

## **EAST AYRSHIRE COUNCIL**

**NORTHERN LOCAL PLANNING COMMITTEE: 8 OCTOBER 2010**

**09/0851/PP: ERECTION OF SINGLE DWELLINGHOUSE AND DETACHED GARAGE  
AT LAND TO REAR 17 WATERSLAP, FENWICK  
BY: MR ROY ASHURST**

Click for application details: <http://eplanning.east-ayrshire.gov.uk/online/centralDistribution.do?action=dispatch&caseType=Application&caseNo=09/0851/PP>

### **Report by Head of Planning and Economic Development**

#### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 The proposal is to erect a detached dwelling with separate double garage. The design of the property has been amended following the initial submission. The footprint of the proposed dwellinghouse has been reduced from 149 square metres to 131 square metres and the house has been positioned further away from the group of TPO'd trees than in the original submission.

1.2 The proposed dwellinghouse is of one and a half storey design with dormer windows in the roofspace, chimney stack and with vertical windows with banding at ground floor level. The property has 4 bedrooms and bathroom on the upper floor and an open plan, kitchen/living room with separate lounge and study on the ground floor. External materials comprise natural slate on the roof, white wet-dash render with timber windows and doors including a timber garage door. Access is from the existing shared access with No.17 Waterslap. The applicant proposes to remove 4 conifer trees which are protected by the existing Tree Preservation Order.

#### **2. RECOMMENDATION**

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

#### **3. CONCLUSIONS**

3.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended state that where an application is in accordance with the development plan, the application should be approved unless material considerations indicate otherwise.

3.2 In this instance there are relevant materials considerations. Both the design and the overall scale of the proposed house have been reduced to ensure a better fit within the site and with the surrounding area. Whilst the development does not front onto Waterslap, it shares a common access and is within the settlement boundary. Given the range of building types in the Conservation Area overall, the proposed design is simple and unadorned and the development is unlikely to have any significant effect overall on the Conservation Area. The consultation process has not highlighted any significant issues that would warrant refusing planning permission. Whilst the letters of representation have been noted, the issues raised do not warrant refusal of the proposal. The application has been the subject of protracted negotiation and it is considered that this reduced size, scale and design is appropriate and can be satisfactorily accommodated on this site within the settlement boundary of Laigh Fenwick.

### **CONTRARY DECISION**

Should the Committee agree that the application should be refused contrary to the recommendation of the Head of Planning and Economic Development, then the application will not require to be referred to Council for a determination, as it 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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### Report by Head of Planning and Economic Development

#### 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present an application for planning permission as the application has attracted more than 10 objections and under the Council's Scheme of Delegation, it requires to be considered by this Committee.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a substantial area of land which sits to the rear of the residential property at 17 Waterslap within Laigh Fenwick. The site shares a vehicular access with the lane which serves the dwellinghouse at no. 17 and extends to some 2600 square metres. The site lies within the settlement boundary for Laigh Fenwick and is bound to the north by agricultural land and to the east by the modern residential properties of Brookfield Grove. To the south lies the Travis residential properties of Waterslap and the road itself, and to the west lies agricultural land. The site has a number of trees which are protected by a Tree Preservation Order (TPO). The site slopes downwards to the east and incorporates the river which runs along the back of the houses at Brookfield Grove.

2.2. **Proposed Development:** The proposal is to erect a detached dwelling with separate double garage. The design of the property has been amended following the initial submission. The footprint of the proposed dwellinghouse has been reduced from 149 square metres to 131 square metres and the house has been positioned further away from the group of TPO'd trees than in the original submission.

2.3 The proposed dwellinghouse is of one and a half storey design with dormer windows in the roofspace, chimney stack and with vertical windows with banding at ground floor level. The property has 4 bedrooms and bathroom on the upper floor and an open plan, kitchen/living room with separate lounge and study on the ground floor. External materials comprise natural slate on the roof, white wet-dash render with timber windows and doors including a timber garage door. Access is from the existing shared access with No.17 Waterslap. The applicant proposes to remove 4 conifer trees which are protected by the existing Tree Preservation Order.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Fenwick Community Council has objected to the application and their comments are included in Section 4, below.

