

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 09 SEPTEMBER 2011

01/0859/OL: PROPOSED RESIDENTIAL DEVELOPMENT

AT DRAFFEN EAST, STEWARTON

Report by Head of Planning and Economic Development

Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/caseFile.do?category=application&caseNo=01/0859/OL>

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Planning permission in principle is sought for the development of the site for residential purposes with associated traffic calming on Cutstraw Road and Kirkford.

1.2 This application was originally submitted to the Planning Authority for consideration in December 2001; however it had been held sisted since then as the site was outwith the Settlement boundary of Stewarton, at that time.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet but that the issue of the decision notice should be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in Paragraph 5.7 and 7.1 of this report.

3. CONCLUSIONS

3.1 As is 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.

3.2 As is indicated in Section 6 above, there are material considerations relevant to this application. The proposal has attracted representations, however the points of objection are either not of sufficient weight to justify refusal of the application or are not material to the determination of this application. Therefore the material considerations of relevance to this application are considered to support the proposal.

3.3 To conclude there are no significant environmental or community concerns regarding the proposal that cannot be addressed by appropriate planning conditions and therefore it is considered that the application should be approved.

CONTRARY DECISION NOTE

Should the Committee agree that this application for planning permission in principle be refused contrary to the recommendation of the Head of Planning and Economic Development based on the principle of the development, then the application would require to be referred to Council because a decision on that basis would represent a significant departure from the development plan.

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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AT DRAFFEN EAST, STEWARTON

APPLICATION BY MRS DIANE FRASER

Report by Head of Planning and Economic Development

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for consideration an application for planning permission which is to be considered by the Local Planning Committee under the scheme of delegation as the proposals represent a major development in terms of the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 and the application is the subject of more than ten objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site extends to an area of 8.8 hectares and is located on the eastern side of Stewarton, to the east of Draffen Farm house between Cutstraw Road to the north and Loudoun Street to the south. The site falls within the designated settlement boundary of Stewarton and is noted as a residential development opportunity site (355H) in the adopted East Ayrshire Local Plan 2010.

2.2 In terms of existing land use, the site comprises agricultural land with existing hedge rows and a limited number of trees. The site also contains two disused lime kilns and small ponded area. The site demonstrates significant changes in gradients with the land falling away from the highpoint at Draffen Farmhouse towards both Cutstraw Road and Loudoun Street respectively.

2.3 **Proposed Development:** Planning permission in principle is sought for the development of the site for residential purposes with associated traffic calming on Cutstraw Road and Kirkford.

2.4 This application was originally submitted to the Planning Authority for consideration in December 2001; however it had been held sisted since then as the site was outwith the Settlement boundary of Stewarton, at that time.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Service has no objections in principle to the proposal based on the information contained within the amended road layout drawing and those details included within the Transport Assessment.

The proposed development is considered acceptable on traffic and accessibility grounds subject to the agreement of conditions requiring the developer to provide the appropriate footways, traffic calming and cycle facilities as set out below:

- Full footway provision along the development frontage on Loudoun Street and along the northern access road linking to Stane Brae.
- A footway extension on Loudoun Street between Draffen Mount eastwards to tie in with the new footway provision along the development frontage.
- The 30mph limit on Loudoun Street to be extended eastwards to cover the new access roundabout to the development.
- A footway upgrading on Cutstraw Road adjacent to property numbers one, two and three along with the installation of a priority vehicular system.
- A further priority system will also be required on Cutstraw Road in the vicinity of property numbers thirteen, sixteen and eighteen.
- The internal layout will be designed as suitable for 20mph zones with appropriate traffic calming facilities to ensure full compliance.
- A Toucan crossing facility in the vicinity of Kirkford Bridge along with the construction of the missing 20m section of footway to allow the crossing facility to link in with the existing cycle route running northwards from Kirkford along the Annick Water.
- The installation of 3 no additional traffic calming humps in the vicinity of the proposed Toucan crossing facility.

They also indicate that any subsequent AMCPP submission (detailed application) would require the production of a Drainage Impact Assessment (DIA)/Flood Risk Assessment (FRA), detailing all possible sources of flooding and list the actions required to alleviate any such problems identified, and detail how the surface waters for the site are to be dealt with.

Conditions can be attached to any grant of planning consent addressing these matters.

