

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 26 JANUARY 2007

**06/0610/FL: ERECTION OF 16 NEW DWELLINGS AT LAND TO THE WEST
OF CAIRN ROAD, CUMNOCK**

APPLICATION BY RAVENBLACK DEVELOPMENTS

Report by Head of Planning, Development and Building Standards

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

Full planning permission is sought for the residential development of the site to accommodate 16 two storey dwellings. The proposal comprises 6 semi-detached, three bedroom dwellings, 5 detached, (type1) four bedroom dwellings and 5 detached, (type 2) four bedroom dwellings. The proposed finishing materials consist of buff coloured facing brick with white render for the external walls and dark grey concrete plain roof tiles. The proposed layout takes access from Cairn Road sweeping towards the west of the site leading to a large turning circle with dwellings positioned on both sides of this access road and therefore the proposed development has no formal frontage onto Cairn Road itself.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet, but that the issue of the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 69 of the Local Government (Scotland) Act 1973 with the applicants in respect of the matter detailed in Paragraph 7.1 of this report and payment in that regard has been received.

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 but it is considered that they do not indicate that the application should be refused.

3.2 The application site is located within the settlement boundary of Cumnock. Outline planning consent has recently been granted for the residential development of this brownfield site which formerly used to accommodate a working factory unit. The proposal is seeking the development of 16 two storey residential units comprising of 10 detached units and 6 semi-detached units. As noted in section 5 of the report the proposal shows compliance with the policies contained within the Adopted East Ayrshire Local Plan 2003.

3.3 The residential units are of a size and scale compatible with its surroundings and show a good external design style incorporating an off-set exposed chimney and integral garage. The overall layout of the site meets with the policy requirements for minimum public and private open space and therefore there are no reasons to merit refusal of this application.

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, and such decision is in terms of the principle of housing development on this site, the application will require to be referred to the Development Services Committee because it would be 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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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 comprises of vacant land extending to an approximate area of 2.1 acres (0.87 hectare) and lies to the west of the former Blackwood Brothers factory within Caponacre Industrial Estate in Cumnock. The application site comprises the site of the former Walkers Shoe Factory, which was recently demolished following fire damage to the premises.

2.2 The site is bounded to the north by the embankment of the former mineral rail line at Cairn Road, vacant land to the south, by an existing residential property to the north-east and by Caponacre Industrial site to the south –east. The site is generally level.

2.3 **Proposed Development:** Full planning permission is sought for the residential development of the site to accommodate 16 two storey dwellings. The proposal comprises 6 semi-detached, three bedroom dwellings, 5 detached, (type1) four bedroom dwellings and 5 detached, (type 2) four bedroom dwellings. The proposed finishing materials consist of buff coloured facing brick with white render for the external walls and dark grey concrete plain roof tiles. The proposed layout takes access from Cairn Road sweeping towards the west of the site leading to a large turning circle with dwellings positioned on both sides of this access road and therefore the proposed development has no formal frontage onto Cairn Road itself.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has no objection to the proposed development subject to the following conditions:

- (i) Access to the site shall require to be taken via internal roads which comply with the Roads Development Guide 1996 and require Construction Consent from East Ayrshire Council Roads and Transportation Division. This consent would cover details such as road widths, footways, road construction, street lighting, drainage etc. The existing footway and street lighting on Cairn Road will require to be extended along the full frontage of the proposed development as part of the Roads Construction Consent. Traffic calming will also be required on Cairn Road and the existing 30mph limit extended out to the bypass over bridge.
- (ii) Junction visibility splay areas of 2.5m by 120m shall be required at the junction with Cairn Road with no object greater than 1m in height allowed within these areas.
- (iii) The private driveways shall require to be paved or bituminously surfaced over the full width for a minimum distance of 2m from the rear of the footway to avoid the overcarry of loose material onto the public road.
- (iv) Any gates shall open inwards away from the public road.
- (v) Road drainage details and in particular the use of SUDS shall require the approval of East Ayrshire Council Roads and Transportation Division and SEPA as part of the Construction Consent.
- (vi) The proposed driveways shall not be less than 4.8m in length by 2.5m wide.
- (vii) Driveway manoeuvrability shall be provided for off road parking.
- (viii) Off road car parking spaces in accordance with the Roads Development Guide 1996 shall require to be provided for the development.
- (ix) No surface water shall be allowed to discharge onto the public road
- (x) Any garages shall be set back a minimum distance of 6m from the rear of the footway.

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

3.2 Scottish Water has no objections to the proposed development.

Noted.

