

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 08 MARCH 2002

01/0866/FL: ERECTION OF 8 NO. FLATTED UNITS AND FORMATION OF OFFICE CAR PARK AT LAND ADJACENT SKERRINGTON FARM, CUMNOCK APPLICATION BY STANLEY STORES (STRATHCLYDE) LTD

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of 8 two bedroom flatted units and the formation of an office car park within the site. The flats would have an "L" shape layout with a frontage to Glaisnock Road and Penders Wynd. The proposed flats would be one and half storeys in height with dormer windows, wet dash rendered walls, timber windows and natural slate roof. The flats would be accessed from the rear, where it is also proposed to locate the car parking associated with the flats that would consist of 13 spaces. This area would be accessed from Penders Wynd.

1.2 It is also proposed to form a separate car parking area associated with the adjacent office area, within the site. This would involve the provision of 12 parking spaces. This area would have a shared access with the flats.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet and that issue of the decision notice be withheld until the applicant has concluded a Section 75 Agreement with the Solicitor to the Council relating to the making of a contribution to the Sports, Leisure and Recreation Fund.

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 As is indicated in Section 4 of the Report, it is not considered that the objections received are significant enough to warrant refusal of this application.

3.3 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. The development can be adequately accommodated within the site. Furthermore it is considered that the design and finishes of the flatted development would compliment the adjacent Skerrington Farm, and would enhance the general amenity of the area.

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 departure from 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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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 is of local area significance and is subject to objections.

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 Trunk 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 8 two bedroom flatted units and the formation of an office car park within the site. The flats would have an "L" shape layout with a frontage to Glaisnock Road and Penders Wynd. The proposed flats would be one and half storeys in height with dormer windows, wet dash rendered walls, timber windows and natural slate roof. The flats would be accessed from the rear, where it is also proposed to locate the car parking associated with the flats that would consist of 13 spaces. This area would be accessed from Penders Wynd.

2.3 It is also proposed to form a separate car parking area associated with the adjacent office area, within the site. This would involve the provision of 12 parking spaces. This area would have a shared access with the flats.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Cumnock Landward Community Council and West of Scotland Water Authority have 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 no objection to the proposed development subject to conditions. Access to the site must be taken via a minor commercial access crossing to East Ayrshire standards. The minimum width of access road must be 5.5 metres where it is a shared surface with no footways. The developer must submit revised details of the access arrangements for the approval of the Roads Division prior to commencement of any building works. Conditions regarding a wheelie bin collection point, parking spaces, surfacing of access and opening of gates will also be required.

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

3.6 The Scottish Executive Development Department -Road Network Management and Maintenance Division has no objections to the proposed development.

Noted.

4. REPRESENTATIONS

4.1 Eighteen letters of representation have been received with regard to the proposed development. The points of objection are summarised below.

4.2 The application for eight flatted dwellings is a significant over development of the site and totally out of character with the existing housing within the Skerrington Farm development. There are no flatted properties within the existing development or within a considerable distance of the site to create a precedent for such a proposal.

The flats would be located within a 0.27 hectare site and would be set back at a distance of between 6 metres and 10 metres from Glaisnock Road and Penders Wynd. It is not considered that the proposal would be an over-development of the site. Whilst it is acknowledged that Skerrington Farm is characterised by detached and semi-detached dwellinghouses, the proposed flats would be located at the entrance to Skerrington Farm, some 49 metres from the nearest dwellinghouse. Furthermore, the proposed flats would reflect the adjacent Skerrington Farmhouse in terms of design, finishes and scale. The one and half storey flats would be of the same height as the one and half storey section of Skerrington Farm. The development of the site for flats would provide a mix of housing types within the area.

4.3 Original plans for the 1st Phase of Skerrington Farm clearly states proposed ground to be grassed and shrubs.

The proposed site did not form part of the approved site for Phase 1 Skerrington Farm (Ref. 97/0884/FL).