3.2 East Ayrshire Council Roads and Transportation Service has no objections to the proposal, subject to standard conditions on gates and surface water.

***These issues could be addressed by conditions should Members decide to grant consent.***

3.3 East Ayrshire Council Outdoor Amenities Service has no objections to the revised proposal but note that the applicant must adhere to safe working practices in relation to the trees on the site.

***This issue could be covered by an appropriately worded condition should Members decide to grant consent.***

3.4 East Ayrshire Council Roads and Transportation (Flooding) Section has no comments on flood risk as long as the finished floor levels as submitted, are adhered to.

***Any changes to the submitted finished floor levels will require the consent of the Planning Authority should Members decide to approve this application.***

3.5 West of Scotland Archaeological Service has no comments.

3.6 Scotland Gas Networks has no objections and advise of apparatus in the vicinity.

3.7 Scottish Water does not object to the application and offer advice on surface water drainage.

***Early contact can be recommended with Scottish Water if Members choose to grant consent.***

#### **4. REPRESENTATIONS**

4.1 23 letters of objection have been received including as detailed in Section 3.1, a letter from Fenwick Community Council. The main points of objection are as follows:

4.2 The proposed site is in the Conservation Area; on a greenfield site; building should not be permitted here; the building is backland development; the proposal contravenes Policy ENV 4 of the Local Plan; the development as proposed would set a precedent for other sites in the village.

***The site sits within the Conservation Area of Laigh Fenwick, and is not specifically designated for any particular purpose. The plot has never been an identified greenspace or greenfield as such and it is an area of vacant***

**land behind the rear gardens of the properties on Waterslap. The adopted East Ayrshire Local Plan encourages the subdivision of existing house curtilages for new dwellings subject to detailed criteria being met. Backland development is assessed as sites not having a proper road frontage, however, in this instance, whilst the proposed house would not front onto Waterslap, it would take direct access from there.**

**The adopted East Ayrshire Local Plan indicates that Policy RES 4 is the applicable policy to assess the application against, albeit the site is not strictly a gap or infill site, but it is located within the settlement boundary. Policy RES4 states that, within Settlement Boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites. This application requires to be determined on its own merits considering the circumstances of the site and as such approval would not set a precedent.**

4.3 The design, size and position etc, of the proposed house is not in keeping with the Conservation Area; or the existing street pattern;

**The design of the proposed house is traditional in manner, with materials that will be sympathetic to others found in the area. Details comprise a full storey house, with gablet front and dormers giving additional roof space, and whilst it is a new build property, it respects the local vernacular in appearance. A natural slate roof with metal flashings will add to the traditional look of the building, as will a wet dash render and decorative banding around windows. The finished house would be similar in design to the nearby dwellinghouse at 21 Waterslap. The design accords with the Council's design guidance for new residential development and generally for new buildings within Conservation Areas. Whilst it is not innovative in design, it reflects the traditional properties in the Conservation Area and seeks to simply reflect a newer version of other building styles in the Conservation Area generally.**

4.4 Visibility of the house from Waterslap and the effect of this new build on the Conservation Area as a whole.

**The house is accessed from Waterslap between nos. 17 and 21. Due to restricted views along this access, the house will not be able to be viewed in its entirety from the street. In terms of its effect on the Conservation Area generally, it is not necessarily the buildings alone that justify a Conservation Area's designation, but the street furniture, trees, boundary features and overall setting. Less accessible rear elevations are not a particular feature of the Conservation Area per se, which is the reason many of the houses in Fenwick and Laigh Fenwick have already been extended. In this instance it is considered that the introduction of a new house, which is, traditionally**

**styled, at the end of an access lane and to the rear of the existing houses, will not have a negative effect on the Conservation Area as a whole.**

