

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 14 FEBRUARY 2003

**02/0880/FL: AMENDMENT TO SITE LAYOUT TO OMIT BLOCK OF 8
FLATS AND REPLACE WITH 5 DETACHED VILLAS
AT PENDERS WYND, CUMNOCK**

APPLICATION BY STANLEY STORES (STRATHCLYDE) LTD

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of five detached, two storey dwellings on the site. The proposed dwellings consist of two type 'O' three bedroom detached villas, two type 'M' four bedroom detached villas, one with an attached double garage serving both houses, and one type 'S' three bedroom detached villa. The type 'M' houses will have their principal elevation facing onto Glaisnock Road and vehicular access would be gained from a rear access road off Penders Wynd.

1.2 The two type 'O' dwellings would face onto Penders Wynd and vehicular access would be taken directly from this residential road. The type 'S' dwelling is of a design that will present 'featured' elevations onto both Glaisnock Road and Penders Wynd with access being taken from the latter. The proposed development also includes the formation of a parking court to serve the adjacent office centre at the former Skerrington Farmhouse that would consist of 13 spaces. This area would be accessed from Penders Wynd.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reasons listed on the attached sheet.

3. CONCLUSIONS

3.1 As is indicated in section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of 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.

3.2 In terms of the EALP, the northernmost part of the application site is safeguarded for business, industrial and storage and distribution uses, and

was supposed to be landscaped under application 97/0523/FL. Notwithstanding this, the development of the site for residential purposes and for the formation of a car park, would result in only a small loss of industrial land. Whilst the site can physically accommodate the number of houses proposed, it can only do so having no regard to the relationship between existing and new build structures. A previous flatted development approved for the site was integrated more sensitively into the locality.

3.3 While the principle of residential development on this site has essentially been established, the development proposed under this current application is inferior in its scale, layout and design in comparison to the development previously approved. It is considered that the approval of the application would be detrimental to the character of the area on this highly prominent site adjacent to the A76 road.

3.4 It is considered that the proposed development would have a detrimental impact on the adjacent built environment in that the scale, layout and design of the proposed development fails to respect the character of the adjacent residential dwellings and particularly that of the former Skerrington Farmhouse

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 would not require to be referred to the Development Services Committee as it would not be a significant breach of 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: 14 FEBRUARY 2003

**02/0880/FL: AMENDMENT TO SITE LAYOUT TO OMIT BLOCK OF 8
FLATS AND REPLACE WITH 5 DETACHED VILLAS
AT PENDERS WYND, CUMNOCK**

APPLICATION BY STANLEY STORES (STRATHCLYDE) LTD

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 application relates to the erection of five dwellinghouses, is subject to objection and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located on the east side of Glaisnock Road, approximately 40 metres north of the junction of Glaisnock Road with the A76 Cumnock – New Cumnock Road at Skerrington Roundabout. The site comprises an area of overgrown land, part of which is used for the siting of portacabins and storage of materials in association with the adjacent housing development. The site is bound to the north by the industrial units at Glaisnock Glen, to the south by Skerrington Farm (presently used for office and residential purposes), to the east by Phase 1 of the residential development at Pender's Wynd and to the west by Glaisnock Road.

2.2 **Proposed Development:** Full planning permission is sought for the erection of five detached, two storey dwellings on the site. The proposed dwellings consist of two type 'O' three bedroom detached villas, two type 'M' four bedroom detached villas, one with an attached double garage serving both houses, and one type 'S' three bedroom detached villa. The type 'M' houses will have their principal elevation facing onto Glaisnock Road and vehicular access would be gained from a rear access road off Penders Wynd.

2.3 The two type 'O' dwellings would face onto Penders Wynd and vehicular access would be taken directly from this residential road. The type 'S' dwelling is of a design that will present 'featured' elevations onto both Glaisnock Road and Penders Wynd with access being taken from the latter. The proposed development also includes the formation of a parking court to serve the adjacent office centre at the former Skerrington Farmhouse that would consist of 13 spaces. This area would be accessed from Penders Wynd.

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 can 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

3.5 East Ayrshire Council Roads and Transportation Division has a number of concerns regarding the layout of the development. Plots 103 and 104 each require 3 off road parking spaces. A minimum of one visitors space is also required. A screened bin area for uplift should also be provided within the soft landscaped area opposite the car park. The footway along Glaisnock Road must be completed to link into the site. The maintenance of the private access to the car park requires to be clarified.

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

3.6 Scottish Water objects to the proposed development, as it will drain 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 this objection if the applicant either bears the cost of the increase in the capacity of existing infrastructure to accommodate the development, or promotes a scheme that does not compromise the quality of discharge from the existing sewerage system.

The applicant has been advised of the comments of Scottish Water and is currently attempting to resolve issues raised by Scottish Water. A suspensive condition could 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.

3.7 The Scottish Environment Protection Agency has no objections in principle to the proposed development. SEPA states that the developer should select and install a Sustainable Urban Drainage System to treat and minimise the surface water leaving the site.

A condition could be attached to any planning consent for the proposed development to meet the requirements of SEPA.

4. REPRESENTATIONS

4.1 One letter of objection from Scottish Water has been received which is addressed in section 3.6 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 approved Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against Policy 23, which states that there will be a presumption in favour of housing development on sites identified in Cumnock.

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 (2002), 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 2002, (EALP), should be considered as a prime material consideration. The site is affected by Industry and Residential policies.

6.3 Business and Industry Policy IND5 states that the Council will safeguard those established industrial areas for business, industrial and storage and distribution uses falling within Classes 4, 5 and 6 of the Use Classes Order.