4.4 The proposed entrance to the development would come by the side of their house, into what was originally a cul-de-sac. This cul-de-sac already has parking all day for the factory unit and offices, and now there will also be traffic for eight flats.

Whilst it is acknowledged that the development will result in an increase in traffic, the dwellinghouse nearest the site has a frontage to the industrial units and not to the proposed site. It is not therefore considered that this increase in traffic would have a detrimental impact to the existing dwellings sufficient to merit refusal of the application on that basis.

4.5 The proposed development, of what is effectively a two-storey block of flats at the entrance of the existing development will also severely affect the visual amenity of the site and the existing houses of the first phase of the development that are predominately single-storey.

The proposed flatted development would be one and half storeys and 7.5 metres in height. The nearest dwellinghouse would be

located 49 metres to the east of the site. Furthermore, already existing are the industrial units to the north of the site, and Skerrington Farm to the south (part of which is one and half storey). It is considered that the traditional design of the proposed flats, as well as the soft landscaping proposed, would enhance the amenity of the area.

4.6 The proposed block of flats should not occupy such a prominent position, at the southern entrance to Cumnock, as close to Glaisnock Road or as visible from the adjacent A76. The proposed development would also be to the detriment of the existing farmhouse, which is a landmark at a very prominent location at the entrance of the town. The proposal shows all the character of a town centre development, not that of peripheral housing.

It is acknowledged that the flats would occupy a prominent position on the east side of Glaisnock Road. The flats would be located nine metres north of the original farmhouse and would compliment it in terms of design and finishes. It is also considered that the quality of the design proposal, when taken with the conditions proposed for any consent, will together result in a worthy entrance to the southern end of Cumnock.

4.7 Other new developments within Cumnock have incorporated a landscaped area at the entrance to the development adding character to the sites, namely Bankend and Holmburn Road as well as Cumnock Business Park. Surely this type of finish could only add to the impression people get on their entry to Cumnock from the south or indeed from the adjacent A76, rather than an unsightly block of flats.

The proposals allow for soft landscaping, including the planting of a 0.9metre high hawthorn fence around the majority of the perimeter of the site, which would enhance the visual amenity of the site and of the area.

4.8 The developer has failed to provide any amenity open space or proposed play areas within the overall development as promised and therefore local children are attracted to play in the aforementioned courtyard area, surely an accident waiting to happen even before any further vehicular presence. Any vacant land within the site varies throughout the year from unsightly to an overgrown mess. The developer has failed to provide adequate land drainage on the site leading to flooding problems during even medium rain showers. There are also open drains on the site, a significant safety risk. The developer has also failed to provide finished roads or footpaths within the site after over two years of occupation of some properties. Furthermore there is no street lighting in some streets. They cannot believe that the Council would approve a further development when there are a number of outstanding jobs which require to be completed. They are also sceptical of any aspect of the promised landscaping of the proposed development ever being completed.

The Council's Enforcement Officer is currently investigating a number of these issues. Notwithstanding this, these issues relate to different sites, and are not a material consideration in the determination of this application which must be considered on its own merits.

4.9 They strongly object to the creation of a car park serving commercial property within this residential area. The entrance to the car park and access to the flatted properties are off a narrow two lane road designed to access residential properties. This road already serves an unofficial car park for Skerrington Farm and on occasion becomes congested, blocking access to residential properties. A further 38 potential vehicles would be using this access, severely affecting the quality of life of existing residents through increased noise, increased traffic volume and pollution. They would suggest that if car parking is given approval, then the access road should be created off the road to the north of Skerrington Farm opposite the entrance to Glaisnock Glen.

The Roads construction consent for Skerrington Farm outlined 12 parking spaces being provided within part of the site currently being determined. These spaces were never formed and cars associated with Skerrington Farm currently park within the roads turning head that is unacceptable. Subsequently, as part of this application, the Roads Division requested that these 12 parking spaces be provided within the site, and amended plans were received accordingly (the original plans included the erection of a detached dwellinghouse within the area where it is now proposed to form a car park). The formation of the car park associated with Skerrington Farm would therefore prevent the congestion problems that are being experienced at present. The only additional traffic as a result of this development would be the traffic generated from the 8 flatted units. Furthermore, the Roads Division has not echoed these concerns. Whilst it is acknowledged that this development will create additional traffic volume and noise, it is not considered that this would be significant enough to warrant refusal of the application.

