

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 23 MAY 2003

**02/0998/FL: PROPOSED ERECTION OF BUNGALOW AND DOUBLE
GARAGE AT CAIRN ROAD, CUMNOCK**

APPLICATION BY NEW CITY HOMES Ltd

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a single dwellinghouse and a detached double garage within the site. The proposed dwellinghouse is of single storey construction providing a total of 3 bedrooms, a lounge, kitchen, and 2 bathrooms. The dwellinghouse covers a footprint of around 90 square metres. The proposed domestic double garage covers a footprint of 27 square metres and matches the proposed dwellinghouse in terms of its general design.

1.2 The proposed dwellinghouse and domestic garage will be finished externally in a dry dash render with red facing brick panelling on the lower portions of the dwellinghouse and on the external walls of the projecting entrance porch and lounge bay window. It is proposed to use a concrete tile for the roofs of the dwellinghouse and domestic garage. It is proposed to bound the site to the north and south west with a 1.8 metre high timber screen fence to allow an enclosed rear garden area.

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 not to accord with the terms of the Development Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are other material considerations relevant to the determination of this application but these material considerations are not considered to be of sufficient weight to justify approval of this application.

3.2 The site would result in the loss of an untidy piece of unkempt land within Cumnock and the proposed development does not prove problematic in terms of its infrastructure and transport implications. However, the proposed development, by means of its siting and proximity to adjacent land uses, would appear as an isolated piecemeal development within the overall street scene and would appear incongruous in relation to the adjacent industrial unit.

3.3 Further, the proposed development would, if granted planning permission, result in noise-sensitive development in close proximity to currently vacant premises with established lawful use for General Industrial purposes, and thus significant noise-generation potential. The juxtaposition of these land uses runs contrary to best practice advice contained within Scottish Executive Planning Advice Note 56 and could prejudice the long-term use of the adjacent site for general industrial purposes.

CONTRARY DECISION NOTICE

Should the Committee agree that the application be approved 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 departure from 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.

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APPLICATION BY NEW CITY HOMES 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 full planning application, which is to be considered by the Local Planning Committee under the scheme of delegation as the application is subject to objections and is also recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The site lies immediately west of Cairn Road, Cumnock on an area of generally unkempt level ground adjacent to Caponacre industrial estate. The site extends to approximately 600 square metres and is roughly triangular in shape. The site is bounded to the south west by a car parking area associated with a vacant industrial building, to the south east by Cairn Road and to the north east and north west by open amenity ground.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a single dwellinghouse and a detached double garage within the site. The proposed dwellinghouse is of single storey construction providing a total of 3 bedrooms, a lounge, kitchen, and 2 bathrooms. The dwellinghouse covers a footprint of around 90 square metres. The proposed domestic double garage covers a footprint of 27 square metres and matches the proposed dwellinghouse in terms of its general design.

2.3 The proposed dwellinghouse and domestic garage will be finished externally in a dry dash render with red facing brick panelling on the lower portions of the dwellinghouse and on the external walls of the projecting entrance porch and lounge bay window. It is proposed to use a concrete tile for the roofs of the dwellinghouse and domestic garage. It is proposed to bound the site to the north and south west with a 1.8 metre high timber screen fence to allow an enclosed rear garden area.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Cumnock Community Council has not responded to the consultation letter.

Noted.

3.2 East Ayrshire Council's Roads and Transportation Division states that it has no objection to the proposed development subject to the imposition of appropriate conditions. Relocation of any street furniture to allow access to the site will require to be at the applicant's expense.

Conditions can be attached to any planning permission granted for the proposed development to meet the requirements of the Roads Division.

3.3 Scottish Water has no objection to the proposal provided its operational requirements are met and the relevant consents are secured.

Should the application be approved, an appropriate note in respect of the above can be included on the planning permission.

3.4 Scottish Power, Transco and The Coal Authority have no adverse comments to make on the proposed development.

Noted.

4. REPRESENTATIONS

4.1 One letter of representation containing two signatures has been received objecting to the proposed development. The points of objection are summarised as follows:

4.2 The proposed development will spoil our view of the countryside.

The right to a view is not a valid material consideration in the determination of an application for planning permission.

4.3 Previously the site was part of the Falmers factory and being commercial land, I thought nobody could build a dwellinghouse.

Policy IND 5 safeguards defined established industrial areas as shown on the Local Plan Maps for business, industrial and storage and distribution uses. The site lies outwith the defined area within Cumnock contained within the Adopted East Ayrshire Local Plan (2003). Under the terms of the adopted Local Plan, the application falls to be considered in terms of Policy RES4.

4.4 I bought my house from a developer who kept the land beside my house to build another house but was refused planning permission. He was lettered from the Council to cut the grass and keep it tidy. However the developer did not comply with the Council's wishes, so after a few years I bought the land from him and tidied it up myself, and now the developer who has a part in New City Homes Ltd has bought the old Falmers factory and has not cut the grass on the land that the proposed development is on. I would say that this is a case of history repeating itself.

This Division had reason to contact the owner/occupier of the adjacent industrial unit to the objectors site several years ago with regard to an area of untidy land. This issue was resolved amicably at the time without recourse to formal enforcement action. Any future enforcement action in respect of the proposed site would require to be dealt with as a separate matter and therefore cannot prejudice the determination of the current application.

