

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 12 APRIL 2002

**01/0869/RM: ERECTION OF 9 NO. DWELLINGHOUSES AT FORMER
SKERRINGTON GARAGE, GLAISNOCK ROAD, CUMNOCK**

APPLICATION BY MCARTNEY HOMES

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Planning permission is sought under Reserved Matters for the erection of nine dwellinghouses within the site. The dwellinghouses would all be single storey. The external finishes proposed are a red/buff facing brick and red concrete roof tile. A new access would be formed off Glaisnock Road. One dwellinghouse would be accessed from Glaisnock Road, with the others all being accessed from the new road.

1.2 The topography of the site is such that levels within the site drop quite significantly from the site frontage in the east to the boundary with Cumnock Business Park to the west. Details of finished floor levels have been provided, indicating that a degree of underbuilding will be required, particularly at Plot No's 2, 3 and 4. The existing dwellings at Cameron Crescent which are located to the north west of the site, are located at a lower level. To prevent any overlook or privacy problems with regard to these dwellings, it is proposed to erect a screen fence along a small mound which shall be formed along the northern boundary of Plots No. 8 and 9. This would protect the privacy of existing residents.

1.3 Due to the past use of the site as a garage and as the site has a history of infilling, a soils investigation report has been submitted as part of the application.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As is indicated at paragraph 5.1 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning

(Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these are generally supportive of the application.

3.2 Although West of Scotland Water has objected to the application, a suspensive condition could be imposed on any planning permission, requiring no works to start on site until such time as the applicant has provided written confirmation from the West of Scotland Water Authority that it is satisfied with the proposed drainage arrangements. Furthermore a suspensive condition could also be imposed with regard to the requirements of Environmental Health, namely the submission of a scheme to deal with contamination.

3.3 The site is identified for residential purposes within the East Ayrshire Local Plan, Finalised Version with Modifications. The site layout, design and finishes of the proposed dwellings are considered to be acceptable.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, on the basis of the principle of residential development, then the application would require to be referred to the Development Services Committee as the principle of the application is in accordance with the East Ayrshire Local Plan.

Alan Neish
Head of Planning and Building Control

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 MCARTNEY HOMES

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a planning application which is to be considered by the Local Planning Committee under the scheme of delegation as the proposed development relates to the construction of more than five dwellings.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located on the west side of Glaisnock Road in Netherthird, Cumnock approximately 30 metres north of the junction of Glaisnock Road with Craigens Road. The application site extends to approximately 3800m² and comprises the site of the former Skerrington Garage and its associated curtilage. The former garage has recently been demolished and associated earthworks have been undertaken. The site is bounded to the east by Glaisnock Road, by residential properties on Glaisnock Road and Cameron Crescent to the north, and by Cumnock Business Park to the west and south. The application site currently detracts from the general amenity of the locality.

2.2 **Proposed Development:** Planning permission is sought under Reserved Matters for the erection of nine dwellinghouses within the site. The dwellinghouses would all be single storey. The external finishes proposed are a red/buff facing brick and red concrete roof tile. A new access would be formed off Glaisnock Road. One dwellinghouse would be accessed from Glaisnock Road, with the others all being accessed from the new road.

2.3 The topography of the site is such that levels within the site drop quite significantly from the site frontage in the east to the boundary with Cumnock Business Park to the west. Details of finished floor levels have been provided, indicating that a degree of underbuilding will be required, particularly at Plot No's 2, 3 and 4. The existing dwellings at Cameron Crescent which are located to the north west of the site, are located at a lower level. To prevent any overlook or privacy problems with regard to these dwellings, it is proposed to erect a screen fence along a small mound which shall be formed

along the northern boundary of Plots No. 8 and 9. This would protect the privacy of existing residents.

2.4 Due to the past use of the site as a garage and as the site has a history of infilling, a soils investigation report has been submitted as part of the application.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Cumnock Landward Community Council has not responded to the consultation letter at the time of writing.

Noted.