4.10 The screening of the car park is inadequate at 900mm high, indeed from the plans any screening appears to stop before it reached the line of sight from their property, leaving them with a view solely of a car park and the rear of the block of flats severely impairing the resale value of their property.

A 0.9 metre high fence and hedge and the soft landscaping proposed would provide partial screening of the car park. To maintain visibility splays at the access, it is not proposed to extend the hedge along the eastern boundary of the site. Shrub bed planting and tree planting are however proposed within this area, details of which can be confirmed by condition.

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 Policy 23 which states that there will be a presumption in favour of housing developments on those sites identified at 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 (2001), consultation responses, letters of representation 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 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 porta cabins 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. It is considered that the proposed flatted development and associated landscaping would also contribute to the setting and character of the area, and that the loss of any larger landscaped area, (associated with Industrial activity), would not be detrimental to the amenity of the area.

6.5 Leisure and Recreation Policy TLR5 of the EALP states that the Council will, subject to the necessary finance being available, improve and enhance the provision of leisure, recreational and sporting facilities in the area settlements and throughout the rural area. In this regard, the Council will request all potential developers of residential sites comprising four or more houses, to enter into a Section 75 Agreement with the Authority for contributions towards the provision of appropriate leisure and recreational facilities within the area to which the development relates. Contributions will be at a level to be agreed by the Council, based on the expected number of houses and the level of need in a particular area for particular facilities.

The Council has now agreed that in respect of all applications for four or more houses developers will be requested to make an associated payment, equivalent to 1% of the construction costs, into a sports, leisure and recreation fund. Within the Cumnock Area these funds will address the deficiency of an indoor swimming pool in Cumnock. Should the application be approved, this payment will be secured through a Section 75 Agreement with the developer and the Council. The developer has confirmed that he is agreeable to making this contribution to the fund.

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 enhance the existing streetscape.

- (ii) Transportation and infrastructure implications;

East Ayrshire Council Roads Division, the Scottish Executive Development Department -Road Network Management and Maintenance Division and statutory undertakers have no objections to the proposed development.

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

The proposed development would be compatible with surrounding densities. Whilst there are no other flatted developments within the vicinity, the development would not be detrimental to the amenity of the nearby residential development and would result in a mix of house types being available within this area,

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

The design and finishes of the one and half storey flats comply with the Council's Development Promotion and Design Guidance.

Consultation Responses

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

Letters of Representation

6.8 The letters of representation principally relate to concerns that the proposal would be an over-development of the site and would be out of keeping with the adjacent residential units. Issues with regard to traffic volume, access and the non-completion of roads and play areas etc. within the existing residential development have also been raised. It is considered that the proposed development can be sensitively accommodated within the site and would enhance the general amenity of the area. Concerns with regard to unfinished work within the existing residential development are not material in the determination of this application. Furthermore, the Roads Division has not echoed concerns regarding traffic volumes.

Planning History

6.9 Part of the site formed part of a larger site which was given approval for two industrial units on 17 September 1997 (Ref. No.97 /O523/FL) .As part of this application, the northernmost part of the site was to be landscaped.

Noted.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. Legal implications would arise from entering into a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 to secure the appropriate contribution towards the Council's Sport, Leisure and Recreation Fund should planning permission be granted.

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 As is indicated in Section 4 of the Report, it is not considered that the objections received are significant enough to warrant refusal of this application.

8.3 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. The development can be adequately accommodated within the site. Furthermore it is considered that the design and finishes of the flatted development would compliment the adjacent Skerrington Farm, and would enhance the general amenity of the area.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet and that issue of the decision notice be withheld until the applicant has concluded a Section 75

Agreement with the Solicitor to the Council relating to the making of a contribution to the Sports, Leisure and Recreation Fund.

