

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 18 JUNE 2009

**08/0776/FL: ERECTION OF 14 HOUSES AND ASSOCIATED WORKS AT
FORMER GARAGE SITE, BELLFIELD AVENUE, HURLFORD
BY LBL HOMES LTD**

Report by Head of Planning and Economic Development

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposed scheme involves the following main elements;

- An access road, designed to adoptable standard, from Bellfield Avenue, serving 14 two-storey dwellings, comprising a corner flatted block of 2 flats with 2 bedrooms, and adjacent larger flatted block fronting Bellfield Avenue consisting of 4 flats with 1 bedroom each, and fronting onto the access road, 6 terraced houses with 3 bedrooms, and 2 semi-detached dwellings which also have 3 bedrooms each;
- External materials will be similar to those in the vicinity, and will comprise a mix of facing brick and smooth render, with the 'bookend' buildings finished in render;
- 24 parking places within the overall curtilage of the development; and
- Private garden areas.

2. RECOMMENDATION

2.1 **It is recommended that the application should be approved subject to the conditions listed on the attached sheet and that the issue of the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal agreement with the applicant regarding the obligations referred to in Section 7.1 of the report.**

3. CONCLUSIONS

3.1 8.1 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 (2007) and the Adopted East Ayrshire Local Plan (2003).

3.2 As indicated in the report the application is considered to be in accordance with the provisions of the Development Plan. Therefore, consistent with the Town and Country Planning (Scotland) Act 1997, it should be approved unless material considerations indicate otherwise.

3.3 As per Section 6 of the report there are material considerations relevant to the application from objectors to the proposal, however it is considered that these can be addressed by planning conditions or are of insufficient weight to merit refusal of the application.

3.4 In relation to the proposed access arrangements or traffic and transport implications raised by the current application, there are no objections from the Roads and Transportation Division or other statutory consultees.

8.5 It is noted that this site is primarily a brownfield site of a commercial nature. It is surrounded by established residential property of a mix of design, scale and external finish. It is considered that the proposed residential properties will improve the existing site and add to the visual and residential amenity of the surrounding area. The proposed development is of a modern design however the existing residential properties on Bellfield Avenue are of varying design and external finish.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning & Economic Development then the application will not require to be referred to the Principal Planning Committee as that would not be a significant departure from Council policy.

Alan Neish
Head of Planning and Economic Development

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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08/0776/FL: ERECTION OF 14 HOUSES AND ASSOCIATED WORKS AT FORMER GARAGE SITE, BELLFIELD AVENUE, HURLFORD BY LBL HOMES LTD

Report by Head of Planning and Economic Development

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 Northern Local Planning Committee under the scheme of delegation, as objections have been received from more than 10 individual parties.

2. APPLICATION DETAILS

2.1 **Site Description:** The application concerns a brownfield site which was a former garage site on the western edge of Hurlford, adjacent to the railway line, accessed from Bellfield Avenue which itself is accessed from the A71. The site has open countryside views to the south, and inter-war local authority built housing to the west, with a mix of terraced and semi-detached housing to the north. The site covers some 0.27 hectares.

2.2 The site is occupied by waste ground, and a dwellinghouse. Under this planning application, however, the dwellinghouse would be demolished to make way for the proposed scheme. An industrial shed currently in situ would also be removed under the proposed scheme.

2.3 **Proposed Development:** The proposed scheme involves the following main elements;

- An access road, designed to adoptable standard, from Bellfield Avenue, serving 14 two-storey dwellings, comprising a corner flatted block of 2 flats with 2 bedrooms, and adjacent larger flatted block fronting Bellfield Avenue consisting of 4 flats with 1 bedroom each, and fronting onto the access road, 6 terraced houses with 3 bedrooms, and 2 semi-detached dwellings which also have 3 bedrooms each;

- External materials will be similar to those in the vicinity, and will comprise a mix of facing brick and smooth render, with the 'bookend' buildings finished in render;
- 24 parking places within the overall curtilage of the development; and
- Private garden areas.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division. No objections to the development which cannot be addressed through the Road Construction Consent. This includes minor changes to road widths and service strips within the site and disposal of road surface water. The Roads Construction Consent will not be granted unless these issues are resolved.