4.5 If this development goes ahead I will be very disappointed and feel let down by the Council because any other development involving The Stanley Group Development, is plagued by complaints by residents. A recent statement in the Cumnock Chronicle proves the point about unfinished work.

The current application requires to be determined on its merits. Neither the identity of the applicant nor any other development involving the applicant can be considered as valid material considerations in the determination of the current application for planning permission.

4.6 One house paves the way for knocking down the factory and creating a large housing development.

Any future applications relating to land adjacent to the site would require to be determined on their own merits.

5. ASSESSMENT AGAINST THE 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 Adopted East Ayrshire Local Plan (2003).

East Ayrshire Local Plan (2003)

5.2 Policy RES 4 is of relevance and states that the Council will positively encourage the sympathetic residential development of gap, infill or other

redevelopment sites, including those sites created through the large scale demolition of existing housing, 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;

The site is not located within any areas designated for their scenic or wildlife value. Whilst it has been noted that the site currently is an unkempt state, the proposed development would result in noise-sensitive development in close proximity to currently vacant premises with established lawful use for General Industrial purposes. Planning Advice Note 56, issued by the Scottish Executive, states that activities that generate high levels of noise can be difficult to reconcile with noise-sensitive land uses like housing. This Advice Note further suggests that Planning Authorities should separate noise-sensitive developments from major noise sources, or orientate and design noise-sensitive developments to minimise the impact of noise. There is very little separation between the proposed development and the adjacent site which has the potential to generate high levels of noise. Planning Advice Note 56 states that Planning Authorities should try as a matter of good practice to keep a suitable distance between noise-sensitive development and established businesses that generate noise. It is considered that the proposed development is not suitably distant from the adjacent site which has significant noise-generation potential.

- (ii) Transportation and infrastructure implications;

East Ayrshire Council Roads and Transportation Division has no objections to the application subject to the imposition of appropriate conditions. Scottish Water has indicated that a public water supply and public sewerage system are located in close proximity to the site.

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

The eastern side of Cairn Road, north of the application site, is characterised by a row of single storey housing of similar mass and density. The north and western boundaries of the site lie directly adjacent to open amenity ground. When viewed from Cairn Road, the proposed dwellinghouse would appear as an isolated piecemeal development within the overall street scene and would appear visually incongruous in relation to the adjacent industrial unit and existing residential development. The adjacent open amenity ground serves to heighten the visual impact of the proposed development.

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

The proposed development fails to reflect and respect the built form of the surrounding area, nor does it integrate with the existing industrial land use to the south-west of the site. The proposed development is therefore contrary to the provisions of East Ayrshire Council Planning & Building Control Design Guidance Note 2: Residential Development.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and representations received.

Consultation Responses

6.2 The consultation replies do not indicate that the application should be refused.

Representations

6.3 It is considered that the points of objection are either not relevant to the proposed development or are not of sufficient weight to justify refusal of the application.

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 not to accord with the terms of the Development Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are other material considerations relevant to the determination of this application but these material considerations are not considered to be of sufficient weight to justify approval of this application.

8.2 The site would result in the loss of an untidy piece of unkempt land within Cumnock and the proposed development does not prove problematic in terms of

its infrastructure and transport implications. However, the proposed development, by means of its siting and proximity to adjacent land uses, would appear as an isolated piecemeal development within the overall street scene and would appear incongruous in relation to the adjacent industrial unit.

8.3 Further, the proposed development would, if granted planning permission, result in noise-sensitive development in close proximity to currently vacant premises with established lawful use for General Industrial purposes, and thus significant noise-generation potential. The juxtaposition of these land uses runs contrary to best practice advice contained within Scottish Executive Planning Advice Note 56 and could prejudice the long-term use of the adjacent site for general industrial purposes.

9. RECOMMENDATION

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

CONTRARY DECISION NOTICE

Should the Committee agree that the application be approved 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 departure from Council policy.

Alan Neish
Head of Planning and Building Control

12 May 2003
RD/RD
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.

5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).
7. Planning Advice Note 56 "Planning and Noise".

Any person wishing to inspect the background papers listed above should contact Mr Robert Duncan on 01563 555483.

Implementation Officer: Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 02/0998/FL

Location	Cairn Road, Cumnock
Nature of Proposal:	Proposed erection of bungalow and double garage
Name and Address of Applicant:	New City Homes Ltd Glaisnock House Glaisnock Road Cumnock
Name and Address of Agent	Drew Deans Design 11 Dryburgh Walk Moodiesburn Glasgow G69 0HH

DPO's Ref: [Robert Duncan]
PPO's Ref; []

The above **FULL** application should be refused for the following reasons :-

1. The proposed development, by means of its siting and proximity to adjacent land uses, would appear as an isolated piecemeal development within the overall street scene and would appear visually incongruous in relation to the adjacent industrial unit.
2. The proposed development would, if granted planning permission, result in noise-sensitive development in close proximity to currently vacant premises with established lawful use for General Industrial purposes. The juxtaposition of these land uses runs contrary to best practice advice contained within Scottish Executive Planning Advice Note 56, and the proposed development could prejudice the long-term use of the adjacent site for residential purposes.

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VIEWING PLEASE CONTACT (01563) 555320.**