

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 12 SEPTEMBER 2003**

**03/0341/FL: PROPOSED HOUSING DEVELOPMENT COMPRISING THE  
ERECTION OF 27 DWELLINGHOUSES, PLOTS 38 TO 64,  
PHASE 7, HOLMHEAD, CUMNOCK**

**APPLICATION BY D. KING AND SON**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the erection of 27 detached dwellinghouses within the Phase 7 development area. It is proposed to erect a range of house types within the application site as follows:

- (i) 7 Kelburne Type (1½ storey, 7 apartments);
- (ii) 6 Kilchattan Type (single storey, 5 apartments);
- (iii) 5 Brodick Type (2 storey, 4 apartments);
- (iv) 4 Cumbrae Type (2 storey, 5 apartments);
- (v) 3 Croy Type (single storey, 3 apartments); and
- (vi) 2 Conaglen Type (single storey, 5/6 apartments).

1.2 The site layout indicates the provision of an area of public open space located on the western boundary of the site, adjacent to the boundary of the development with Woodroad Park.

**2. RECOMMENDATION**

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

**3. CONCLUSIONS**

3.1 As 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 issues have been assessed and are supportive of the proposed development.

3.2 The proposed development represents a further phase of residential development within the King Homes development site at Holmhead, in accordance with the site layout previously approved for the site.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control in terms of the principle of the proposed development, the application will require to be referred to the Development Services Committee as it would represent 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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APPLICATION BY D. KING AND SON

## 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 because it is a larger development of area significance.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located off Robbiesland Drive, in Holmhead, Cumnock and lies some 30 metres north-east of the junction of Robbiesland Drive with Oakbank Drive. The site extends to approximately 2.04 hectares and comprises an area of undeveloped land to the north of the established residential area of Holmhead. The application site represents the seventh phase of residential development by King Homes in Holmhead.

2.2 The site is elevated on a rise above the existing residential development and is constrained to the north by the existing railway cutting of the Kilmarnock –Dumfries rail line. The established wooded boundary of Woodroad Park forms the western boundary of the site, while the land to the east is open, undeveloped and zoned for future housing development.

2.3 **Proposed Development:** Full planning permission is sought for the erection of 27 detached dwellinghouses within the Phase 7 development area. It is proposed to erect a range of house types within the application site as follows:

- (i) 7 Kelburne Type (1½ storey, 7 apartments);
- (ii) 6 Kilchattan Type (single storey, 5 apartments);
- (iii) 5 Brodick Type (2 storey, 4 apartments);
- (iv) 4 Cumbrae Type (2 storey, 5 apartments);
- (v) 3 Croy Type (single storey, 3 apartments); and
- (vi) 2 Conaglen Type (single storey, 5/6 apartments).

2.4 The site layout indicates the provision of an area of public open space located on the western boundary of the site, adjacent to the boundary of the development with Woodroad Park.

### **3. CONSULTATIONS AND ISSUES RAISED**

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

***Noted.***

3.2 Scottish Power, Network Rail and Transco have 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 condition 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 East Ayrshire Parks and Leisure Section indicates that it has no objections to the proposal but points out that responsibility for the maintenance of the public open space area rests with the developer.

***Noted.***

3.5 East Ayrshire Council Roads and Transportation Division has no objection to the proposed development subject to conditions. Access to the site will require to be taken via internal roads that comply with the Roads Development Guide 1996 and will require Construction Consent. The developer is required to form a 2 metres wide footway across the frontage of the site. Junction visibility splay areas of 4.5 metres by 35 metres will be required at all internal road junctions with no object greater than 1 metre in height being allowed within these areas. Conditions are required to ensure appropriate private parking provision, location of future garages, dimensions and surfacing of driveways, surface water disposal and opening of access gates.

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

3.6 Scottish Water has not responded to the consultation letter.

***Noted.***

#### 4. REPRESENTATIONS

4.1 None

#### 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 East Ayrshire Local Plan.

##### East Ayrshire Local Plan

5.2 Policy RES1 states that the Council will encourage and support the residential development of those Development Opportunity sites identified for housing purposes on the individual Local Plan maps.

***The application site is identified as housing site 015H in the adopted local plan and therefore residential development is acceptable in principle. The site has not been identified in the Local Plan as having a possible drainage constraint.***

5.3 Policy RES22 sets out the standards for private open space.

***The private open space provided for each dwellinghouse meets the requirements of Policy RES22.***

#### 6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses and the planning history of the area.

##### Consultations Responses

6.2 The consultation responses received do not indicate that the proposed development should be refused.

##### Planning History

6.3 An outline planning application (Ref. No. CD/81/79) for residential development on a larger site at Holmhead, including the current application site, was approved on 27 August 1981.