Noted.

3.2 East Ayrshire Council's Environmental Health (Contaminated Land) Division. Noting that the former use of the site was a garage/depot and there may be ground contamination in the area, the Contaminated Land section has no objection to this proposal subject to a pre-commencement condition that development shall not be permitted to start until a site investigation and assessment has been carried out, and a subsequent report that all works carried out have been in accordance with the remediation plan.

Noted. These matters can be addressed by conditions should Members decide to grant consent.

3.3 East Ayrshire Council's Environmental Health Division. No objection subject to standard advice on limiting disturbance and nuisance to adjacent residents from site construction works (e.g. noise, burning of waste and hours of site working).

Noted. These matters can be addressed by conditions and advisory notes should Members decide to grant consent.

3.4 Scottish Water Although Scottish Water has no objection at this stage, this does not guarantee a connection to Scottish Water infrastructure, and applicants should be minded to submit the required technical information to allow them to assess connection to the public infrastructure system.

Noted, this can be addressed by an appropriate advisory note.

3.5 Scottish Environment Protection Agency (SEPA) No objection noting that the foul and surface water drainage from the site is to be discharged to the public sewerage system and is subject to separate agreement with Scottish Water in this regard.

Scottish Water has indicated that it has no objection to the development proposal, subject to a condition requiring the proposed discharge of surface water to be in accordance with Water Environment Regulations.

3.6 With regard to surface water, SEPA recommended that any planning permission includes a condition requiring the applicant to treat any surface water from the site in accordance with the principles of the SUDS manual.

A condition relating to this point is included in the recommendation.

3.7 Scotland Gas Networks has no objections, with the advice that the applicant contacts them for further information on apparatus in the vicinity.

Noted. This can be addressed by advisory note, should Members choose to grant consent.

3.8 Scottish Power has no objection, with the advice that the applicant contacts them for further information on apparatus in the vicinity.

Noted. This can be addressed by advisory note, should Members choose to grant consent.

3.9 Hurlford and Crookedholm Community Council. No response at the time of writing.

Noted.

4. REPRESENTATIONS

4.1 There have been 7 letters of objection from 10 individual parties and a petition of 19 signatures; 8 signatures of which relate to individual objections already received. The issues raised can be considered under the following general headings;

- Planning and Design,
- Amenity, and
- Roads & Traffic.

The issues raised by these objections are summarised and responded to below;

Planning and Design

4.2 The dwellinghouses as proposed may not sell within the current economic climate and may subsequently be rented out to tenants, possibly in receipt of Housing Benefit, with the perceived nuisance problems that may bring.

The tenure of the dwellings is not a material planning consideration and cannot be taken into account in the determination of this application.

4.3 The style and colour of the proposed housing is incompatible with the remaining housing in the area.

The scale, design and external finish materials are considered to be entirely compatible with the established housing mix in the surrounding area; however final colour of external finishes should be the subject of a planning condition to conclude on the final appearance. Similarly, the scheme of landscaping should be the subject of a condition covering the extent and layout etc.

Amenity

4.4 The development will cause overlooking and privacy problems. The lane proposed between the new development and the existing development at Bellfield Court will cause maintenance problems for the existing householders to maintain their property and may encourage antisocial behaviour, such as loitering in the vicinity.

The proposed lane is not one which runs between the existing and proposed properties, but is for access only to the bin stores to the rear of the proposed flats and for rear access at each end terrace. Access is provided in the centre of the terrace block for bin collection.

Current long established practice requires that the minimum distance between windows of habitable rooms (i.e. living rooms, dining rooms and bedrooms) should not be less than 18 metres. Additionally, the garden ground is 14 metres in length to the rear of the terrace, before reaching the site boundary. Garden sizes are in excess of the Councils minimum standards as detailed in Section 5 of this report. The closest distance from an existing house on site to any of the proposed units is in excess of 20 metres. Any overlooking

is therefore considered to be minimal. As with any fence bordering neighbouring developed land, agreement from a neighbour would be required to gain access for maintenance, as would be the case at present.

