

**EAST AYRSHIRE COUNCIL**

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

**06/1013/FL: PROPOSED ERECTION OF 23 DWELLINGHOUSES WITH  
ASSOCIATED ROAD WORKS AND LANDSCAPING  
AT AUCHINLECK ROAD, CUMNOCK**

**APPLICATION BY STEWART MILNE HOMES SOUTH**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the erection of 23 detached dwellings within the application site comprising the following house types:

- (i) 5 Lhanbryde: six apartment, two storey dwelling with double attached garage;
- (ii) 4 Thorntonhall: eight apartment, two storey dwelling with double integral garage;
- (iii) 3 Eddelstone: eight apartment, two storey dwelling with attached double garage;
- (iv) 7 Cramond: eight apartment, two storey dwelling with integral double garage; and
- (v) 4 Traquair: eight apartment, two storey dwelling with integral double garage.

1.2 All of the dwellings are shown to be finished externally in a combination of dry dash render and facing brick, in colours to be agreed with the Planning Authority. All dwellings will have concrete tile roof finishes, again in a colour to be agreed with the planning Authority. The proposed development will be served by a new linear access road with a short cul-de-sac with access to the site being taken from the north end of the site opposite the junction of Auchinleck Road with Holmhead Road. It is proposed to provide a new mini-roundabout at this location on Auchinleck Road, allowing access to both Holmhead Road and the new residential road serving the proposed development.

1.3 As part of the planning gain accrued from the proposed development, the southern part of the development site will be used to provide additional car parking (20 spaces) and bus parking (6 spaces) for use by patrons of the Visions leisure Centre and Broomfield playing fields. This planning gain is in lieu of a Developer Contribution to the Sports, Leisure and Recreation Fund. This area is to be separated from the residential development by a 1.8 metres high screen wall or fence. The existing front boundary wall and railings along Auchinleck Road will be upgraded with 1.8 metres high fencing provided along the remaining boundaries. An access point will also be created in the short cul-de-sac within the development to allow access to the playing fields beyond

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

3.3 As part of planning gain accruing from the development, an area of land adjacent to the Visions leisure centre will be formed into additional car and bus parking facilities to serve the Broomfield playing fields

### **CONTRARY DECISION NOTE**

Should the Committee agree to refuse the application contrary to the recommendation of the Head of Planning, Development and Building Standards and in terms of the principle of the proposed development, the application would require to be referred to the Development Services Committee as such a decision would 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 STEWART MILNE HOMES SOUTH

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 lies on the west side of Auchinleck Road in Cumnock and lies immediately north of the Visions Leisure Centre, to the east of Broomfield running track and playing field and to the west of existing residential properties on Auchinleck Road. The site comprises of the site of the former St. Convals RC School (St. Josephs Academy – Cumnock Campus) and part of the existing playing fields to the north opposite the junction of Auchinleck Road with Holmhead Road.

2.2 The application site extends to approximately 1.5 hectares (3.7 acres) and is presently maintained open space following demolition of the former school premises. The site is occupied in the south by a small gas governor building together with an electrical sub-station. The topography of the site is such that the site falls quite sharply from the ground level on Auchinleck Road, but otherwise the site falls gently to the playing field level and is generally flat in nature. A number of trees are located along the Auchinleck Road frontage with a number of mature trees located towards the northern boundary of the former school site.

2.3 The site is currently in the ownership of the Council although the land has been declared surplus to Council requirements and has been marketed for sale with the applicant being the successful bidder in respect of this site.

2.4 **Proposed Development:** Full planning permission is sought for the erection of 23 detached dwellings within the application site comprising the following house types:

- (i) 5 Lhanbryde: six apartment, two storey dwelling with double attached garage;
- (ii) 4 Thorntonhall: eight apartment, two storey dwelling with double integral garage;
- (iii) 3 Eddelstone: eight apartment, two storey dwelling with attached double garage;
- (iv) 7 Cramond: eight apartment, two storey dwelling with integral double garage; and
- (v) 4 Traquair: eight apartment, two storey dwelling with integral double garage.

2.5 All of the dwellings are shown to be finished externally in a combination of dry dash render and facing brick, in colours to be agreed with the Planning Authority. All dwellings will have concrete tile roof finishes, again in a colour to be agreed with the planning Authority. The proposed development will be served by a new linear access road with a short cul-de-sac with access to the site being taken from the north end of the site opposite the junction of Auchinleck Road with Holmhead Road. It is proposed to provide a new mini-roundabout at this location on Auchinleck Road, allowing access to both Holmhead Road and the new residential road serving the proposed development.

