

## **EAST AYRSHIRE COUNCIL**

### **SOUTHERN LOCAL PLANNING COMMITTEE: 15 AUGUST 2003**

#### **02/0267/FL: PROPOSED ERECTION OF 19 RESIDENTIAL FLATS AT GREENHOLM ROAD, CUMNOCK**

#### **APPLICATION BY NEW CITY HOMES**

#### **Report by Head of Planning and Building Control**

### **1. PURPOSE OF REPORT**

1.1 The purpose of this report is to provide supplementary information to the Local Planning Committee in the determination of a full planning application for the above development.

1.2 The application was first presented to the Southern Local Planning Committee at its meeting on 11 April 2003, at which time the Committee agreed to continue consideration of the application to allow further discussion with the applicant regarding the possible comprehensive development of the wider Greenbraes / Greenholm area.

1.3 Following further discussions with the Council's Economic Development Division and the applicant and in light of a report presented to the Development Services Committee on 25 June 2003 regarding Cumnock Town Centre, this application is being presented for further consideration.

### **2. SUPPLEMENTARY INFORMATION**

2.1 **East Ayrshire Local Plan:** Since the presentation of the report on this application to the Local Planning Committee, the East Ayrshire Local Plan (EALP) has now been formally adopted. In this regard, the Committee is advised that greater weight should now be attached to the policy provisions of the adopted EALP as described in sections 6.2 to 6.5 of the committee report dated 01 April 2003. The provisions of the adopted Cumnock and Auchinleck Local Plan indicated in Sections 5.2 and 5.3 of the report have been superseded and are no longer material considerations in the determination of this application.

2.2 **Report on Cumnock Town Centre:** At its meeting on 25 June 2003, the Development Services Committee considered a report, the purpose of which was to update the Committee on the progress of work being carried out in relation to the redevelopment proposals for Cumnock Town Centre and seek approval for a range of options. The report considered, in particular, options for the Glaisnock Shopping Centre and options for an office development location in the central area including the wider Greenholm / Greenbraes area, within which the current application site is located.

2.3 The findings of the report indicate that sites at Greenholm Road, including the current application site were examined in relation to a possible office development. The view of the consultant was that these sites were not suitable as:

- (i) there was limited road access from the main Glaisnock Road;
- (ii) there would be car parking capacity problems for an office development; and
- (iii) the site was not prominent enough and would be on a split level, making the design difficult.

2.4 The principal conclusions of the report relating to redevelopment of Cumnock Town Centre state:

- (i) serious decisions on development proposals for the Glaisnock Centre cannot be taken for probably another 12 months; and
- (ii) at the moment redevelopment plans of any material size cannot be accommodated in the heart of the town in view of site configuration and car parking problems.

The Committee agreed to a range of measures set out in the report to advance options for the redevelopment of Cumnock Town Centre and Glaisnock Shopping Centre.

***In agreeing to the terms of the report, this is a material consideration in the determination of the current application. Given the findings of the report in relation to potential office development and issues regarding the wider Greenholm/Greenbraes area, it is considered that the proposed development would not compromise the potential development of other parts of the comprehensive site. In such circumstances it is considered that the principle of residential development at this location is acceptable and would not compromise the measures agreed by the Development Services Committee to secure redevelopment of the central area. Furthermore it could be considered that the proposed development will promote vitality in this central area and may also act as the catalyst for further regeneration that so far, to date, has not taken place.***

2.5 **Consultation from East Ayrshire Economic Development Division:** The comments of the Economic Development Division as indicated in Section 3.8 of the original report on this planning application have been superseded by the terms of the Cumnock Town Centre report.

***Noted.***

### **3. RECOMMENDATION**

**3.1 It is recommended that the Committee takes account of this supplementary information in conjunction with the committee report on planning application 02/0267/FL dated 01 April 2003.**

**Alan Neish**

## **Head of Planning and Building Control**

07 August 2003  
HM/HM

### **BACKGROUND PAPER**

1. Report on Cumnock Town Centre dated 12 June 2003

Anyone wishing to inspect the above background paper should contact Mr. Hugh Melvin on 01563 555481.