4.5 The proposal will detrimentally affect the nature of the estate and the peaceful enjoyment of dwellinghouses within the existing estate.

There is no reason why this residential development should detrimentally affect the nature of the estate or the peaceful enjoyment of existing houses. This site is identified as 'white land' in the East Ayrshire Local Plan therefore the principle of new housing at this location is acceptable in planning policy terms, noting the predominant residential use of the surrounding area.

Roads and Traffic

4.6 There may be issues of child road safety as children currently play in the roadway due to the quiet nature of the estate. Increased heavy traffic will worsen the existing problem of a narrow estate road which sometimes currently experiences passing problems for vehicles.

Should Members decide to grant consent, it is recommended that a condition be imposed which will ensure no HGV movements take place at the premises outwith the hours of 8.00 am to 6.00pm pm Monday to Friday and 8.00 am to 1.00 pm on a Saturday, with no HGV movements taking place at any time on a Sunday.

4.7 The existing roads infrastructure is inadequate, with regard to road width. The development will exacerbate existing hazards and result in an unacceptable increase in traffic on existing roads and block junctions.

The Council's Roads and Transport Division has made no objections to the proposal and has not assessed the roadway to be inadequate to serve the level of dwellings proposed. As above, should Members decide to grant consent, a condition is recommended which will ensure no vehicular movements shall take place at the premises outwith the hours of 8.00 am to 6.00pm pm Monday to Friday and 8.00 am to 1.00 pm on a Saturday, with no site activities taking place at any time on a Sunday. It is considered that such a condition should assist in controlling traffic movement at the site for the period of construction.

The applicant has also submitted a response to these representations, noting that all stages of the proposal will be fully in accordance with the requirements of East Ayrshire Council Roads and Transportation Division and that construction traffic will meet all current relevant requirements and legislation regarding site safety. Additionally, the applicant has advised that the appearance of the proposed dwellings is not intended to match exactly the existing housing units already in this location, but that the finishes of materials was carefully considered to ensure a quality finish complimenting the surrounding established properties. The proposed walkway to the rear is not public but is instead for access for bins to be collected but will be secured by a locked gate of 1.8 metres in height. Similarly, overlooking should not be an issue due to the garden sizes exceeding the minimum guidelines of 18 metres.

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 (2007) and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan (AJSP)

5.2 The proposal does not raise any issues of a strategic nature and the application therefore fails to be assessed against the adopted East Ayrshire Local Plan.

East Ayrshire Local Plan

5.3 The majority of the proposed site lies within the settlement boundary of Hurlford with the exception of a strip of land along the southern edge of the site. Although no houses are proposed on this land, it would accommodate the access road and most of the parking spaces.

5.4 Policy IND8 states that proposals for alternative uses of land or premises currently or formerly used for industrial purposes shall be considered acceptable subject to a set of three criteria being met, as follows:

- (i) the proposed use not being detrimental to surrounding established uses;

Housing at this location is unlikely to be detrimental to surrounding uses as the site is located adjacent to an established residential area.

- (ii) the proposal meeting with the requirement of all other relevant Local Plan policies;

The proposal is considered to meet with the requirements of other relevant local plan policies, as detailed below.

- (iii) the existence of alternative industrial or business land or premises with potential for future employment use within the settlement concerned.

There is an adequate amount of industrial land in Hurlford.

5.5 Policy RES4 states that, within Settlement Boundaries, 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 a set of four stated criteria, as follows:

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

The proposal is unlikely to have any detrimental impact on the surrounding environment noting it is within an established residential area.

- (ii) transportation and infrastructure implications;

As detailed in Section 3 of this report, no adverse responses have been received from the statutory consultation process.

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

Although the development is of a slightly higher density than surrounding residential areas, it is considered to be acceptable as it meets with the Council's private open space standards, as detailed in Policy RES 22 in Section 5.7 below.

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

The proposed design of the new dwellinghouses is acceptable for this location adjacent to an established mix of traditional cottage flats of 4 in a block and the modern later development of Bellfield Court comprising brick terraced dwellinghouses.