2.6 As part of the planning gain accrued from the proposed development, the southern part of the development site will be used to provide additional car parking (20 spaces) and bus parking (6 spaces) for use by patrons of the Visions leisure Centre and Broomfield playing fields. This planning gain is in lieu of a Developer Contribution to the Sports, Leisure and Recreation Fund. This area is to be separated from the residential development by a 1.8 metres high screen wall or fence. The existing front boundary wall and railings along Auchinleck Road will be upgraded with 1.8 metres high fencing provided along the remaining boundaries. An access point will also be created in the short cul-de-sac within the development to allow access to the playing fields beyond

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

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

***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. Junction visibility spays of 2.5m by 35m will require to be formed at all internal road junctions with no object greater than 1m in height allowed within these splay areas.
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 2 number off-road parking spaces will require to be provided.
5. Any garages must be set back a minimum distance of 6 m from the rear of the footway.
6. The private driveways will require to be paved for a minimum distance of 2 metres from the rear of the footway to avoid overcarry of loose material onto the public road.
7. Any gates will require to open inwards, away from the public road.
8. Drainage details and in particular the use of SUDS will require the approval of East Ayrshire Roads and Transportation Division and SEPA as part of the Construction Consent.
9. The proposed private driveways should not be less than 4.8 metres in length by 2.5 metres in width.

***Conditions can be attached to any planning consent granted for the proposed development to meet the requirements of the Roads and Transportation Division. In addition it would be appropriate, by condition, to regulate the timing of provision of car and bus parking spaces adjacent to Broomfield/Visions.***

3.4 Scottish Water has no objections to the proposed 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.

***A note 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.***

3.5 The Scottish Environment Protection Agency states that it has no objections in principle to the proposals provided the drainage arrangements are to its satisfaction. All foul drainage from the development site must be connected to the public sewerage system in accordance with Scottish Water requirements. The development must not entail the use of dual manholes for connections to the existing sewage system, either in the public sewers or

within the curtilage of the development. SEPA request a condition requiring the applicant to install a surface water treatment system designed and constructed in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual published by CIRIA. The applicant should obtain written assurance from Scottish Water that additional foul drainage arising from the proposed development will not cause or contribute to premature operation of downstream consented storm sewer overflows. All waste materials generated by this development that require to be removed such as construction, demolition wastes 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.

***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.***

3.6 Power Systems has no objections to the proposed development.

***Noted.***

3.7 East Ayrshire Environmental Health Division states that Historic mapping shows that a sewage tank was located in the NW of the site circa 1911-1938. Following the demolition of St Conval's High School, soil was imported on to the site. There may be the potential for soil contamination from the sewage tank and associated activities and there may also be the potential for soil contamination from demolition wastes.

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

3.8 West of Scotland Archaeology Service has not responded to the consultation letter.

***Noted.***

3.9 East Ayrshire Legal Services has no adverse comments to make on the proposed development.

***Noted.***

## **4. REPRESENTATIONS**

4.1 No representations have been received

## 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 Council has prepared a development brief for this former school site. 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;

***Housing development at this location is unlikely to impact detrimentally on the surrounding natural and built environment as this is a brownfield site with established residential areas to the east on the opposite side of Auchinleck Road.***

(ii) transportation and infrastructure implications;

***The car/coach parking requirements for the adjacent playing fields as set out in the Council's development brief are met by the proposal.***

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

***The density of the site and larger house types are compatible with neighbouring residential areas.***

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

***Whilst the larger house types may be acceptable for this site, the material finish of the dwellings does not meet the terms of the***

***Council's development brief as the use of red facing brick is proposed. The brief states that this will not be acceptable and that consideration should be given to the use of stone/reconstituted stone. At the very least, a render should be used as opposed to brick. A condition can be attached to any consent granted for the proposed development to ensure appropriate finishing materials are approved by the Planning Authority.***

5.4 Policy RES21 states that where a proposed development is located adjacent or in close proximity to an area of existing open space in need of upgrading or improvement, the Council may allow the developer, as an alternative to providing new open space areas, to upgrade and improve that existing area and provide for its maintenance for a specified period.

***As is mentioned in the Council's development brief for this site, the Council's Head of Leisure has stated that there will be no requirement for public open space on this site as it is located immediately adjacent to the Broomfield playing fields. Instead, the application promotes, as planning gain, additional car and bus parking facilities to serve Broomfield playing fields.***

5.5 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 proposed development meets with the Council's private open space standards.***

***Subject to the material finish of the proposed houses being changed to meet the provisions of the development brief, the proposal is acceptable in planning policy terms.***

## **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.

### 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 financial and legal implications for the Council in the determination of this application arising from the sale of the development site to the applicant. The application will not however require to be notified to the Scottish Ministers as, although the Council has a direct financial interest in the proposed development, the proposal is not contrary to the provisions of the Development Plan and no objections have been received in this case.

