The proposed residential use does not fall within any of the above types of development therefore it requires to be assessed against policy TLR 9 below.***

5.4 Policy TLR9 states that the Council will only permit the development of private and public recreational or amenity open space for purposes other than those described in Policy TLR8 above, in three exceptional circumstances. Only one of these circumstances is pertinent to the application, this being as follows:-

- (iii) there is a clear, long term excess of pitches, playing fields and amenity open space in the wider area.

***There are large areas of open space in the vicinity of this site therefore the proposal meets with the provisions of policy TLR 9.***

5.5 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 would have a minimal impact on the surrounding natural and built environment.***

- (ii) transportation and infrastructure implications;

***The consultation responses do not suggest that there are any significant infrastructure implications arising from the proposed development.***

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

***There are no housing areas in the immediate vicinity of the site. However, the house types are considered generally acceptable.***

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

***The proposal meets with the Council's Design Guidance relating to New Residential Development.***

5.6 Policy RES19 requires all housing developers to provide areas of recreational and amenity open space in their developments to the indicative basic standards set out in Schedule 3 of the Local Plan. The policy states also 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.

***The public open space standard of 300m<sup>2</sup> per 10 houses is met by the proposal.***

5.7 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 layout meets with the Councils minimum private open space standards.***

5.8 Policy ENV17 states that in areas that are 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 also expect developers to enter into agreements 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.

***A Flood Risk Assessment has been undertaken and in this regard, the Council's Flooding Section does not object to the proposed development.***

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

6.1 The principal material considerations relevant to the determination of the application are the Finalised Ayrshire Joint Structure Plan and the consultation replies.

### Finalised Ayrshire Joint Structure Plan

6.2 There are no finalised structure plan policies directly relevant to this application.

***Noted.***

### Consultation Replies

6.3 The consultation replies would generally indicate that approval of the application would be appropriate.

## **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 is 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 is indicated at Section 6 of the report, there are material considerations relevant to this application which are also generally supportive of the proposed development.

8.2 The site lies within the settlement boundary of New Cumnock and although forming part of the existing training ground at Loch Park, it is considered that development of this area for residential purposes is

acceptable. The proposed development in terms of its layout, scale, design and use of finishing materials is also considered to be acceptable for this location subject to the imposition of appropriate conditions.

## **9. RECOMMENDATION**

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

### **CONTRARY DECISION NOTE**

Should the Committee agree to refuse the application contrary to the recommendation of the Head of Planning, Development and Building Standards the application would not require to be referred to the Development Services Committee as such a decision would not represent a significant departure from the development plan.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

08 February 2007  
HM/HM

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses.
4. Adopted East Ayrshire Local Plan (1993).
5. Approved Ayrshire Joint Structure Plan (1999).
6. Finalised Ayrshire Joint Structure Plan (2006)

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

**Implementation Officer: Dave Morris**

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Site of Proposal:	Afton Park The Castle New Cumnock KA18 4AE
Nature of Proposal:	Proposed 12 Plot Residential Development
Name & Address of Applicant:	Glen Aton Homes 12 Mansfield Heights New Cumnock KA14 8NU
Name & Address of Agent:	Nicoll Design 184 Main Street Prestwick KA9 1PG

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PPOs Reference: Hugh Melvin

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

1. The proposed development shall be carried out in accordance with the amended site layout plan and amended application form received by the Planning Authority on 16 November 2006.

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

2. A minimum of two off-road parking spaces shall be provided and maintained for each dwelling.

REASON: In the interests of public road safety.

3. Prior to the occupation of any dwellinghouse within the development, the roads and footways to and across the frontage of each property must be completed to the underside of wearing course level and street lighting must be operational.

REASON: In the interests of public road safety and residential amenity.

4. Access to the site will require to be taken via internal roads that comply with the Roads Development Guide 1996.

REASON: In the interests of public road safety.

5. No surface water must be allowed to discharge onto the public road.

REASON: In the interests of public road safety.

6. Any future garages must be set back a minimum distance of 6 metres from the rear of the footway.

REASON: In the interests of public road safety and residential amenity.

7. Any gates shall open inwards away from the access road.

REASON: To prevent obstruction of the access road in the interests of pedestrian and road safety.

8. Prior to the construction of the dwellinghouses, visibility splays shall be provided and maintained on each side of the access. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 90 metres (the Y dimension) in both directions from the intersection of the access with the trunk road.

REASON: In the interests of public road safety.