5.6 Policy RES19 requires all housing developers to provide areas of recreational and amenity open space in their developments to the indicative basic standards set out in Schedule 4 of the Local Plan. The policy states also that the precise type, size, location and design of the open space required is dependent on the extent of existing open space provision in the vicinity and the recreational and amenity needs of the wider area.

In order to meet with the Council's minimum standards, 420 sq m of public open space is required. It is noted that very little public open space is provided within the scheme to meet this standard, and the application falls below the requirements. It is however considered that an exception to the standards can be made in this case as it is a relatively small site located on the edge of the settlement boundary with open rural views. Furthermore, the proposal would result in the re-use of an existing brownfield site in a manner complimentary to the surrounding area.

5.7 Policy RES22 requires all developers to observe the minimum standards for the provision of private open space detailed in Schedule 4 of the Local Plan.

The proposal meets with the Council's minimum private open space standards and the private garden ground for each plot exceeds the minimum area required.

5.8 Policy TLR5 of the Adopted Local Plan confirms that developers will be requested to enter into an Agreement with the Council to make contributions to the provision of appropriate leisure and recreational facilities in the local area.

The applicant has been asked to make a contribution on the basis of Policy TLR 5 and the applicant's agent has indicated that his client is prepared to make a contribution.

5.9 In summary, it is considered that the proposal accords with the policies of the development plan, with the small exception of a 9.5m wide strip of land along the southern edge of the application site which lies outwith the delineated settlement boundary of Hurlford. No houses are proposed on this land, only the access road and parking. On balance it is considered that this relatively small incursion into the Rural Protection Area is acceptable and justified as it will enable this brownfield site to be redeveloped without significantly compromising the policies of the Adopted East Ayrshire Local Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

impact on the amenity of the area, the relevant planning history and the Finalised Draft, with Modifications, of the East Ayrshire Local Plan.

Alteration to the East Ayrshire local Plan: Finalised Draft with Modifications

6.2 Policy IND 9: Other than those sites and premises specifically safeguarded for business, commercial and industrial use as indicated on the local plan maps, proposals for alternative uses of land or premises currently or formerly used for industrial, commercial or business purposes shall be considered acceptable where it can be demonstrated that:

- (i) the proposed use is not detrimental to surrounding established uses;

Housing at this location will not be detrimental to surrounding established uses as the site is located adjacent to an established residential area.

- (ii) the proposal meets the requirements of all other relevant Local Plan policies;

The proposal is considered to meet with the requirements of other relevant local plan policies as detailed below.

- (iii) the proposal will not reduce to unacceptable levels the amount of industrial, commercial and business land or premises with potential for future employment use within the settlement concerned.

There is an adequate amount of industrial land in Hurlford.

6.3 Policy RES3 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. Such proposals will be particularly supported where the development:

- (i) has no adverse impact on the surrounding natural and built environment and adjacent uses;

The proposal is unlikely to have any detrimental impact on the surrounding environment noting that it is within an established residential area.

- (ii) has no unacceptable transportation and infrastructure implications;

As detailed in Section 3 of this report, no adverse responses have been received from the statutory consultation process.

(iii) is compatible with surrounding densities and housing types; and

Although the development is of a slightly higher density than surrounding residential areas, it is considered to be acceptable as it meets with the Council's private open space standards as detailed in Policy RES 26 in Section 6.5 below.

(iv) is in full compliance with the Council's approved Design Guidance.

The proposed design of the new dwellinghouses is acceptable for this location.

Developments that do not meet all of these criteria will not receive Council support.

6.4 Policy RES 23 requires all housing developers to provide areas of recreational and amenity open space as an integral part of their development proposals and to ensure that the location of all such areas is addressed as a primary consideration in the preparation of any housing layout design. All open space, and particularly those areas of open space containing play equipment, should be located in accessible positions which are centrally located within the housing layout and open to public view. The provision of public open space in peripheral, backland locations will not be considered acceptable.