4.5 The access to the proposed property is too narrow.

**The Council's Roads and Transportation Service have assessed this application and have no objections to its proposed access.**

4.6 Disruption to the area, both during and after construction.

**The Council's Roads and Transportation Service have assessed the application and do not raise any concerns in terms of road safety. If the road or footway were blocked due to building materials during the construction period, this would be matter for the Police and the council's Roads and Transportation Service to address.**

**It would also be possible to control the hours of construction in recognition of neighbouring residential properties, should Members decide to grant consent.**

**It is not otherwise considered that one additional dwellinghouse will cause disruption to the local area once it is constructed.**

4.7 This proposed development will require the removal of trees which are protected.

**The trees specified for removal are 4 shallow rooted conifers, one of which has already been uprooted and blown over. The Council's Arboricultural Officer has no objections to this, subject to the remaining trees being protected during construction, and the applicant has agreed that if consent is granted, he would replant on the site a replacement number of native species. Should Members decide to grant consent, a condition can be added to ensure the remaining trees are adequately protected during construction and that suitable replacement trees are planted upon occupation of the new dwellinghouse.**

4.8 There are unmapped underground streams on the land, and this proposal, if consented, could cause problems for the groundwater in the area.

**The drainage of the land is an issue which would be covered by any Building Warrant to ensure connections were made either to the public sewer or to private arrangement. Provided these connections are made, there is no reason why the drainage arrangements for a new dwellinghouse would have any impact on underground streams.**

4.9 The proposal, if it was granted, would allow unprecedented access to live stock in the adjacent field, causing disturbance,

***The site has been fenced off from the adjacent field for a number of years and will in no way encroach upon any livestock. The existing fence lines will be maintained and there is no suggestion that members of the public will access a field to the north through this property.***

## **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

5.1 For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan (AJSP) (2007) and the Adopted East Ayrshire Local Plan (EALP) (2007). It is not considered that there are any Policies within the AJSP relevant to the determination of this application and the application is therefore assessed against the Adopted Local Plan.

### Adopted East Ayrshire Local Plan (EALP) (2003)

5.2 The application site does not, strictly speaking, constitute a gap infill or other redevelopment site given that it is a field to the rear of existing houses. However, as the site lies within the settlement boundary, it is considered that Policy RES 4 is the most relevant policy against which to assess this application.

5.3 This policy 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;

***Noting the proposed sympathetic design and its recessed site location, the proposal is unlikely to have an adverse impact on the surrounding properties or the Laigh Fenwick Conservation Area.***

(ii) transportation and infrastructure implications;

***The Council's Roads and Transportation Service have no objections in this regard.***

(iii) compatibility with surrounding densities and housing types; and

***The proposed house type is compatible with an adjacent house type, albeit not with the terraced properties in Waterslap. It conforms to the Council's Design guidance in its setting and is screened by natural hedges and will not be unduly prominent and overall will not have a detrimental impact on the Conservation Area.***

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

***The house type design is sympathetic and the proposal therefore complies with the Council's design guidance.***

5.4 Policy RES 5 also applies, whereby the Council will support the subdivision of existing house curtilages within the settlement boundary, subject to the proposal [i] being in keeping with the surrounding residential character and appearance [ii] meeting the Council's design requirements and not causing unacceptable damage to the amenity of surrounding properties; and [iii] maintaining acceptable levels of privacy.

***This proposal does not have a specific road frontage, however it does access directly onto Waterslap, via an individual access lane. The site is not backland development, as it is not part of the rear curtilage of an existing property. Although the dwelling house will not be able to be viewed directly from the street, the amenity of surrounding properties must be considered. However the site will be sufficiently screened from such properties and will not be viewed from the road. The design is considered to be typical to the rural area and appropriate to the village of Laigh Fenwick. It is similar in style to the house adjacent at no. 21 Waterslap.***

5.5 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 private open space standards of the Council.***

5.6 Policy ENV3 requires the protection of archaeological resources.

***As detailed in Section 3.5 of this report, West of Scotland Archaeology have been consulted and have not submitted any objections.***

5.7 Policies ENV1 and ENV4 seeks to ensure that all development within or affecting the setting of a Conservation Area or affecting the appearance or setting of a Listed Building, is sympathetic to the area or building concerned in terms of its layout, size, scale, design, siting, materials and colour of finish.