9. The proposed access shall join the trunk road at a new junction which shall be constructed by the applicant to a standard described in the Department of Transport Advice Note TA 41/95 (Vehicular Access to All Purpose Trunk Roads) (as amended in Scotland) complying with Layout 3. The junction shall be constructed in accordance with details that shall be submitted to and approved by the Planning Authority, after consultation with the Roads Authority, before any part of the development is commenced.

REASON: To ensure that the standard of access layout complies with current standards and that the safety of the traffic on the trunk road is not diminished.

10. There shall be no drainage connections to the trunk road drainage system.

REASON: To ensure the efficiency of the existing drainage network is not affected.

11. The gradient of the access road shall not exceed 1 in 40 metres for a distance of 6 metres from the nearside edge of the trunk road carriageway, and the first 6 metres shall be surfaced in a bituminous surface.

REASON: To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference with the safety and free flow of traffic on the trunk road.

12. There shall be no means of direct pedestrian access to the trunk road except from the new proposed access to be formed as per Condition 9 above.

REASON: To minimise interference with the safety and free flow of traffic on the trunk road.

13. Prior to the commencement of development on site, the applicant shall submit to, and have approved by the Planning Authority, in consultation with the Roads Authority, details of a communal footpath and boundary wall such that there will be no direct pedestrian access to the A76 Trunk Road, other than by the new proposed access serving the development.

REASON: To minimise interference with the safety and free flow of traffic on the trunk road.

14. Construction works on site shall not be carried out prior to 0800 hours and after 1700 hours on Mondays to Saturdays, and not at any time on Sundays.

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

15. Prior to the commencement of development, the developer shall submit to and have had approved by the Planning Authority, a sample of the proposed roof tiles to be used in the roof finish of the proposed dwellinghouses.

REASON: In the interests of visual amenity.

16. Prior to the commencement of development, the developer shall submit to and have had approved by the Planning Authority, details of the proposed finishing materials to be used in the external wall finish of the proposed dwellinghouses.

REASON: In the interests of visual amenity.

17. Notwithstanding the plans hereby approved, and the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no front boundary walls or fences shall be constructed along the frontage of each plot without the prior written approval of the Planning Authority.

REASON: In the interests of visual amenity and to ensure continuity and uniformity of boundary treatment.

18. Prior to the commencement of development on site, the applicant shall submit to and have had approved by the Planning Authority a landscaping plan for the development site. The plan shall provide details of the numbers, species and sizes of trees and shrubs to be planted in all areas of open space within the development site. The applicant shall also provide details of any protective fencing to be provided for those parts of the site lying adjacent to active playing fields.

REASON: In the interests of visual and residential amenity

19. Prior to the commencement of development the developer shall submit to the Planning Authority the details of, and have received written agreement for, the Sustainable Urban Drainage system (SUDs) to be installed, which shall specify a programme for the future management and maintenance of the scheme.

REASON: To ensure an appropriate means of surface water runoff in the interests of public health and safety.

20. Should ground contamination be discovered during the course of construction works, the developer shall, prior to any further site development works, submit a report, confirming:

- (i) The nature, extent and type(s) of contamination on the site;
- (ii) A site specific risk assessment of all relevant pollutant linkages;
- (iii) Remedial measures to treat/remove contamination to ensure the site is fit for the use proposed;

and that remedial works have been carried out in accordance with the remediation plan.

REASON: To provide verification that remediation of has been carried out in accordance with the remediation plan.

21. No development shall commence on site until written evidence is presented to the Planning Authority that an agreement has been reached by the applicant with Scottish Water for the provision of a drainage and/or water scheme to serve the development.

REASON: To ensure that the development is provided with appropriate water and drainage infrastructure.

22. Prior to the commencement of development on site, the applicant shall submit to and have approved by the Planning Authority, details of a suitably located bin storage / pick up area for the proposed dwellings. These details shall such as to accommodate the Council's three bin recycling policy.

REASON: In the interests of residential amenity.

23. Details of existing and proposed ground levels and proposed finished floor levels for the new houses shall be submitted to and approved by the Planning Authority, prior to the commencement of the development.

REASON - In the interests of visual amenity.

#### **NOTES TO APPLICANT**

1. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency regarding drainage of the site and to confirm the request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.
2. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.
3. The applicant should make early contact with Power Systems and Transco with regard to the protection or diversion of apparatus that may be affected by the proposed development.
4. All waste to be removed from the site (construction waste etc.) shall be removed by a licensed waste carrier to an appropriately licensed or exempted site.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
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