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

Noted

3.3 The Coal Authority advises that in view of the mining circumstances a prudent developer would seek appropriate technical advice before works are undertaken on site.

A note could be attached to any planning consent advising the applicant to satisfy themselves as to the suitability of the site for construction purposes.

3.4 British Gas Transco indicates that it may be necessary to take measures to protect/divert their plant at the applicant's cost. No mechanical excavation should be carried out within 500mm of Transco Plant.

The applicant has been advised of the above. Furthermore a condition could be attached to any planning consent with regard to no mechanical excavation to be carried out within 500mm of Transco Plant in the interests of public safety.

3.5 East Ayrshire Council Roads and Transportation Division has no objection to the proposed development subject to conditions. Access to the site must be taken via internal roads which comply with the Roads Development Guide 1996 and will require construction consent from East Ayrshire Roads Division. This consent would cover issues such as traffic calming, road widths, footways, road construction and street lighting etc. The existing 2 metre wide footway across the frontage of the site should be upgraded as part of the construction consent. Junction visibility splay areas of 2.5 metres by 90 metres will be required at the junction with the public road with no obstruction greater than one metre in height being allowed within these areas. Furthermore, visibility splays of 2 metres by 70 metres will be required at Plot No.1. Access to and egress from Plot No.1 will require to be taken in forward gear.

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

3.6 East Ayrshire Council, Environmental Health and Waste Management Division advises that with regard to the report on soil contamination it is obvious from the report findings that there is petroleum and mineral oil hydrocarbon contamination on this site and remediation works will be required prior to any development. In order that suitable remediation can be carried out the extent of soil contamination on the site must be accurately investigated. Care must be exercised in treating hydrocarbon contamination as “Hot Spots” due to the limited number of samples that were analysed and also as the samples were taken from a maximum depth of 0.5 metres the extent of vertical contamination is unknown. This information will be required when deciding what depth the contamination should be removed to, as there is no information in the borehole logs, such as the presence of visible oil to assist in this process. In order to proceed with remedial works a fuller investigation of the site is warranted, to provide an assessment of the extent of soil contamination on the site and a remediation plan should quantify the works to be undertaken in order to reduce risks to an acceptable level.

Suspensive conditions could be attached to any planning consent requiring that no works shall start on site until such time that a scheme to deal with contamination has been submitted to and approved by the Planning Authority.

3.7 West of Scotland Water Authority indicate that the existing Combined Sewer Outfall has been classified as being unsatisfactory. Preliminary investigation suggests that upgrading of the sewerage system will be outwith reasonable cost. Increase in surcharging caused by the proposed development would also be unacceptable. They would therefore indicate that West of Scotland Water object to the progression of the development.

This is a Reserved Matters application following grant of outline consent for the development. It should be noted that at the outline stage, West of Scotland Water raised no objections to the development. Notwithstanding this should the application be approved, an appropriate suspensive condition could be included on any planning permission requiring that no works shall start on site until such time as the applicant can provide written confirmation from the West of Scotland Water Authority that it is satisfied with the proposed drainage arrangements.

4. REPRESENTATIONS

4.1 West of Scotland Water has objected to the development as indicated in paragraph 3.7 above.

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 Cumnock and Auchinleck Local Plan (1992). The Adopted Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against Policies 15 and 16. Policy 15 states that the character of existing residential areas will be retained and Policy 16 states that gap sites or re-development sites should be developed for residential purposes rather than greenfield sites.

The proposed residential development complies with the policy provisions of the Adopted Plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan, Finalised Version with Modifications (2001), consultation responses and the planning history of the area.

East Ayrshire Local Plan

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan, Finalised Version with Modifications (EALP) should be considered as a prime material consideration. The site is affected by Residential policies.

6.3 Residential Policy RES1 states that the Council will encourage and support the residential development of those Development Opportunity Sites identified for housing purposes on the individual local plan maps. The sites identified will be reserved for residential and associated recreational and amenity open space development.

The site is identified within the Cumnock Local Plan map for 16 dwellinghouses. The proposed residential development of the site would therefore comply with the provisions of the above policy.