***It is considered that the development will have very little impact on the Conservation Area due to its recessed setting and because it will not be viewed from the street.***

5.8 Policy ENV15 states that the Council will actively seek to preserve and supplement existing broadleaf and native tree species throughout East Ayrshire. In particular, the Council will:

- (ii) protect those individual, groups and areas of trees which contribute significantly to the landscape quality of both the built and rural environment, through the serving of Tree Preservation Orders;

***The applicant has submitted a Tree Survey and the Council's Arboricultural Officer has indicated that there are no objections to the proposed removal of the conifers. These conifers are non native, shallow rooted trees, one of which has already been uprooted in high winds. The applicant has agreed that new native species will be planted to compensate and these will be subject to the same restrictions on cutting and felling as the other trees in the Conservation Area. As detailed previously in this report, if Members decide to grant consent, it is recommended that appropriate re-planting conditions are included.***

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of this application are the Alterations to the East Ayrshire Local Plan (Finalised Draft with Modifications), the consultation responses and representations detailed in Sections 3 and 4 of the report and the planning history of the site.

### Alteration to the East Ayrshire Local Plan

6.2 Some of the policies in the Alteration to the Local Plan have equivalent policies in the adopted East Ayrshire Local Plan which has been discussed in Section 5 of this report. In the Alteration these are Policies RES 3, 5 and 26 which equate to Policies RES 4, 5 and 22 in the Adopted Local Plan, There are also Policies ENV 1, 6, 9 and 18 in the Alteration which are equivalent to Policies ENV 1, 3, 7 and 15 in the Adopted Local Plan as detailed in section 5.

***Noting Section 5 of this report the application is not contrary to Policies RES 3, 5 and 26 and Policies 1, 6, 9 and 18 of the Alteration to the Local Plan.***

6.3 Additional policies in the Alteration are also relevant and these comprise Policies RES22 and ENV7. Policy RES22 of the Alteration seeks to protect, preserve and enhance the residential character and amenity of existing residential areas and presumes against development which will be visually intrusive or out of keeping with and detrimental to the character and appearance of the residential area concerned.

***The proposed development is not contrary to Policy RES22 as it is well screened, of an appropriate size and reduced scale which is of a quality traditional design using suitable external materials which will not adversely impact upon the existing area of Laigh Fenwick nor will it be detrimental to its Conservation Area. The applicant proposes to remove 4 conifer trees and replant with native species that would make a positive visual contribution to the surrounding area.***

6.4 Policy ENV7 states that development within a Conservation Area or affecting its setting shall preserve or enhance its character. Appropriate standards of design, materials, scale and siting shall respect the Conservation Area and trees which have an amenity value will be preserved. All development shall comply with the design guidance.

***The proposed development complies with Policy ENV9 which relates to the Council's Design Guidance. The application is also considered to be appropriate to Policy ENV1 which seeks to protect Conservation Areas and it is, overall, considered that the proposed dwellinghouse will not have a detrimental impact on the Laigh Fenwick Conservation Area.***

#### Consultation Responses and Representations Received

6.5 The consultation responses have been addressed in Section 3 of the report and are not considered to raise any issues that would warrant the refusal of this application. Any issues could be addressed by appropriately worded conditions.

6.6 The objections include concerns relating to the acceptability of the plot being developed in the Conservation Area, and loss of amenity to surrounding properties. Noting the applicants amended plans which reduce the footprint and revise the design of the dwellinghouse, the relatively large plot, and overall, the lack of visibility from the street, it is considered that there will not be a detrimental effect on the Conservation Area or the surrounding buildings.