3.3 Cumnock Community Council has no objection or comments to make on the proposed development.

Noted.

3.4 Transco has no objection in principle to the proposed development.

Noted.

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. The applicant should obtain written assurance from Scottish Water that the additional foul drainage arising from this development will not cause or contribute to premature operation of downstream consented storm sewer overflows. 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.

A note can be attached to any consent granted for the proposed development to advise the applicant to make early contact with SEPA regarding the drainage of the site and the use of SUDS.

3.6 East Ayrshire Environmental Health Division has no objection in principle to the development and offer the following comments:

- (i) Noisy work on the site during demolition and construction should be restricted to 7am to 7pm Monday to Friday, 8am – 1pm on a Saturday and no noisy work on a Sunday.
- (ii) Noise from the works during construction shall be at such a level as will not cause annoyance or be otherwise detrimental to the amenity of the area.
- (iii) Suitable dust suppression measures shall be taken to minimise release of dust into the surrounding environment during both demolition and construction.
- (iv) All waste arising from the demolition and construction works shall be disposed of to the satisfaction of the waste management Authority.
- (v) Since the submission of the Geotechnical and Environmental Investigation report accompanying the application, the recent fire damage to the property has potentially introduced new contaminants into the soil, some of which may be carcinogens, from the incomplete combustion of materials present in the building. The whole area is littered with pieces of chrysolite asbestos cement and this will require to be removed from the area prior to any investigations taking place. The site soil conditions will now require to be reassessed (through a further site investigation report) with regard to the risk of exposure to such contaminants to key receptors. The report outlines possible remedial measures which may be employed to reduce the risk of exposure from these contaminants to key receptors. A remedial strategy based on the recommendations contained within the amended report and the original report should be provided stating the methods to be used to mitigate the risk of harm to key receptors. This plan shall be submitted to the Planning Authority prior to any works

commencing on site. A further verification report will be required following completion of the remedial works certifying that the works have been carried out in accordance with the remediation strategy.

The comments raised by the Council's Environmental Health Division can be addressed by attaching appropriate conditions to any consent granted for the proposed development.

4. REPRESENTATIONS

4.1 No third party representations have been received with respect to the proposed development.

Noted.

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 (EALP).

Ayrshire Joint Structure Plan

5.2 There are no policies in the Structure Plan especially relevant to the proposed development.

Noted.

East Ayrshire Local Plan

5.3 Policy IND8 states that proposals for alternative uses of land or premises currently or formerly used for industrial purposes shall be considered acceptable subject to a set of three criteria being met, as follows:

(i) the proposed use not being detrimental to surrounding established uses;

It is not considered that residential development of the site will be detrimental to surrounding established uses

(ii) the proposal meeting with the requirement of all other relevant Local Plan policies; and

It is considered that the proposal meets with the requirement of all other relevant Local Plan policies (See below)

(iii) the existence of alternative industrial or business land or premises with potential for future employment use within the settlement concerned.

The Caponacre industrial Estate is located directly to the south-east of the proposed development site.

5.4 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 development at this location would not have any detrimental impacts on the surrounding area.

(ii) transportation and infrastructure implications;

The Council's Roads Division and other service providers should be contacted direct for advice in this regard.

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

There are no other housing developments directly adjacent to the proposed development site. The development comprises of two storey dwellings, in contrast to the single story dwellings located elsewhere along Cairn Road.

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

The proposal complies with the Councils Design Guidance relating to new housing developments.

5.5 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.

An adequate area of public open space has been provided within the application site.

5.6 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 policy also allows those standards quoted to be relaxed in respect of the conversion of existing properties to flats where this can be fully justified by the developer and where considered appropriate by the Planning Authority.

All plots are noted as having in excess of the Council's minimum private open space standards and therefore the proposal shows compliance with this policy.

5.7 The principle of the development at this location is considered to be acceptable in terms of 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 and relevant planning history.

Consultation Responses

6.2 None of the consultation responses have raised any issues which would indicate that the application should be refused although issues would require to be resolved. These could be addressed either through conditions or appropriate notes attached to any consent granted for the proposed development.

Planning History

6.3 The application site has been the subject of a recent outline planning application (ref: 05/0531/OL) for the residential development of the application site which was approved by the Southern Local Planning Committee on 02 September 2005.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. Legal implications will arise through the requirement for the developer to enter into a Section 69 Agreement under The Local Government (Scotland) Act 1973 to secure the developer contribution to the Council's Sports, Leisure and Recreation fund.

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 but it is considered that they do not indicate that the application should be refused.