Developers are also required to ensure that the design of all open space is to the highest possible standards and to make provision for the future maintenance of these areas, once formed, to the satisfaction of the Council. Developers will be required to comply with the indicative basic standards set out in Schedule 4 of the Local Plan in preparing their proposals. The precise type, size, location and design of the open space will, however, be dependent on the extent of existing open space provision in the vicinity and the recreational and amenity needs of the wider area. Prospective developers are advised to consult fully with the Council's Head of Leisure Services in this regard, prior to formulating their development proposals.

In order to meet with the Council's minimum standards, 420 sq m of public open space is required. However, very little public open space is provided within the scheme. It is considered that an exception to the standards can be made in this case as it is a relatively small site located on the edge of the settlement boundary with open rural views. Furthermore, the proposal would result in the re-use of a brownfield site in a manner complimentary to the surrounding area.

6.5 Policy RES 26 ensures developers of new housing developments will be required to observe the minimum private open space criteria and standards detailed in Schedule 5 of the Local Plan. The standards quoted may however, be relaxed at the discretion of the Council in respect of the conversion of existing properties where the case for such a relaxation can be fully justified by the developer and where considered appropriate by the Planning Authority.

The private garden ground for each plot exceeds the minimum areas as required in the local plan.

6.6 Policy RES 29 requires all potential developers of residential sites comprising four or more houses to make an appropriate financial and/or non-financial contribution towards the provision of any new or expanded facilities, amenities or associated community initiatives as may be required to meet the needs of any future populations introduced to the area as a direct result of the proposed development itself. Developer contributions will be required by means of a Section 75 or other appropriate agreement between the applicant and the Planning Authority in line with the provisions of Circular 12/1996 and in accordance with the provisions of the Council's Supplementary Planning Guidance relating to developer contributions.

The applicant has agreed to make a contribution to the Sports, Leisure and Recreation Fund in terms of the adopted Policy TLR 5, as detailed in Sections 5 and 7 of this report.

Consultation Responses

6.7 The consultation responses are summarised in Section 3 of this report and they do not raise any over-riding reasons for refusal of this application.

Representations

6.8 The representations are summarised in Section 4 of this report and they do not raise any over-riding reasons for refusal of this application.

Impact on the Amenity of the Area

6.9 It is considered that planning conditions regarding landscaping, external finishes and the construction phase of the development will ensure that the proposal does not have a significant detrimental effect on amenity. In addition, suitable provision should be made for waste storage at individual properties and the development as a whole, in line with the Council's collection plans to address the recycling, composting, recovery and disposal targets contained within the Area Waste and Implementation Plan. The design and layout of the proposed development is acceptable and is considered to make a positive contribution to the character of the surrounding area.

The surrounding area is of an established residential nature of varied design with a predominant mix of cottage houses and terraced dwellinghouses. The site is currently a brownfield industrial site and its re-development for residential purposes will compliment the surrounding area. The design of the properties is modern yet appropriate noting the varied designed layout of the neighbouring properties.

Planning history

6.10 There is no adverse planning history for the site that would warrant the refusal of this application.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 The applicant's agreement to make a contribution to the Sports, Leisure and Recreation Fund in terms of Policy TLR 5, will require a formal legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to be entered into between the Council and the applicant, and the applicant has indicated this is acceptable. Should Members choose to grant consent the issue of the decision notice should be withheld until the Section 75 legal agreement has been concluded.

8. CONCLUSIONS

8.1 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 (2007) and the Adopted East Ayrshire Local Plan (2003).

8.2 As indicated in the report the application is considered to be in accordance with the provisions of the Development Plan. Therefore, consistent with the Town and Country Planning (Scotland) Act 1997, it should be approved unless material considerations indicate otherwise.

8.3 As per Section 6 of the report there are material considerations relevant to the application from objectors to the proposal, however it is considered that these can be addressed by planning conditions or are of insufficient weight to merit refusal of the application.

8.4 In relation to the proposed access arrangements or traffic and transport implications raised by the current application, there are no objections from the Roads and Transportation Division or other statutory consultees.