6.4 A full planning application (Ref. No. CD/90/103) for a revised layout of roads and demarcation of 113 residential plots on this larger site was approved on 07 June 1990.

## **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 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 issues have been assessed and are supportive of the proposed development.

8.2 The proposed development represents a further phase of residential development within the King Homes development site at Holmhead, in accordance with the site layout previously approved for the site.

## **9. RECOMMENDATION**

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

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control in terms of the principle of the proposed development, the application will require to be referred to the Development Services Committee as it would represent a significant departure from the East Ayrshire Local Plan.

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

31 August 2003  
HM/HM  
FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Adopted East Ayrshire Local Plan (2003)
5. Approved Ayrshire Joint Structure Plan (1999)
6. Previous application CD/81/79.
7. Previous application CD/90/103.

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

**Implementation Officer: Dave Morris**

Application no: 03/0341/FL

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Location	Plots 38 to 64, Phase 7, Holmhead, Cumnock
Nature of Proposal:	Proposed housing development comprising the erection of 27 dwellinghouses
Name and Address of Applicant:	D. King and Son 93 Glaisnock Street Cumnock KA18 1JP
Name and Address of Agent	Thomson McCrea 9 Old Bridge Street Ayr KA7 1QA

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

The above **FULL** application should be approved subject to the following conditions:-

1. Apart from where the conditions listed below require otherwise, the proposed development shall be carried out in accordance with the application form received on 22 April 2003 and the amended and additional plans received by the Planning Authority on 4 August 2003.

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

2. Notwithstanding the plans hereby approved, and the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, any domestic garage(s) associated with the development shall be set back at least 6 metres from the nearer edge of the footpath, shall be of a permanent construction and finished in the same materials as the dwellinghouse(s) to which it/they relate.

REASON – To ensure that any future domestic garages within the site are an appropriate match with the approved dwellinghouses in the interests of visual amenity.

3. Notwithstanding the approved plans and the terms of condition 1 above, any gates to be provided within the site shall open away from the public road to prevent obstruction.

REASON – In the interests of road and public safety.

4. Notwithstanding the approved plans and the terms of condition 1 above, for each dwellinghouse, 2 car parking spaces shall be formed and thereafter maintained within each plot.

REASON – To ensure that adequate car parking provision is available in relation to the approved development and thereby to secure the interests of road safety and residential amenity.

5. Prior to the occupation of the proposed dwellinghouses, the respective driveways shall be paved for a minimum distance of 2 metres from the rear of the footway to avoid the over-carry of loose materials onto the public road.

REASON – In the interests of road and public safety.

6. Notwithstanding the approved plans and the terms of condition 1 above, no surface water shall issue from any of the dwellinghouse plots onto any existing or proposed public roads.

REASON – To ensure the provisions and maintenance of a secure road surface in the interests of road and public safety.

7. Notwithstanding the approved plans and the terms of condition 1 above, internal junction visibility splays measuring 2.5 metres by 35 metres will be required at all internal road junctions with no object greater than 1 metre in height allowed within these areas thereafter.

REASON – In the interests of road and public safety

8. Notwithstanding the approved plans and the terms of condition 1 above, the areas of timber screen fencing outlined in yellow on the approved plan shall present a boundary between plots without gaps.

REASON – In the interests of residential amenity

9. The open space area proposed shall be laid out simultaneously with the development and thereafter maintained in accordance with a maintenance scheme to be submitted to and approved by the Planning Authority prior to the commencement of development. Planting of species shall take place not later than the next appropriate planting season after the development has commenced.

REASON - To ensure that the provision of public open space is to an adequate standard and subsequently maintained in the interest of residential and visual amenity.

10. The applicants shall satisfy themselves as to the suitability of the site for development purposes prior to the commencement of development.

REASON – To ensure that the site is suitable for development in the interests of residential amenity and public safety.

**Notes to applicant:-**

1. East Ayrshire Council Roads and Transportation Division has advised that a Road Opening Permit will be required for any works within the public road boundary. The Division can be contacted on Tel 01563 555 330.
2. East Ayrshire Council Roads and Transportation Division has advised that access to the site will require to be taken via internal roads which comply with the Roads Development Guide 1996 and will require Construction Consent from East Ayrshire Council Roads and Transportation Division. This Consent will cover details such as road widths, footways, road construction, street lighting, and drainage.
3. East Ayrshire Council Roads and Transportation Division has advised that the developer is required to provide a 2.0 metre wide footway across the frontage of the site, as part of the Construction Consent.

4. Network Rail has advised that where trees and/or shrubs are proposed to be planted adjacent to the railway boundary these trees and shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad-leaf deciduous species should not be planted adjacent to the railway boundary.
5. Scottish Water has advised that contact should be made with their Developer Services, Tel 0845 601 8855.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 555320.**