#### Applicants Supporting Statement

6.7 The applicant has also provided a Design and Access Statement in support of the application which concludes that the site is extensive and privacy levels can be maintained, and the scale, height and design of the proposed house is in-keeping with those in the locale.

#### Planning History

6.8 The planning history of the site is relevant in the determination of this application. Two previous applications for 2 dwellinghouses on the site, 03/0565/OL and 07/0080/FL were withdrawn, as Planning and Economic Development could not support two houses on the site. More recently, 07/0905/FL for a single house was withdrawn following negotiations in terms of the size of the proposed property and design matters.

***An acceptable design solution has now been presented under the auspices of this planning application which follows a protracted period of negotiation.***

## **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 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended state that where an application is in accordance with the development plan, the application should be approved unless material considerations indicate otherwise.

8.2 In this instance there are relevant materials considerations. Both the design and the overall scale of the proposed house have been reduced to ensure a better fit within the site and with the surrounding area. Whilst the development does not front onto Waterslap, it shares a common access and is within the settlement boundary. Given the range of building types in the Conservation Area overall, the proposed design is simple and unadorned and the development is unlikely to have any significant effect overall on the Conservation Area. The consultation process has not highlighted any significant issues that would warrant refusing planning permission. Whilst the letters of representation have been noted, the issues raised do not warrant refusal of the proposal. The application has been the subject of protracted negotiation and it is considered that this reduced size, scale and design is appropriate and can be satisfactorily accommodated on this site within the settlement boundary of Laigh Fenwick.

## **9. RECOMMENDATION**

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

### **CONTRARY DECISION**

Should the Committee agree that the application should be refused contrary to the recommendation of the Head of Planning and Economic Development, then the application will not require to be referred to Council for a determination, as it would not be a significant departure from Council policy.

**Alan Neish**  
**Head of Planning & Economic Development**

30 September 2010  
MF

**FV/DVM**

### **List of Background Papers**

1. Application form, plans and statutory notices/certificates;
2. Public Advertisements;
3. Consultation responses;
4. Letters of objection
5. Adopted East Ayrshire Local Plan;
6. Alteration to the East Ayrshire Local Plan
7. Previous planning applications 03/0565/OL 07/0080/OL and 07/0905/FL

Anyone wishing to inspect the above papers should contact Marion Fergusson on 01563 576769.

**East Ayrshire Council**

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

**Application No: 09/0851/PP**

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Location	Land To Rear 17 Waterslap Fenwick East Ayrshire
Nature of Proposal:	Erection of single dwellinghouse and detached garage
Name and Address of Applicant:	Mr Roy Ashurst C/o Agent
Name and Address of Agent	Lawrie Orr 70 Drysdale Street Alloa FK10 1JA

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Officer's Ref: Marion Fergusson  
01563 576769

The above Planning Permission application should be approved subject to conditions as follows:

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 agreed.

2. Notwithstanding the submitted plans, details and samples of all external materials to be used in the construction of the dwellinghouse, detached garage and driveway surface 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 prior to the house being occupied.

REASON In the interests of visual amenity, to ensure that the external finishing materials are appropriate to the character of the area.

3. Prior to any work commencing on site the applicant shall submit and have approved in writing by the Planning Authority, details of all replacement native trees to be planted which will directly replace the number of trees to be felled within the application site. The approved trees shall be planted no later than the first available planting season following the occupation of the dwellinghouse and 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 trees, 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.

4. No demolition or external construction work, site clearance or preparation works shall take place before 08:00 hours and after 18:00 hours on Mondays to Fridays and before 08:00 hours and after 13:00 hours on Saturdays, nor at any time on Sundays.

REASON In the interests of residential amenity.

5. No materials other than topsoil shall be brought into the site for the purposes of infilling or upraising ground levels without the prior written consent of the Planning Authority.

REASON In order to control the development of the site and materials used in the making up of ground levels.

6. 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.

7. Prior to any work commencing on site and notwithstanding the approved plans, details of all boundary treatment (including gates) shall be submitted to and approved in writing by the Planning Authority. All boundary treatment shall thereafter be provided on site as approved prior to the dwellinghouse being occupied.