3.2 The Scottish Environment Protection Agency (SEPA) has no objection to the proposed development and offers the following comments;

(i) Foul Drainage: It is noted that the proposed foul drainage from the site is to be discharged to the public sewerage system. SEPA would confirm that it is the responsibility of Scottish Water to ensure that the additional flow arising from this development will not cause or contribute to the premature operation of consented storm overflows.

The foul drainage will require to be discharged through the public sewerage system and Scottish Water has not raised any significant issues in its consultation response.

(ii) Surface Water: The discharge of surface water must comply with the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended).

Appropriate conditions or notes can be attached to any grant of consent for the proposed development to meet the requirements of SEPA.

3.3 The Access Panel has not responded to the consultation letter at the time of writing.

3.4 Stewarton Community Council has no objection to the proposals as the site is now allocated within the adopted East Ayrshire Local Plan 2010 and the area of the Lime kilns is to be preserved.

3.5 East Ayrshire Council Environmental Health Service has no objections subject to conditions relating to a detailed Noise Impact Assessment in relation to increased traffic movements within the village of Stewarton, as well as conditions relating to the construction site as well as hours of operation. In relation to Contamination the Service indicates that the contaminated land, identification and prioritisation database has identified an area at the South of the application boundary as having the potential for soil contamination from its previous usage (limestone quarry and limekilns), the area has been given a risk classification of 5 (very low risk). However due to the sensitive nature of the development (residential housing and gardens), the Service would recommend that prior to granting planning permission, the developer should undertake the appropriate survey work.

Planning conditions can be attached to any grant of consent to address these issues.

3.6 East Ayrshire Council Department of Education and Social Services has no objections to the proposed development and confirms that the Department has an obligation to provide services including educational and social care provision in line with legislative requirements and the development of additional housing within this area would not impact on the requirement for delivery. The current Educational provision in the authority area would have the capacity to incorporate any additional children requiring education.-

3.7 The Coal Authority has no objection to the proposals

3.8 Scotland Gas Networks has not raised any objections to the proposed development but has provided information in relation to its apparatus in the locality, primarily within the existing road network.

A note can be attached to any consent granted for the proposed development advising the applicant to make early contact with SGN regarding the potential impact of the proposed development on its apparatus.

3.9 Scottish Power Energy Networks has not raised any objections to the proposed development but has provided information in relation to its apparatus in the locality of the site.

A note can be attached to any consent granted for the proposed development advising the applicant to make early contact with SPEN regarding the potential impact of the proposed development on its apparatus.

3.10 The West of Scotland Archaeology Service states in their most recent consultation that a written Scheme of Investigation would be the most appropriate way to protect archaeological issues within the site. This requires the developer to

appoint an archaeological contractor to prepare a programme of works in advance of development commencing, ensuring that the issue is addressed from an early stage in the development process. This allows areas of exclusion and preservation to be designed into the scheme from the start, rather than requiring redesign at a later stage. In terms of evaluation trenching, this would also need to take place before the development started.

An appropriately worded condition can be attached to any grant of consent addressing this matter.

3.11 East Ayrshire Council Outdoor Services Section has no objections to the application subject to appropriate conditions being attached to any grant of planning consent.

3.12 Scottish Natural Heritage has no objections to the application but have concerns regarding European Protected Species (EPS) which may be using the site, namely bats. Before planning permission can be granted the Council must be satisfied that there would be no significant negative impacts on EPS. Any works carried out without due consideration to Bats is likely to breach European Directives

The comments from SNH are noted. If consent is granted for this development it would be proposed to attach conditions requiring that revised bat and badger surveys be carried out to inform the AMCPPP submissions and the detailed design of the development. Such conditions would require the provision of appropriate mitigation measures if any European Protected Species were identified. SNH acknowledges that the current concept plan has been designed to take account of the potential for European Protected Species being located around the Lime Kilns area therefore, in this regard it is considered that the Planning Authority has addressed its duty in relation to the European Protected Species Directives.

3.13 Scottish Water has not responded to the recent re-consultation on this application however they indicated in 2003 that they did not object to the proposals

3.14 NHS Ayrshire & Arran has no objection to the proposal. They indicate that the increase in population of Stewarton may result in a need for increased services for the town.

4. REPRESENTATIONS

4.1 The application has attracted 40 letters of representations from 36 signatories objecting to the proposed development. The points of objection can be summarised as follows:

4.2 Roads Issues:-

- The B778 is already a busy road and this will make it worse.
- The proposed development will cause a rat run between Loudoun Street and Stane Brae.
- The proposed rat run will increase the danger school children from additional car movements.

