

## **EAST AYRSHIRE COUNCIL**

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

**06/1122/FL: PROPOSED ERECTION OF 48 DWELLINGS,  
AT LAND TO THE EAST OF KINGS WAY, CUMNOCK**

### **APPLICATION BY SHIRE HOUSING ASSOCIATION**

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

1.1 Full planning permission is sought for the residential development of the site to accommodate 48 dwellings. The proposal comprises 34 semi-detached dwellings consisting of four different designs, 6 terraced dwellings and 8 cottage flats. The proposed finishing materials consist of buff coloured cast stone with off-white render for the external walls and dark grey concrete plain roof tiles. The windows are proposed as grey stained timber. The site layout takes access by extending the existing turning area of Kingsway, sweeping to the south towards Hill View leading to a turning head at the top of the hill at the east edge of the site. The dwellings to the south of the application site backing onto the railway embankment take direct access from Kings Way and Hemmings Way. A large area of public open space and a designated area for a Sustainable Urban Drainage System (SUDS) are proposed to the north of the site at the area of ground to the east of Kings Way.

#### **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**

2.1 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.

2.2 The proposal is seeking the development of 48 residential units on land to the rear of Kingsway within the settlement boundary of Cumnock. As noted in section 5 of the report the proposal shows compliance with the policies contained

within the East Ayrshire Local Plan, with the principle of affordable housing on this 'residential opportunity site' (018H) being acceptable.

2.3 The residential units are of a size and scale compatible with its surroundings and show a good external design style incorporating an interesting modern mix of external finishing materials. The overall layout of the site meets with the policy requirements for minimum public and private open space and an adequate provision has been made for off road parking and safety provision, therefore there are no reasons to indicate 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 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**

**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 SHIRE HOUSING ASSOCIATION

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 application site is located on the eastern edge of the settlement of Cumnock on land adjoining Barshare. The application site is bounded to the west with the rear gardens of existing dwellings located on Kings Way, to the south by detached bungalows on Hemmings Way and the embankment of the former railway line and with the land to the east currently consisting of undulating rough grazing ground.

2.2 The site extends to an approximate area of 1.86 hectares comprising of undeveloped agricultural ground. The application site is noted within the East Ayrshire Local Plan as a residential development opportunity site (O18H) with an indicative capacity of 48 houses suitable for an 'affordable housing' development.

2.3 **Proposed Development:** Full planning permission is sought for the residential development of the site to accommodate 48 dwellings. The proposal comprises 34 semi-detached dwellings consisting of four different designs, 6 terraced dwellings and 8 cottage flats. The proposed finishing materials consist of buff coloured cast stone with off-white render for the external walls and dark grey concrete plain roof tiles. The windows are proposed as grey stained timber. The site layout takes access by extending the existing turning area of Kingsway, sweeping to the south towards Hill View leading to a turning head at the top of the hill at the east edge of the site. The dwellings to the south of the application site backing onto the railway embankment take direct access from Kings Way and Hemmings Way. A large area of public open space and a designated area for a Sustainable Urban Drainage System (SUDS) are proposed to the north of the site at the area of ground to the east of Kings Way.

### 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.
- (ii) Two additional speed tables shall be constructed and implemented as part of the Roads Construction Consent to the satisfaction of the Roads and Transportation Division.
- (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) Driveway manoeuvrability shall be provided for off road parking.
- (vii) Three additional visitor car parking spaces shall be provided within the development to the satisfaction of the Roads and Transportation Division
- (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 Power 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. 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) All drainage from the property shall be completed to the satisfaction of SEPA.
- (iv) All waste arising from the construction works shall be disposed of to the satisfaction of the waste management Authority.

***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 RES1 encourages and supports the residential development of those Development Opportunity Sites identified for housing purposes on the individual Local Plan maps and reserves them for residential and associated recreational and amenity open space development.

***The application site is reserved for residential development in the Local Plan (Site Reference: 018H) with an indicative capacity for 48 houses. The application is for the development of 48 houses on this site.***

5.4 Policy RES10 requires the provision of affordable and low cost housing for sale on those sites identified as appropriate for such purposes in the Local Plan. The policy also states that such housing requires to meet the Council's standards regarding design and layout.

***The application site is also reserved for Affordable Housing and it is considered that the site layout and design meets the Council's standards. As the applicant is Shire Housing Association, it is considered that the proposal accords with this policy.***

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.

***The site layout indicates that there are two areas of public open space within the site. The minimum standards for open space provision are 300m<sup>2</sup> per 10 houses as the development is over 30 houses. Therefore 1,440m<sup>2</sup> of public open space is required to be provided for 48 houses. It is considered that the proposal meets the minimum figure for public open space provision.***

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.

### 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.

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

8.2 The proposal is seeking the development of 48 residential units on land to the rear of Kingsway within the settlement boundary of Cumnock. As noted in section 5 of the report the proposal shows compliance with the policies contained within the East Ayrshire Local Plan, with the principle of affordable housing on this 'residential opportunity site' (018H) being acceptable.

8.3 The residential units are of a size and scale compatible with its surroundings and show a good external design style incorporating an interesting modern mix of external finishing materials. The overall layout of the site meets with the policy requirements for minimum public and private open space and an adequate provision has been made for off road parking and safety provision, therefore there are no reasons to indicate 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.**

### **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  
05 March 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).

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: 06/1122/FL

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Location	LAND TO THE EAST OF KINGSWAY, CUMNOCK
Nature of Proposal:	PROPOSED ERECTION OF 48 DWELLINGHOUSES
Name and Address of Applicant:	SHIRE HOUSING ASSOCIATION NETHERTHIRD HOUSE, 15 GLAISNOCK ROAD, CUMNOCK
Name and Address of Agent	LAWRENCE MCPHERSON ASSOCIATES 6 NEW ROAD, AYR

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DPO's Ref: Robin Ghosh  
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 27 November 2006 and the amended site plan (ref:911P 002B) received by the Planning Authority on 8 March 2007.

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

2. Notwithstanding the submitted plans the residential development of this site shall only be permitted if it can be demonstrated that the development will consist of affordable housing undertaken by a Registered Social Landlord.

REASON: To ensure the appropriate re-development of the site is carried out in accordance with the requirements of the Residential Development Opportunity Site (018H).

3. Two additional speed tables shall be constructed within the development site to the satisfaction of the Planning Authority and Roads Authority.

REASON: In the interests of public road safety.

4. Three additional visitor car parking spaces shall be provided within the development, details of which shall be submitted to and approved by the Planning Authority prior to commencing development.

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 6 metres 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 parking requirement shall comply with the Roads Development Guide 1996 including visitor parking.

REASON: In the interests of public road safety.

11. 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.

12. 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.

13. 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

14. 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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