## **EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 11 APRIL 2003**

**02/0267/FL: PROPOSED ERECTION OF 19 RESIDENTIAL FLATS AT GREENHOLM ROAD, CUMNOCK**

**APPLICATION BY NEW CITY HOMES**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 Full permission is sought for the erection of a flatted development comprising of 19 residential flatted dwellings within a single building form. The proposed building will comprise both two storey and three storey elements, with the two storey element forming the major part of the development. The proposed development will provide a total of four flat types with 14 of the units being two-bedroom flats (types GG2, GG3 and GG4) and 5 of the units being one bedroom flats (type GG1).

1.2 Access to the proposed development will be taken from Greenholm Road into a proposed private parking court which will provide a total of 29 parking spaces. Three separate entrances to the proposed flatted development will be provided accessing onto the parking court. The steeper areas within the southern part of the site are to be landscaped and planted with trees, although no specific details regarding this have been submitted by the applicant. The remaining parts of the site will also be grassed and tree planting provided. The applicant also proposes to provide two small buildings adjacent to the parking court to provide bin storage facilities for the flats.

1.3 Although the flatted development is partly three storeys in height, it is located within the application site, such that it will not have any significant adverse impacts on the amenity of any residential properties in the vicinity of the application site. It is considered that with the design proposed and the use of appropriate finishing materials, this could present as an acceptable visual feature in an otherwise bland adjoining landscape that is characterised by unattractive vacant land.

#### **2. RECOMMENDATION**

**2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet, but that the issue of the decision notice should be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matter detailed in Paragraph 6.4.**

### **3. CONCLUSIONS**

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, however it is considered that these are generally supportive of the application.

3.2 It is recognised that, strictly speaking, the proposed development is not part of a comprehensive development for the wider Greenbraes/Greenholm area and it could be argued as being premature. However, it is one of the acceptable uses mentioned in the EALP. Additionally the proposed development only occupies part of the total land area, and is peripheral to the comprehensive development area identified in the EALP. It is therefore considered that the proposed development would not compromise the potential development of other parts of the comprehensive site. In such circumstances it is considered that the principle of residential development at this location is acceptable. Furthermore it could be considered that the proposed development will promote vitality in this central area and may also act as the catalyst for further regeneration that so far, to date, has not taken place.

3.3 It is considered that the proposed residential development, in terms of its scale, density and layout, is acceptable for this brownfield site within the central part of Cumnock. It is further considered that the erection of the proposed flatted development, with the design proposed and the use of appropriate finishing materials, would present as an acceptable visual feature in an otherwise bland landscape and unattractive vacant sites.

3.4 It is considered that the representations made have not been substantiated through the consultation process, or are not of sufficient weight to justify refusal of the application. There are no consultation responses that would merit refusal of the application. The objection by Scottish Water can be addressed through the imposition of an appropriate suspensive condition to ensure that the drainage of the site is to its satisfaction.

*CONTRARY DECISION NOTE*

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee because there will be no significant breach of Council policy.

**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.**

## EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 11 APRIL 2003

02/0267/FL: PROPOSED ERECTION OF 19 RESIDENTIAL FLATS AT GREENHOLM ROAD, CUMNOCK

APPLICATION BY NEW CITY 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 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 and as the application is subject to objections.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies on the south side of Greenholm Road in Cumnock and lies some 120 metres east of the junction of Greenholm Road with Glaisnock Street. The site extends to approximately 2630 m<sup>2</sup> and relates to the site of the former indoor market premises. The application site lies to the west of the Glaisnock Water and walkway, to the north of the residential area of Herdston Place, to the south of existing residential properties at Greenholm Road and to the east of existing vacant land on the south of Greenholm Road.

2.2 The proposed development site is relatively level, although the site rises sharply at its southern and south-western boundaries towards the residential area at Herdston Place. The south-western part of the site is characterised by scrub trees and bushes. The eastern boundary of the site lies adjacent to the maintained open space and Glaisnock Water walkway, with the Somerfield supermarket site lying across the Glaisnock Water itself.