The northernmost part of the site is affected by this Policy. The residential development of this part of the site would be contrary to the above policy. The northernmost part of the site was to be landscaped as part of a larger site, which was given approval for a light industrial development, comprising two units (these units have since been erected). This area was never landscaped, but has been used for the siting of two portacabins and for the storage of materials. The development of the site for car parking and residential purposes would result in a minimal loss of industrial land. Furthermore, the site is detached from the nearby industrial units and is more reasonably developed for residential purposes. It is therefore considered that an exception to this policy could be made in this instance.

6.4 Tourism, Leisure and Recreation Policy TLR8 states that there will be a presumption against development on those safeguarded areas of public and private recreational or amenity open space as identified on the Local Plan maps and on other undeveloped land within settlement boundaries which contribute to the setting, character and appearance of the settlement concerned.

Although the site is not safeguarded as an area of open space, the northernmost part of the site was to be landscaped as part of a larger site which was given approval for a light industrial development, comprising two units. If this landscaping had been carried out, this area would have contributed to the setting and appearance of the area. It should be noted however that this area was not identified as open space in relation to the adjacent residential development.

6.5 Residential Policy RES4 states that within settlement boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed against the following criteria:

- (i) Impact on the surrounding natural and built environment and adjacent uses;

It is considered that the proposed development would have a detrimental impact on the adjacent built environment in that in terms of scale, layout and design, the proposed development fails to respect the character of the adjacent residential dwellings and particularly that of the former Skerrington Farmhouse, now converted to office use. The proposed development replaces a previously approved development for the erection of a flatted development that promoted a scheme which was sympathetic to its surroundings and complimented the character and design of the adjacent former farmhouse. The proposed houses are two storey in construction and reasonably small which is also considered to be out of character with the nearby single and one and a half storey dwellings built in Phase 1 of the Skerrington Farm development.

While the principle of residential development on this site has essentially been established (as indicated in section 6.7 below), the development proposed under this current proposal is inferior in its layout and design. It is considered that the approval of the application would be detrimental to the character of the area on this highly prominent site adjacent to the A76 road.

- (ii) Transportation and infrastructure implications;

It is considered that with the imposition of appropriate conditions, there will be no adverse transport or infrastructure issues arising from the proposed development.

- (iii) Compatibility with surrounding densities and housing types; and

Comments as per (i) above.

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

The design and positioning of the proposed houses is not in compliance with the Council's Design Guidance. The buildings do not reflect and respect the built form of the surrounding area. The three houses facing Glaisnock Road project substantially forward of the former Skerrington Farmhouse and are not in design terms compatible with that building.

Consultation Responses

6.6 There are no consultation responses that would indicate refusal of the application.

Planning History

6.7 Part of the site is associated with a larger site which was given approval for two industrial units on 17 September 1997 (Ref. No. 97/0523/FL). As part of this application, the northernmost part of the site was to be landscaped. More recently full planning consent for the erection of a flatted development consisting of 8 units was approved on 08 March 2002 (Ref. No.01/0866/FL).

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 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.

8.2 In terms of the EALP, the northernmost part of the application site is safeguarded for business, industrial and storage and distribution uses, and was supposed to be landscaped under application 97/0523/FL. Notwithstanding this, the development of the site for residential purposes and for the formation of a car park, would result in only a small loss of industrial land. Whilst the site can physically accommodate the number of houses proposed, it can only do so having no regard to the relationship between existing and new build structures. A previous flatted development approved for the site was integrated more sensitively into the locality.

8.3 While the principle of residential development on this site has essentially been established, the development proposed under this current application is inferior in its scale, layout and design in comparison to the development previously approved. It is considered that the approval of the application would be detrimental to the character of the area on this highly prominent site adjacent to the A76 road.

8.4 It is considered that the proposed development would have a detrimental impact on the adjacent built environment in that the scale, layout and design of the proposed development fails to respect the character of the adjacent residential dwellings and particularly that of the former Skerrington Farmhouse

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons 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, the application would not require to be referred to the Development Services Committee as it would not be a significant breach of policy.

Alan Neish
Head of Planning and Building Control
04 February 2003
HM/HM/SMB
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) 2002.
5. Adopted Cumnock and Auchinleck Local Plan
6. Approved Ayrshire Joint Structure Plan.
7. Approved Strathclyde Structure Plan
8. Previous application 97/0523/FL.
9. Previous application 01/0866/FL.

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

Implementation Officer: Dave Morris

Application no: 02/0880/FL

Location	Land adjacent Skerrington Farm, Cumnock
Nature of Proposal:	Amendment to site layout to omit block of 8 flats and replace with 5 detached villas
Name and Address of Applicant:	Stanley Stores (Strathclyde) Ltd Skerrington House Glaisnock Road Cumnock KA18 3BU
Name and Address of Agent:	Drew Deans Design 11 Dryburgh Walk Moodiesburn GLASGOW G69 OHH

DPO's Ref: [Hugh Melvin]
PPO's Ref; []

The above **FULL** application should be refused on the following grounds:

1. The proposed development is contrary to Policy RES4 (i) and (iii) of the East Ayrshire Local Plan (Finalised Version with Modifications) 2002 in that the proposed development would have a detrimental impact on the adjacent built environment in terms of scale, layout and design. The proposed development fails to respect the character of the adjacent residential dwellings and particularly that of the former Skerrington Farmhouse which lies immediately south of the application site.
2. The proposed development is contrary to the terms of Policy ENV7 of the East Ayrshire Local Plan (Finalised Version with Modifications) 2002 which requires developers to comply fully with the Council's Design Guidance. Such guidance requires layouts and house types to reflect and respect the built form of the surrounding area. The development disregards this guidance and proposes dwellings, which in terms of location in close proximity to Glaisnock Road and design, are unsympathetic to the immediate area and in particular the adjacent Skerrington Farmhouse.

**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.**