6.4 Residential Policy RES22 states that all developers will require to observe the minimum private open space criteria and standards detailed in the local plan.

The development would comply with the Council's private open space criteria.

6.5 Policy TLR 5 requires that developers be requested to contribute to a Sports, Leisure and Recreation Fund. This is a Reserved Matters application submitted further to an outline consent which pre-dates the Development Services Committee's agreement of formal Fund procedures. In these circumstances, it is not appropriate to pursue a contribution to the Sports, Leisure and Recreation Fund.

Consultation Responses

6.6 West of Scotland Water objects to the application due to the cost of providing infrastructure to serve the site being outwith the Authority's "reasonable cost" contribution. Furthermore, Environmental Health requires further information with regard to soil contamination and remediation works.

Appropriate suspensive conditions could be attached to any planing consent with regard to the requirements of Environmental Health and West of Scotland Water.

Planning History

6.7 Outline planning permission was approved for a residential development within the site by the Southern Local Planning Committee on 17 December 1999 (Ref: 99/0254/FL).

The application currently being determined is a reserved matters application, following the approval of the above outline application.

6.8 On February 1998, a formal enforcement notice and associated stop notice was served on the previous owner of the site, relating to the unauthorised dumping of soils, builders rubble and demolition material on the site (Ref. No. DP/030/97/0135)

In order to comply with the terms of both the enforcement notice and the stop notice, the owner was required to remove all extraneous scrap material from the site and to grade all soils deposited to an acceptable standard. The terms of the notice were fully complied with on 25 May 1999.

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 at paragraph 5.1 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these are generally supportive of the application.

8.2 Although West of Scotland Water has objected to the application, a suspensive condition could be imposed on any planning permission, requiring no works to start on site until such time as the applicant has provided written confirmation from the West of Scotland Water Authority that it is satisfied with the proposed drainage arrangements. Furthermore a suspensive condition could also be imposed with regard to the requirements of Environmental Health, namely the submission of a scheme to deal with contamination.

8.3 The site is identified for residential purposes within the East Ayrshire Local Plan, Finalised Version with Modifications. The site layout, design and finishes of the proposed dwellings are considered to be acceptable.

9. RECOMMENDATION

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

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, on the basis of the principle of residential development, then the application would require to be referred to the Development Services Committee as the principle of the application is in accordance with the East Ayrshire Local Plan.

Alan Neish
Head of Planning and Building Control
26 March 2002
VE/VE
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. East Ayrshire Local Plan, Finalised Version with Modifications.
5. Adopted Cumnock and Auchinleck Local Plan
6. Approved Ayrshire Joint Structure Plan.
7. Approved Strathclyde Structure Plan
8. Previous application 99/0254/OL.
9. Enforcement Notice Ref: DP/030/97/0135.

Any person wishing to inspect the background papers listed above should contact Miss Vivien Emery on 01563 555485.

Implementation Officer: Dave Morris

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|--------------------------------|---|
| Location | Former Skerrington Garage Glaisnock Road |
| Nature of Proposal: | CUMNOCK |
| Name and Address of Applicant: | McCartney Homes Stanecastle IRVINE |
| Name and Address of Agent: | Mr C Stewart "Lismore" The Lane Dullater GLASGOW G68 0AU |

DPO's Ref: [Vivien Emery
PPO's Ref; []

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 forms and plans received on 13 November 2001 and the amended block plan received by the Planning Authority on 6 February 2002.

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

2. No work shall commence on site until such time as the applicant has provided the Planning Authority with written confirmation from the West of Scotland Water Authority that there is in place adequate drainage infrastructure sufficient to accommodate the proposed dwellinghouses.

REASON -To ensure that adequate drainage is provided in the interests of public safety

3. No work shall commence on site until a scheme to deal with contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of proposals to deal with contamination to include:

- (i) the nature, extent and type(s) of contamination on site;
- (ii) measures to treat/remove contamination to ensure the site is fit for the use proposed; and
- (iii) measures to deal with contamination during construction works.