2.3 **Proposed Development:** Full permission is sought for the erection of a flatted development comprising of 19 residential flatted dwellings within a single building form. The proposed building will comprise both two storey and three storey elements, with the two storey element forming the major part of the development. The proposed development will provide a total of four flat types with 14 of the units being two-bedroom flats (types GG2, GG3 and GG4) and 5 of the units being one bedroom flats (type GG1).

2.4 Access to the proposed development will be taken from Greenholm Road into a proposed private parking court which will provide a total of 29 parking spaces. Three separate entrances to the proposed flatted development will be provided accessing onto the parking court. The steeper areas within the southern part of the site are to be landscaped and planted with trees, although no specific details regarding this have been submitted by the applicant. The remaining parts of the site will also be grassed and tree planting provided. The applicant also proposes to provide two small buildings adjacent to the parking court to provide bin storage facilities for the flats.

2.5 Although the flatted development is partly three storeys in height, it is located within the application site, such that it will not have any significant adverse impacts on the amenity of any residential properties in the vicinity of the application site. It is considered that with the design proposed and the use of appropriate finishing materials, this could present as an acceptable visual feature in an otherwise bland adjoining landscape that is characterised by unattractive vacant land.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 The Scottish Environment Protection Agency indicates that it has no objections in principle to the proposed development provided that the drainage arrangements are to its complete satisfaction. In this regard, all foul drainage from the site must be connected to the public sewer to the satisfaction of Scottish Water. The public sewer must be able to accommodate the increased flow from the development without causing an increase in the frequency of operations of the combined sewer overflows downstream of the development. SEPA also wishes to ensure that appropriate surface water drainage systems are selected and installed for this development so as to exfiltrate/infiltrate as much drainage of the site wherever possible. The provision of porous asphalt/paving for car parking and road drainage in particular would be welcomed. The use of dry well designs or soakaways to accept roof drainage from the dwellings should also be considered.

***Noted. The applicant has been advised of the comments of SEPA and appropriate notes advising early contact with SEPA regarding drainage issues can be attached to any consent granted for the proposed development. See also the comments of Scottish Water.***

3.2 The Coal Authority indicates that a prudent developer would seek appropriate technical advice before any works are undertaken on site.

***A note can be attached to any consent granted for the proposed development advising the applicant to satisfy himself of the mineral stability of the development site.***

3.3 Transco and Scottish Power have no adverse comments to make on the proposed development.

***Noted.***

3.4 East Ayrshire Parks and Leisure Services has no objections to the proposed development but points out that no mention is made of the tree species indicated in the plans or degree of the proposed landscaping scheme and therefore is not able to comment. The developer should also be made aware of the current Council decision to request 10 years costs, should the developer wish the Council to adopt these areas for maintenance.

***A condition can be attached to any consent granted for the proposed development to require the applicant to submit detailed proposals for the landscaping and tree planting scheme for the site for the approval of the Planning Authority. Such details should also include details for the future maintenance of these areas.***

3.5 East Ayrshire Environmental Health Division states that historical maps of the area show that a bacon curing factory occupied the site circa 1974 and it is not envisaged that there will be any adverse environmental impacts from this former usage. However, the land south west of the site was formerly a gas works and due to its elevated position above the proposed development site, possible migration or leaching of contaminants from this site to the proposed development cannot be ruled out. It would be advisable to inform the developer of the proximity of a potentially contaminated site and recommend soil sampling especially near the boundary of the development and the gas works location to eliminate potential adverse environmental impacts on the development.

***The applicant has been advised of the comments of the Environmental Health Division. A suspensive condition can be attached to any consent granted for the proposed development requiring the applicant to undertake soil sampling prior to works commencing on site and to ensure appropriate measures are undertaken to address any contamination found.***

The Environmental Health Division also presumes that the private access road into the car parking area on the west side of the flats may be utilised by the refuse collection service for access to bins. As the bin stores are located adjacent to the parking bays, it is assumed that the bins could be put out in this area for emptying on collection days. However, the access road itself and particularly the entrance to it would require to be adequate to allow satisfactory access/exit by the collection vehicle.