8.2 The application site is located within the settlement boundary of Cumnock. Outline planning consent has recently been granted for the residential development of this brownfield site which formerly used to accommodate a working factory unit. The proposal is seeking the development of 16 two storey residential units comprising of 10 detached units and 6 semi-detached units. As noted in section 5 of the report the proposal shows compliance with the policies contained within the Adopted East Ayrshire Local Plan 2003.

8.3 The residential units are of a size and scale compatible with its surroundings and show a good external design style incorporating an off-set exposed chimney and integral garage. The overall layout of the site meets with the policy requirements for minimum public and private open space and therefore there are no reasons to merit refusal of this application.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet, but that the issue of the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 69 of the Local Government (Scotland) Act 1973 with the applicants in respect of the matter detailed in Paragraph 7.1 of this report and payment in that regard has been received.

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 on the basis alone of the principle of the proposed development, the application will require to be referred to the Development Services Committee because it would be a significant departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

RG
FV/DVM
18 January 2007

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 05/0531/OL

Anyone wishing to inspect the above background papers should contact Mr. Robin Ghosh on 01563 555481.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 06/0610/FL

Location	LAND TO WEST OF CAIRN ROAD, CUMNOCK
Nature of Proposal:	ERECTION OF 16 NEW DWELLINGS
Name and Address of Applicant:	RAVENBACK DEVELOPMENTS LIMITED VICO HOUSE 110 CITY BUSINESS PARK DUNMURRY
Name and Address of Agent	ARCHITECTURE DESIGN AND DEVELOPMENT SOLUTIONS 14A BERESFORD TERRACE AYR

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

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

1. The proposed development shall be carried out in accordance with the application form and plans received by the Planning Authority on 29 June 2006 and the amended site plan (ref: PO6.13.SP01A) received by the Planning Authority on 19 October 2006.

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

2. Notwithstanding the submitted plans, the external wall covering are not hereby approved. Details/samples of the external wall finish shall be submitted to and approved by the Planning Authority before any development commences on site.

REASON: In the interests of visual amenity.

3. Prior to the occupation of the units hereby approved, traffic calming shall be introduced on Cairn Road with the existing 30mph limit extended out to the bypass over the bridge. Details of this shall be submitted to and approved by the Planning Authority, in consultation with the Roads Authority, prior to works commencing on site.

REASON: In the interests of public road safety.

4. Junction visibility splay areas of 2.5 metres by 120 metres shall be formed and maintained at the junction with Cairn Road with no object greater than 1m in height allowed within these areas.

REASON: In the interests of public road safety.

5. The site shall be served by internal roads which comply with the Roads Development Guide 1996.

REASON: In the interests of public road safety.

6. No surface water shall be allowed to discharge onto the public road.

REASON: To ensure a secure road surface in the interests of road safety.

7. Any garages shall be set back a minimum distance of 6m from the rear of the public footpath.

REASON: To avoid obstruction on the public highway in the interests of road safety.

8. Notwithstanding the submitted plans any gates shall require to open inward away from the public road.

REASON: In the interests of public road safety.

9. The private driveways shall be paved or bituminously surfaced over the full width for a minimum distance of 2m from the rear of the footway to avoid the overcarry of loose material onto the public road.

REASON: To ensure a secure road surface in the interests of road safety.

10. The proposed driveways shall not be less than 4.8m in length by 2.5m wide.

REASON: In the interests of public road safety.

11. The parking requirement shall comply with the Roads Development Guide 1996 including visitor parking.

REASON: In the interests of public road safety.

12. Prior to the commencement of any development works on site, a further soil investigation report shall be provided to take account of the more recent fire damage to the former industrial building. A remedial strategy based on the recommendations contained within the existing and requisite amended Investigation reports should be submitted to the Planning Authority stating the methods to be used to mitigate the risk of harm to key receptors. A further verification report will be required following completion of the remedial works certifying that the works have been carried out in accordance with the remediation strategy.

REASON: In the interests of public health and safety.

13. All waste to be removed from the site (demolition, construction waste etc.) shall be removed by a licensed waste carrier to an appropriately licensed or exempted site.

REASON: In the interests of public health and safety.

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

REASON: To prevent noise 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 on site, the applicant shall submit to and have approved by the Planning Authority, details of screen fencing to be erected on site. This fencing shall thereafter be provided onsite prior to the occupation of any of the houses.

REASON – In the interests of visual and residential amenity

16. Prior to the commencement of the development, the applicant shall submit to, and have approved by the Planning Authority, details of the proposed landscaping scheme for the proposed areas of open space. 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.

NOTES

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.

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