8.5 It is noted that this site is primarily a brownfield site of a commercial nature. It is surrounded by established residential property of a mix of design, scale and external finish. It is considered that the proposed residential properties will improve the existing site and add to the visual and residential amenity of the surrounding area. The proposed development is of a modern design however the existing residential properties on Bellfield Avenue are of varying design and external finish.

9. RECOMMENDATION

9.1 It is recommended that the application should be approved subject to the conditions listed on the attached sheet and that the issue of the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal agreement with the applicant regarding the obligations referred to in Section 7.1 of the report.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning & Economic Development then the application will not require to be referred to the Principal Planning Committee as that would not be a significant departure from Council policy.

Alan Neish
Head of Planning & Economic Development

10 June 2009
(MF/RH)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Representations
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Finalised Draft with Modifications, East Ayrshire Local Plan
7. Approved Ayrshire Joint Structure Plan (2007).

Anyone wishing to inspect the above papers please contact Marion Fergusson, Senior Planning Officer, on 01563 576769.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL
TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 08/0776/FL

Site of Proposal: Former garage site, Bellfield Avenue, Hurlford

Nature of Proposal: Erection Of 14 Houses And Associated Works

Name & Address of Applicant: LBL Homes Ltd,
18 Lindsay street
Kilmarnock
KA1 2BB

Name & Address of Agent: Munro Architects, 23 Portland Road
Kilmarnock
KA1 2BT

DPOs Reference: MF/RH

The above FULL application should be granted subject to the following conditions:

Conditions:

1. The development hereby approved shall be implemented in accordance with the plans stamped as forming part of this permission unless a variation is required by a condition of the permission or a non-material change has been agreed in writing by the Planning Authority.

REASON To ensure that the development is carried out in accordance with the approved plans unless otherwise approved

2. Before any works start on site, cross-sectional plans shall be submitted to, and approved in writing by the Planning Authority indicating:-

- a) The extent and existing ground levels of the development site, the proposed finished road levels, floor levels, and the ridge level of each proposed house.
- b) The levels of all adjacent land and buildings and their relationship to the proposed development.

- c) Any existing or proposed screening measures (e.g. walls or fencing),

Until such time as the required plans have been approved by this Planning Authority no work shall commence on site and thereafter all work shall be undertaken and maintained as approved.

REASON In the interests of residential amenity; to ensure that there is no significant detrimental impact on adjacent properties.

3. No works on site shall commence until a site investigation and assessment has been carried out. The investigation and assessment shall be conducted in line with BS 10175: 2001 Code of Practice for '*The investigation of potentially contaminated sites*' and Contaminated Land Report 11 – '*Model Procedures for the Management of Land Contamination*', (CLR 11).

The report shall contain details of proposals to deal with contamination to include:

:

- (i) The nature, extent and type(s) of contamination on the site;
- (ii) A site specific risk assessment of all relevant pollutant linkages;
- (iii) Remedial measures to treat/remove contamination to ensure the site is fit for the use proposed; and
- (iv) Measures to deal with unsuspected contamination discovered during construction works;

REASON To ensure potential risks arising from previous site uses have been fully assessed.

4. Prior to any further works commencing on site with the exception of that necessary under condition 3, above, the developer shall submit a report, confirming that any remedial works identified in condition 3 above, have been carried out in accordance with the remediation plan.

REASON To provide verification that remediation of any contamination has been carried out in accordance with the remediation plan.

5. Notwithstanding the submitted plans, details and samples of all external materials to be used in the construction of the dwellings and the road/driveway surfaces shall be submitted to and approved by the Planning Authority in writing prior to the commencement of development on site and shall be implemented as approved thereafter.

REASON In the interests of visual amenity.

6. Notwithstanding the submitted plans, details of the design and construction of all boundary features, fences and walls to be erected on the site

shall be submitted to and approved by the Planning Authority in writing before any development commences on the site and shall be implemented and maintained as approved thereafter.

REASON To ensure that the overall scheme achieves a high quality and consistent boundary treatment within and at the edges of the development and clearly defines public and private space, and to allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

7. Notwithstanding the approved plans, details of the proposed bin storage facilities shall be submitted to and approved by the Planning Authority in writing prior to the commencement of development on site and shall be implemented prior to the occupation of any dwellinghouse to which they relate and maintained thereafter.