***A condition can be attached to any consent granted for the proposed development to ensure that the access to the site is adequately formed to allow access and exit by refuse collection vehicles and other emergency type vehicles.***

3.6 East Ayrshire Council Roads and Transportation Division states that it has no objections to the proposed development subject to conditions. Access to the site must be taken via a minor access crossing to East Ayrshire Roads Standards. Visibility sightline splay areas of 2.5 metres by 90 metres will require to be formed and maintained at the access, with no obstruction greater in height than 1 metre allowed within these areas. The parking bay along the frontage of the site should be retained and the footway along the frontage should be renewed to East Ayrshire Roads specifications. The footway at the junction with Glaisnock Street should be widened to 1 metre. Street lighting along the frontage of the site should be upgraded in accordance with the requirements of East Ayrshire Council's Lighting Section. A total of 29 car-parking spaces should be provided for the development. The proposed parking bays should be not less than 5 metres in length and 2.5 metres in width. The junction of the site access will require to be paved for a minimum distance of 6 metres from the rear of the footway to avoid overcarry of loose material onto the public road.

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

3.7 East Ayrshire Council Roads and Transportation Division (Flooding Section) had requested that the applicant provided a flood risk assessment of the development site given its proximity to the Glaisnock Water. A Flood Risk Assessment Report was subsequently provided by the applicant and upon examination of this, the Flooding Section notes that the finished floor level of the proposed development is to be at least 86.2 metres Above Ordnance Datum, with consideration taken for the level of any air bricks incorporated to allow the passage of any contaminated water to the solum. In addition the level of the ground between the north-east corner of the proposed north-east flatted house and the west end of the footbridge is to be no higher than 85.0 metres AOD. Given this, the Flooding Section has no further comments to make with respect to flood risk.

***Noted.***

3.8 East Ayrshire Council Economic Development Division indicates that it is understood that in terms of the East Ayrshire Local Plan, the site has been identified for residential or commercial development. From an economic development point of view, the Division would not wish to see this residential development proceeding at this time. There is an adjacent site with development potential and which is within the Council's ownership. Indeed that site is itself adjacent to the Glaisnock Shopping Centre and its surrounding land which again are owned by the Council. The concern of this Division would be that any development of the application site with residential units would constrain the future development potential of other properties in which the Council has an interest and for which development proposals are currently being discussed.

***Notwithstanding the comments of the Economic Development Division and the ownership interests the Council has in the locality of the development site, the present application requires to be determined on its merits and having regard to the provisions of the development plan and other material considerations. These issues are discussed in sections 5 and 6 of this report. The applicant has been made aware of the comments of the Division but wishes to proceed with this application for residential development.***

3.9 West of Scotland Archaeology Service indicates that the proposed development falls within an archaeological trigger area based on a historical record of plague burials dated 1597 which are recorded to have taken place at Greenbraehead outside the medieval burgh of Cumnock at that time. There is no exact location for these burials but Greenbraehead in 1856 was recorded to be located at the Glaisnock end of Greenholm Road on its north side. It is likely that the burials were not made within the area of the development site, although there is no certainty of this. On balance, WOSAS does not consider that the proposal raises an archaeological issue in relation to the plague burials, given the uncertainty of the locational information and the fact that the burials may have been quickly limed so that no bones may have survived, although artefacts are a possibility. WOSAS therefore does not consider any archaeological conditions are warranted, should consent be granted for the proposed development.

***Noted.***

3.10 Scottish Water objects to this application whereby the proposed development drains to the public sewerage system. This is due to the cost of providing infrastructure to serve the development being outwith Scottish Water's 'reasonable cost' obligations in terms of the Sewerage (Scotland) Act 1968. Scottish Water would remove its objection if the applicant:

- (a) bears the cost of the increase in capacity of Scottish Water's infrastructure to accommodate the development; and/or
- (b) promotes a scheme that does not compromise the quality and quantity of discharge from the existing sewerage system and which is in terms satisfactory to Scottish Water,
- (c) utilises the use of a soak-away or similar, to accommodate the surface water run-off from the proposed development.