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

8.3 As part of planning gain accruing from the development, an area of land adjacent to the Visions leisure centre will be formed into additional car and bus parking facilities to serve the Broomfield playing fields.

## **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 and in terms of the principle of the proposed development, the application would require to be referred to the Development Services Committee as such a decision would 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:	Ground at Auchinleck Road Cumnock KA18 1AE
Nature of Proposal:	Proposed erection of 23 Dwellinghouses along with associated roadworks and landscaping
Name & Address of Applicant:	Stewart Milne Homes South Kestrel House 3 Kilmartin Place Uddingston G71 5PH
Name & Address of Agent:	N/A

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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 plans received by the Planning Authority on 30 October 2006 as amended by the site engineering layout plan (Drawing. No.ARC/04), the cross section plan (Drawing No. ARC/13) received on 09 February 2007 and the Development Layout plan received by the Planning Authority on 14/2/2007.

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

2. A minimum of three off-road parking spaces shall be provided internally for each dwelling.

REASON – In the interests of public road safety.

3. The private driveways shall be paved for a minimum distance of 2 metres from the rear of the footway/edge of the public road carriageway.

REASON – To avoid overcarry of loose material onto the public highway in the interests of maintaining a secure road surface.

4. Any gates shall open inwards away from the public road.

REASON – To prevent obstruction of the public highway in the interests of pedestrian and road safety.

5. No surface water shall be allowed to egress onto the public highway.

REASON – In the interests of maintaining a secure road surface.

6. The developer shall provide for junction visibility splays of 2.5m by 35m to be formed and maintained at all internal junctions with no object greater than 1m in height allowed within these splay areas.

REASON – In the interests of road safety.

7. The proposed driveways shall be not less than 4.8 metres in length and 2.5 metres in width.

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

8. 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.

9. A minimum of 2 visitor parking spaces shall be provided within the development site.

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

10. Prior to the commencement of development, the developer shall submit to and have had approved by the Planning Authority, details of the proposed roof tiles to be used in the roof finish of the proposed dwellinghouses. Consistent with the site development brief, these tiles shall be good quality slate substitute, in terms of thickness and apparent individual surface area.

REASON – In the interests of visual amenity.

11. Notwithstanding the plans hereby approved, the use of facing brick on the external walls of the proposed dwellings is not approved. 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, which should be of stone or reconstituted stone in accordance with the Development Brief prepared for the site, and details of the render to be used in the external wall finish of the proposed dwellinghouses.

REASON – In the interests of visual amenity.

12. 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.

13. 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 details shall also include full details of works proposed to the existing front boundary wall on Auchinleck Road, together with the proposed entrance features shown on the approved site layout plan. 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

14. Prior to the commencement of development the developer shall submit the details of the Sustainable Urban Drainage system (SUDs) to be installed and 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.

15. 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 and to the Planning Authority's satisfaction.

16. Prior to the commencement of development on site, the applicant shall submit to the Planning Authority for approval, a plan indicating trees to be removed as part of the construction works. No other trees within the development site shall thereafter be lopped topped or felled without the prior written consent of the Planning Authority. No site clearance or building operations shall be commenced on site until chestnut pale fencing of a height not less than 1.2 metres has been erected around the trees shown on the submitted plan as being retained on site. The fencing shall enclose the greater of either:

- (i) the area described by the limit of the spread of the branches of the tree: or
- (ii) a radius of 5 metres from the trunk of the tree

Such fencing shall be maintained during the course of the development, and no storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed.

REASON: To ensure the retention of the maximum number of trees on site and their protection from damage in the interests of visual amenity.

17. The indicated 20 car parking spaces and 6 bus parking bays to the South of the site shall be provided within 6 months of the commencement of development on site, or such longer period as may be agreed by the Planning Authority.

REASON: In the interests of road safety.

## **NOTES TO APPLICANT**

1. East Ayrshire Council Roads and Transportation Division has advised that Construction Consent will be required for the construction of the residential roads and footpaths, street lighting etc. The Division can be contacted on Tel 01563 555330. The internal roads must comply with the Roads Development Guide 1996. This consent would cover details such as road widths, footways, road construction, street lighting, drainage, traffic calming, internal junction visibilities etc.
2. 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.

3. 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.
4. 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.
5. 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.

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