REASON To ensure adequate bin storage facilities.

8. Before any works start on site, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, the extent and profile of any areas of earth mounding and the precise timing and phasing of the works shall be submitted to for approval in writing by the Planning Authority. The scheme as approved shall be implemented within the agreed written timescale.

REASON To ensure that key urban design and landscape considerations are taken into account in order that the landscaping and tree / shrub planting maximises the visual impact of the gateway into the site and achieves a high quality and consistent boundary treatment within and at the edges of the development.

9. All landscaping works shall be completed in accordance with the details as required by the terms of this planning permission prior to the occupation of the last dwellinghouse.

REASON To ensure landscaping works are completed at an appropriate stage in the development of the site.

10. Details of a maintenance agreement for all the areas of landscaping shall be submitted to and approved by the Planning Authority in writing prior to the occupation of the first house and shall be implemented as approved thereafter.

REASON To ensure the future maintenance of all landscaping.

11. All planting carried out on site shall be maintained by the developer in accordance with good horticultural practice for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually.

REASON In the interests of visual amenity and effective landscape management; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

12. A phasing plan for the completion of all roads and footpaths to final wearing surface, street lighting and street signs within the application site shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on site. The approved phasing plan shall thereafter be adhered to at all times during the construction period.

REASON In the interests of residential amenity and road safety.

13. During the period of construction works the developer of the site shall take adequate and continuing measures to ensure that roads and footpaths adjoining the site are maintained free from mud and other material carried from the site by construction and any other vehicles.

REASON In the interests of public and road safety.

14. All site servicing and workers' vehicles shall be accommodated within the development site at all times throughout the period of construction unless otherwise agreed in writing in advance by the Planning Authority.

REASON In the interests of road safety and residential amenity.

15. Any waste arising from the construction works shall be disposed of to the satisfaction of the Waste Management Authority and other than by means of burning on site.

REASON In the interests of residential amenity.

16. No vehicular activity associated with construction of the development hereby approved, shall take place at the site outwith the hours of 8.00 am to 6.00pm pm Monday to Friday and 8.00 am to 1.00 pm on a Saturday. No vehicular activities shall take place at any time on a Sunday at the site.

REASON In the interests of residential amenity; to ensure that the activity on the site does not generate a level of noise which would disturb neighbouring residential amenity.

17. Notwithstanding condition 16 above, noisy work on site during the construction phase shall be restricted to 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays and no site work shall be undertaken on a Sunday.

REASON In the interests of residential amenity; to ensure that the activity on the site does not generate a level of noise which would disturb neighbouring residential amenity.

18. Prior any work commencing on site, the construction traffic management plan shall be submitted to and approved in writing by the Planning Authority and shall be adhered to at all time throughout the period of site preparation works and construction on-site.

REASON In the interests of residential amenity and road safety.

19. Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA in March 2007. Prior to any work commencing on site a SUDS scheme shall be submitted to and approved in writing by the Planning Authority and shall be thereafter formed on site as approved prior to the last dwellinghouse being completed.

REASON: To ensure the site is drained in a sustainable manner and the drainage infrastructure is properly maintained.

NOTES:-

1. The applicant should make early contact with East Ayrshire Council Roads and Transportation Division prior to the commencement of development on site to ascertain if any permits for road/footway works are required. East Ayrshire Council Roads and Transportation Division can be contacted on 01563 576310.
2. The applicant should make early contact with Scottish Water on 0845 601 8855. The applicant should ensure that prior to development commencing on site, they have secured agreement from Scottish Water regarding the suitability of all proposed drainage connections and the suitability of the existing infrastructure to accommodate such connection.
3. With regard to construction, pollution prevention, and the transport and storage of waste materials, the development of the site must be carried out with due regard to the relevant Regulations and SEPA's guidelines.

4. The applicant is advised to contact Scotland Gas Networks with regards to their apparatus in the vicinity, on 0141 418 4093.
5. The applicant is advised to contact Scottish Power with regards to their apparatus in the vicinity, on 0141 567 4155.