***The applicant has been advised of the comments of Scottish Water. A suspensive condition can be attached to any consent granted for the proposed development to ensure that appropriate arrangements for the drainage of the site are agreed with Scottish Water prior to any works commencing on site.***

#### **4. REPRESENTATIONS**

4.1 Three letters of representation have been received, including the objection received from Scottish Water and the points raised are as follows:-

4.2 Whilst in principle not in any way objecting to a development which enhances a particular area, objection is made on the standpoint of roads that the proposed development, coupled with any future redevelopment of the larger area, would result in increased usage not currently supportable by the infrastructure of roads and other main services leading along Greenholm Road. In particular it is considered that the entrance from Glaisnock Street is too narrow and might require to be widened.

***The point of objection has not been substantiated in respect of the comments of the Roads and Transportation Division which offers no objections to the proposed development in terms of road safety or roads infrastructure. The Division has requested that the existing footpath at the junction of Glaisnock Street with Greenholm Road be widened to 1 metre, a measure that will in fact narrow the existing road carriageway at this point.***

***While Scottish Water has objected to the proposed development, it is considered that the applicant will be able to provide technical solutions to the issues of site drainage that would enable Scottish Water to remove its objection. No other adverse comments have been received from statutory undertakers or service providers.***

4.3 The development of the whole area behind Glaisnock Street should be considered as a single proposal and the question of infrastructure needs to be addressed at that point to ensure that appropriate support is available and that future development of a larger area by the objector and other partners is not precluded by this single development. The proposal does not conform to the local plan and should not, in isolation, be allowed to the prejudice of future development. The application is premature and should not be allowed.

***The present application requires to be determined on its merits and having regard to the provisions of the development plan and other material considerations. These issues are discussed in sections 5 and 6 of this report.***

## **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 Cumnock and Auchinleck Local Plan (1992). The Adopted Local Plan was prepared within the context of the approved Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan the proposal would fall to be considered against this document and its associated policies. The application site lies within the designated Central Area and Policy 25 states that development which is detrimental to the amenity and enjoyment of nearby dwellinghouses will not be permitted within areas of mixed uses.

***It is considered that the proposed development, being residential in nature, will not adversely impact on the amenity and enjoyment of adjacent residential properties. The proposed development would not therefore conflict with the provisions of Policy 25.***

5.3 Proposal 43 of the adopted local plan also states that the Council, in conjunction with assistance and funding from the then Scottish Development Agency, will carry out a full market and development appraisal of various sites within Cumnock including the central area with emphasis on the Greenbraes area.

***It was considered that the Greenbraes area had considerable potential for future development, and re-development of this site, and others within Cumnock, including environmental improvements and attraction of new business and enterprise, was considered vital if such sites were to achieve their full potential.***

***Notwithstanding this, the area of Greenbraes remains undeveloped and at present detracts significantly from the visual and general amenity of the central area of Cumnock, particularly as it lies in close proximity to the two main focuses of shopping within Cumnock.***

***It is considered that the development of the application site for residential purposes would not be inconsistent with the spirit of Proposal 43, indeed it could be considered that the proposed development will promote vitality in this central area and may also act as the catalyst for further regeneration that so far, to date, has not taken place.***

It is therefore considered that the proposed development is in accordance with the adopted Cumnock and Auchinleck Local 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) 2002, (EALP) the consultation responses and representations received, which are addressed in Section 3 and 4 of this report.

East Ayrshire Local Plan (Finalised Version with Modifications)

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.

6.3 The application site lies within the designated Town Centre and forms part of a larger site identified within the EALP as a Miscellaneous Development Opportunity site (024M). Under policy CUMNOCK3, the Council will encourage and support a comprehensive mixed development of the site for uses appropriate to its location within Cumnock Town Centre as detailed within Schedule 5 of the plan, community facility and residential purposes.