REASON In the interests of residential amenity.

8. Prior to any work commencing on site, written evidence shall be submitted to the Planning Authority confirming Scottish Water and/or SEPA's approval of discharge and the extent of Scottish Water's adoption of the drainage system.

REASON In order to ensure appropriate drainage to and from the proposed development.

9. Prior to the commencement of any works on site, details of a Sustainable Urban Drainage System and its maintenance following installation, shall be submitted to and approved in writing by the Planning Authority, in consultation with the Council's Roads and Transportation Service, and shall be installed and fully operational prior to the houses being occupied.

REASON To ensure the provision of adequate surface water drainage within the site.

10. All works on site for the entire period of construction shall be undertaken in accordance with British Standard 5837:2005 "Trees in relation to construction".

REASON In order to ensure that all works on site are undertaken with due regard to the nearby trees which are covered by a Tree Preservation Order.

11. No surface water shall be discharged onto the public road, including the footway.

REASON In the interests of pedestrian and road safety.

12. Notwithstanding Condition No. 7, any gates to be formed at the application site shall open inwards into the application site and shall not be capable of opening and obstructing the public road and footway.

REASON In the interests of road safety.

#### Advisory Notes to Applicant:

1. Construction works associated with the development shall be carried out in accordance with SEPA's guidelines on avoidance of pollution, and reference should be made to the relevant Pollution Prevention Guidance (PPG) from SEPA. Any waste materials imported to the site should be stored and used only in accordance with the waste management licence or exemption under the Waste Management Licensing Regulations 1994 as amended. Any waste materials removed from the site must be disposed of at a suitably licensed or exempt waste management facility in accordance with these Regulations.

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. The developer should make early contact with Scottish Environment Protection Agency and Scottish Water to confirm their request to utilise a Sustainable Urban Drainage

System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS. It should also be noted that Scottish Water requires the SUDS to be detailed as in Sewers for Scotland 2 if the system is to be considered for adoption.

4. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific arrangements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.

5. The applicant is advised to make early contact with Scottish Water Developer Services, Clyde House, 419 Balmore Road, Glasgow, G22 6NU regarding sewer and water connections.

6. The applicant shall contact the Council's Roads and Transportation Service (Tel. 01563 576358) with regard to any traffic management, road construction or works administered by that Service.

7. The applicant is advised to contact Scottish Power with regard to their apparatus in the vicinity of the site.

8. If any unsuspected contamination is discovered on site, the Council should be informed immediately, and remedial measures formulated to address the risk of exposure to key receptors.

9. The applicant is advised that a heavy standard of 5 metres in height is the Council's preferred option for the proposed trees.



10. The applicant is advised to make early contact with Scotland Gas Networks to discuss whether their apparatus will be affected by the proposed works.

11. The applicant is advised that any changes to the finished floor levels will require the consent of the Planning Authority prior to undertaking any such work. Early contact is recommended with the Council's Planning and Economic Development Service at 6 Croft Street, Kilmarnock KA1 1JB tel. 01563 576790.

#### Reason for this Decision

The proposed development is consistent with the adopted local plan and the emerging local plan and there are no material considerations that would indicate that the application should be refused.



<p>Title/Location</p> <p><b>Land to Rear, 17 Waterslap, Fenwick</b></p> <p><b>Application No. 09/0851/PP</b></p>	<p><b>East Ayrshire Council</b></p> <p>Department of Neighbourhood Services Planning &amp; Economic Development Service. 6 Croft Street Kilmarnock KA1 1JB</p> <p>Tel: (01563) 576790 Fax: (01563) 576774 E-Mail : <a href="mailto:Planning@east-ayrshire.gov.uk">Planning@east-ayrshire.gov.uk</a></p> <p>Com Date: 8/10/2010</p>
<p>Key</p> <p> <b>Application Site</b></p>	<p style="text-align: center;"></p>

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