REASON – To ensure that potential hazards within the site and suitable remediation measures have been identified.

4. No work shall commence on site until such time as the applicant has implemented the remediation measures required by Condition No.3 above, to the satisfaction of the Planning Authority.

REASON – To ensure that suitable remediation measures have been carried out to reduce risks to an acceptable level.

5. Prior to the commencement of development on site and taking full account of any remedial measures required further to Conditions 3 and 4 above, the applicant shall confirm that the proposed finished ground and floor levels remain as submitted. Where this is not the case, the applicant shall obtain the prior written consent of the Planning Authority with regard to revised levels.

REASON – In the interests of residential amenity.

6. Notwithstanding the approved plans, the external walls of the dwellinghouses shall be finished in both facing brick and render. Revised elevation plans which reflect these finishes shall be submitted to and approved by the Planning Authority prior to the commencement of development.

REASON – In the interests of residential and visual amenity.

7. Notwithstanding the approved plans, details/samples of the proposed facing brick and render shall be submitted to and approved by the Planning Authority prior to the commencement of development.

REASON – In the interests of residential and visual amenity.

8. Notwithstanding the approved plans, details/samples of the proposed roof tile shall be submitted to and approved by the Planning Authority prior to the commencement of development.

REASON – In the interests of residential and visual amenity.

9. Details of all retaining walls to be provided within the site shall be submitted to and approved by the Planning Authority prior to the commencement of development.

REASON – In the interests of residential and visual amenity.

10. Notwithstanding the submitted plans details of the design and construction of all fences and walls to be erected on site shall be submitted to and approved by the Planning Authority before any development commences on site.

REASON – In the interests of residential and visual amenity.

11. The mound and fence proposed along the northern boundary of Plot No. 8 and No. 9 and the fence proposed along the eastern boundary of Plot No. 9 shall be formed/erected prior to the occupation of the dwellinghouses at Plot Nos. 8 and No.9.

REASON – In the interests of residential and visual amenity.

12. Access to and egress from Plot No.1 shall require to be taken in forward gear.

REASON – In the interests of road safety.

13. Access to the site shall be taken via internal roads which comply with the Roads Development Guide 1996 and will require Construction Consent from East Ayrshire Roads and Transportation Division.

REASON – In the interests of road safety.

14. Prior to the occupation of any of the dwellinghouses the existing two metre wide footway across the frontage of the site shall be upgraded in accordance with details to be submitted to and approved by the Planning Authority.

REASON – In the interests of road safety.

15. Notwithstanding the submitted plans, visibility splay areas of 2.5 metres by 90 metres shall be formed at the junction with the public road with no object greater than one metre in height being allowed within these areas.

REASON – In the interests of road safety.

16. Notwithstanding the submitted plans, visibility splay areas of 2.5 metres by 70 metres shall be formed at the junction with Plot No.1 with no object greater than one metre in height being allowed within these areas.

REASON – In the interests of road safety.

17. No mechanical excavation shall take place within 500mm of Transco Plant.

REASON – In the interests of safety.

18. Notwithstanding the provision of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992, any garages associated with the development shall be of permanent construction and finished in the same materials as the dwellinghouse to which they relate.

REASON – In the interests of visual amenity.

19. The landscaping/open space shown on the approved plans shall be laid out simultaneously with the development and shall be maintained thereafter in accordance with a maintenance scheme to be submitted to and approved by the Planning Authority prior to the commencement of development.

REASON – To ensure that landscaped areas are laid out in a proper manner in the interests of residential amenity.

• **NOTES TO APPLICANT**

1. Prior to the commencement of development on site, the applicant should satisfy themselves as to the suitability of the site for construction purposes.
2. This consent does not involve the Council in the maintenance of open space.
3. The developer should make early contact with British Gas Transco, 95 Kilbirnie Street, Glasgow to discuss measures to protect/divert their plant.
4. The developer should make early contact with West of Scotland Water, 35 Glenburn Road, Prestwick to discuss drainage arrangements.

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

**PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**

AGENDA