***Policy CUMNOCK3 requires a comprehensive mixed development for the larger Greenbraes/Greenholm site and strictly speaking, the proposed development is not part of such a comprehensive development. However, it is one of the acceptable uses mentioned in the policy. Additionally the proposed development only occupies part of the total land area, and is peripheral to the comprehensive development area identified under this policy. It is therefore considered that the proposed development would not compromise the potential development of other parts of the comprehensive site. In such circumstances it is considered that the principle of residential development at this location is acceptable in terms of Policy CUMNOCK3. Furthermore it could be considered that the proposed development will promote vitality in this central area and may also act as the catalyst for further regeneration that so far, to date, has not taken place.***

6.4 Policy RES19 requires developers to meet the standards of public open space set out in Schedule 3 of the EALP.

***It is considered that the proposed development does not meet the requirements of Policy RES19. Although the area around the proposed flatted development will provide open space, this will effectively be passive in nature. Similarly, there is no active children's play area proposed within the development.***

***However, it is acknowledged that this is a brownfield redevelopment site within the central area of Cumnock. There is also local provision of active open space and children's play areas in the locality. The applicant has indicated that he is willing in this instance to contribute to the upgrading and enhancement of existing active open space provision. They have made an offer to contribute a sum of £1,000, this being due to the absence of specific provision within the development itself. Such an offer is in principle consistent with the terms of Policy RES 21, however the precise level of compensatory contribution should be agreed in conjunction with the Council's Community Services Department.***

6.5 Policy RES22 of the EALP is also of relevance. Policy RES22 requires the developer to meet the Council's private open space standards as set out in Schedule 4 of the EALP.

***The proposed development is considered to be generally consistent with Policy RES22. There is sufficient space in the development site to accommodate the requirements of Policy RES22 although in terms of amenity space, there would be no objection to a degree of sharing of the standard requirement.***

### Consultations Responses

6.6 Apart from the response from Scottish Water, the statutory consultation process has not raised any negative issues that would affect the granting of planning permission subject to appropriate conditions. It is considered that the issues of drainage that has resulted in the objection of Scottish Water can be addressed through the imposition of a suspensive condition in any consent granted for the proposed development.

### Representations

6.7 It is considered that the points of objection raised by third parties are either not substantiated through the consultation process or are not of sufficient weight to merit refusal of the application.

## **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 securing of a financial contribution in lieu of the appropriate provision of active open space on site and in accordance with Policy RES 21 of the EALP.

## **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, however it is considered that these are generally supportive of the application.

8.2 It is recognised that, strictly speaking, the proposed development is not part of a comprehensive development for the wider Greenbraes/Greenholm area and it could be

argued as being premature. However, it is one of the acceptable uses mentioned in the EALP. Additionally the proposed development only occupies part of the total land area, and is peripheral to the comprehensive development area identified in the EALP. It is therefore considered that the proposed development would not compromise the potential development of other parts of the *comprehensive site*. *In such circumstances it is considered that the principle of residential development at this location is acceptable.* Furthermore it could be considered that the proposed development will promote vitality in this central area and may also act as the catalyst for further regeneration that so far, to date, has not taken place.

8.3 It is considered that the proposed residential development, in terms of its scale, density and layout, is acceptable for this brownfield site within the central part of Cumnock. It is further considered that the erection of the proposed flatted development, with the design proposed and the use of appropriate finishing materials, would present as an acceptable visual feature in an otherwise bland landscape and unattractive vacant sites.

8.4 It is considered that the representations made have not been substantiated through the consultation process, or are not of sufficient weight to justify refusal of the application. There are no consultation responses that would merit refusal of the application. The objection by Scottish Water can be addressed through the imposition of an appropriate suspensive condition to ensure that the drainage of the site is to its satisfaction.

## **9. RECOMMENDATION**

9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet, but that the issue of the decision notice should be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matter detailed in Paragraph 6.4.

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee because there will be no significant breach of Council policy.

**Alan Neish**  
**Head of Planning and Building Control**

01 April 2003  
HM/HM

**LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted Cumnock and Auchinleck Local Plan.
6. East Ayrshire Local Plan Finalised Version with Modifications.
7. Approved Strathclyde Structure Plan.
8. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above background papers should contact Mr. Hugh Melvin on 01563 555481.