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 departure from the East Ayrshire Local Plan.

Alan Neish
Head of Planning and Building Control
21 February 2002
VE/NE
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 97/0523/FL.
9. Previous application 97/0884/FL.

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

Implementation Officer: Dave Morris

From TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 01/0866/FL

Location	Land adjacent Skerrington Farm, Cumnock
Nature of Proposal:	Proposed erection of 8 flatted units and formation of office car park
Name and Address of Applicant:	Stanley Stores (Strathclyde) Ltd Skerrington House Glaisnock Road Cumnock KA18 3BU

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 site plan received on 13 December 2001 and the amended plans 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. Notwithstanding the approved plans, the roofing material shall be secondhand natural roofing slates, samples/details of which shall be submitted to and approved by the Planning Authority prior to the commencement of development.

REASON -In the interests of visual amenity

3. Notwithstanding the details on the approved plans, those window openings on first and ground floors featuring double window units shall be provided with a brick mullion which shall be smooth cement rendered to match the rendered bands around the window openings.

REASON -In the interests of visual amenity.

4. The proposed hedge bounding the site boundary and car parking areas shall be planted not later than the next appropriate planting season after the development has been carried out.

REASON -In the interests of residential and visual amenity.

4. Details of the soft landscaping as shown on the approved plans shall be submitted to and approved by the Planning Authority prior to the commencement of development,

and shall be implemented no later than the next appropriate planting season after the development has been carried out.

REASON -In the interests of residential and visual amenity

6. Arrangements for the future maintenance of the open space, landscaped areas and the car parks shall be submitted to and approved by the Planning Authority. These areas shall be maintained thereafter to the satisfaction of the Council in accordance with this scheme.

REASON -To ensure that areas of open space are maintained, in the interest of residential and visual amenity.

7. No construction work or preparation works shall take place on site before 0700 hours and after 1800 hours on Mondays to Fridays, before 0800 hours and after 1200 hours on Saturdays and at anytime on Sundays.

REASON -In the interests of residential amenity.

8. Notwithstanding the plans hereby approved, and in addition to the proposed hedge, the common drying areas and bin stores shall be screened, details of which shall be submitted to and approved by the Planning Authority prior to the commencement of development. This screening shall be provided prior to the occupation of the first flat.

REASON -In the interests of residential and visual amenity

9. Prior to the commencement of development, revised details of the access arrangements shall be submitted to and approved by the Roads Division. These details shall allow for the access to the site to be taken via a minor commercial access crossing to East Ayrshire Roads standard and shall include full details of the surface of the traffic calming feature. The minimum width of the access road must be 5.5 metres where it is a shared surface with no footways.

REASON- In the interests of road safety.

10. A wheeled refuse bin collection point shall be provided to service the development prior to the occupation of any of the flats hereby approved.

REASON- In the interests of road safety.

11. Parking spaces for 13 cars shall be provided and maintained in association with the flats hereby approved.

REASON- In the interests of road safety.

12. The private access shall require to be paved for a minimum distance of 10 metres from the rear of the footway to avoid overcarry of loose material onto the public road.

REASON- In the interests of road safety.

13. Any gates shall require to open inwards, away from the public road.

REASON- In the interests of road safety.

14. Access to and egress from the site shall require to be taken in forward gear.

REASON- In the interests of road safety.

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

REASON -In the interests of safety.

16. Prior to the occupation of the flats the office car park shall be formed to a final wearing surface standard.

REASON -To ensure that adequate parking provision is available in relation to the adjacent office development.

17. Prior to the occupation of any of the flats, the traffic calming feature at the entrance to the shared road together with the car parking bays and car parking access/manoeuvring area beyond shall be formed to a final wearing surface with parking bays marked out on the road surface.

REASON -In the interests of road safety and visual amenity.

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

REASON -To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity

19. The communal open space shall not be divided into separate garden curtilages and shall not be used for the location of garden sheds or similar feature.

REASON -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.

**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