***Implementation Officer: Dave Morris***

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 02/0267/FL

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Location	Greenholm Road, CUMNOCK
Nature of Proposal:	Proposed erection of 19 residential flats
Name and Address of Applicant:	New City Homes Limited 42 Auchinleck Road CUMNOCK KA18 1AE
Name and Address of Agent	Drew Deans Design 11 Dryburgh Walk Moodiesburn GLASGOW G69 0HH

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DPO's Ref:  
PPO's Ref: 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 application form and plans submitted on 10 April 2002, as revised by the amended site plan received by the Planning Authority on 02 May 2002.

REASON - To ensure 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 Scottish Water that there is in place adequate drainage infrastructure sufficient to accommodate the proposed dwellinghouses.

REASON -To ensure that adequate drainage is provided to serve the proposed development.

3. Prior to any works commencing on site, the applicant shall undertake soils sampling on the development site to assess any potential presence of contaminants. The details of such sampling shall be submitted to the Planning Authority and if appropriate shall include the measures to be undertaken to deal with any contamination found on site. No construction works shall commence on site without the written confirmation of the Planning Authority that it is satisfied that issues of potential ground contamination have been addressed.

REASON – In the interests of public safety.

4. Prior to works commencing on site, the applicant shall submit to and have approved by the Planning Authority, a detailed landscaping plan for the site. The details of the landscaping scheme shall provide for:

- (i) the number and species of trees and shrubs to be planted within the development site;
- (ii) the details of boundary treatments and fencing to be provided;
- (iii) the provision of a boundary wall and entrance feature on the Greenholm Road frontage of the development site;
- (iv) the details of private space and drying area provision to serve the development;
- (v) the details of the surfacing of the proposed access road and car parking areas including drainage details and details of the proposed bin stores;
- (vi) the details of the proposed future maintenance arrangements for the landscaped areas.

REASON – To ensure that the proposed development has adequate landscaping provision in the interests of residential amenity.

5. Access to the site must be taken via a minor access crossing to East Ayrshire Roads Standards and junction visibility splay areas of 2.5 metres by 90 metres shall be formed and maintained at the access, with no obstruction greater in height than 1 metre allowed within these areas. The proposed access shall be so formed as to allow the access and egress of service and emergency vehicles. Notwithstanding the provisions of Condition 4(v) above, the junction of the site access will require to be paved for a minimum distance of 6 metres from the rear of the footway to avoid overcarry of loose material onto the public road

REASON – To ensure that the access is formed to appropriate standards in the interests of public road safety and residential amenity.

6. The existing parking bay along the Greenholm Road frontage of the site shall be retained and the footway along the frontage shall be renewed to East Ayrshire Roads specifications. Street lighting along the frontage of the site shall be upgraded in accordance with the requirements of East Ayrshire Council's Lighting Section.

REASON – In the interests of public road safety and pedestrian safety.

7. The existing footway at the junction of Greenholm Road with Glaisnock Street shall be widened to 1 metre prior to the occupation of any of the proposed flatted dwellings.

REASON - In the interests of pedestrian safety.

8. A total of 29 car-parking spaces should be provided for the development. The proposed parking bays should be not less than 5 metres in length and 2.5 metres in width.

REASON - In the interests of residential amenity.

9. Any access gates shall only open inwards, away from the public road.

REASON - In the interests of public road safety.

10. Prior to the commencement of any work on site, samples of all external materials to be used in the construction of the flatted dwellinghouses shall be submitted to and approved by the Planning Authority.

REASON - In the interests of visual amenity.

11. No construction or preparation works shall take place on site before 0800 hours and after 1800 hours on Mondays to Fridays, before 0800 hours and after 1200 hours on Saturdays and not at anytime on Sundays.

REASON - In the interests of residential amenity.

**Notes to Applicant**

1. The widening of the existing footpath will require Construction Consent. The applicant should make early contact with the Council's Roads and Transportation Division in this regard.
2. The applicant should make early contact with Scottish Water with regard to the proposed foul and surface water drainage arrangements for the site.
3. The applicant should make early contact with the Scottish Environment Protection Agency with regard to the treatment and disposal of surface water from the development site.
4. The applicant should be aware that a prudent developer would satisfy themselves as to the mineral stability of the site prior to the commencement of development.

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