- The junction at the bottom of Cutstraw Road is dangerous.
- Vehicles travelling east on Cutstraw Road are blind to vehicles entering from Cutstraw Road.
- Vehicles on Cutstraw Road are blind to vehicles coming up Cutstraw Road , near misses are frequent.
- Due to the wide entrance into Cutstraw Road at Kirkford , vehicles turning into Cutstraw Road regularly enter Cutstraw on the wrong side of the road, near misses are frequent.
- No footpaths on part of Cutstraw Road results in cars which leaving driveways having near misses with cars going up Cutstraw Road.
- Pedestrian traffic, going to the school should be better provided for in the new proposals.
- The development should not use Cutstraw Road for access.
- Pedestrians would be at increased risk due to the calming measures.
- Vehicles drive too fast up Cutstraw Road this would only be made worse.
- Construction traffic will use Cutstraw road and make the area more dangerous.

The applicant has submitted a Transport Assessment for the proposals and this has been considered acceptable by the Roads Authority. The proposed scheme will result in junction improvements and traffic calming which will address many of the concerns raised above. The exact details of the traffic calming and junction details would be finalised at later stages of the development process, depending on the determination of this application.

4.3 The public sewer already overflows regularly and would not have capacity for anything further.

Scottish Water has not objected to the proposals.

4.4 Noise during the construction phase will disturb the adjacent houses.

Conditions can be attached to any grant of consent regarding hours of operation and construction noise.

4.5 No EIA screening appears to have taken place.

The original submission contained a significant amount of information on landscape and visual impact of the scheme as well as an Archaeological and Ecological Report. No EIA screening opinion was given at the time. An EIA Screening opinion has now been given for the site and found that while the site fell into Schedule 2 of the Regulations it did not merit the submission of a full EIA. Notwithstanding this, the applicant had provided environmental information on the key elements of the site.

4.6 The access point is taken over land set out as public open space under the 03/0033/FL Dickie Homes housing consent. Development of this would be contrary to Policy RES22 of the Adopted East Ayrshire Local Plan.

The proposal would not be significantly contrary to Policy RES22 of the East Ayrshire Local Plan as the loss of the landscaped area to accommodate the access road would not be of a significant scale.

4.7 The Planning Authority should not have allowed a dormant 2001 application to be resurrected. This application should have been withdrawn years ago and resubmitted to the Planning Authority.

The retention of the Planning Application without determining it for this period of time is not in contravention of any Planning Legislation.

4.8 No drainage Impact assessment has been submitted with the application therefore there is no detail of how the site is to be drained.

The provision of a Drainage Impact Assessment is a matter which can be addressed at the AMCPP stage of the Planning process.

4.9 The applicant is not the owner of the land required for the access onto Cutsburn Road. This land is owned by the residents of Stane Brae(Dickie homes site)

The applicant has Owner Notified all the relevant parties within Stane Brae about the proposal to take access across a landscaped section of land at the entrance to Stane Brae. The granting of planning permission would not place any requirement upon the residents of Stane Brae to agree to the use of this area of land. The use of this land for the development is a private legal matter between those parties. If the applicant was not able to gain the appropriate legal rights to the land they would be unable to implement the proposal in its current format.

4.10 Why were only some households in Stane Brae Neighbour Notified of the proposed development.

Some of the houses in Stane Brae are out within the 20 metres notification distance of the application site and therefore under the Development Management Procedure Regulations 2008, no neighbour notification was required in respect of these properties.

4.11 The proposed works may unsettle the existing banking at the rear of Stane Brae.

The effect of the proposed works on the integrity of the existing banking is a private legal matter.

4.12 There has been no proper consultation with all those concerned.

The Planning Authority considers that all appropriate public consultations have been carried out. The application was originally advertised and notification served in December 2001. As part of the review of the East Ayrshire Local Plan extensive public consultations were held. Further more due to the increase in the red line application site to incorporate the traffic calming measures on Kirkford Road and

Cutstraw neighbour notification was carried out for all properties adjacent to the extended red line site.

In addition to this, the applicant undertook, on a voluntary basis, to carry out further community engagement. This was done in the spirit of Pre-Application Consultation (PAC) procedures and involved a public consultation event on 16 March 2011, details of which were advertised in the Kilmarnock Standard. The event was attended by 15 people. A report on this consultation event was lodged in support of the application on 19 April 2011.

4.13 The process is flawed and looks contrary to the intention of the Laws of Scotland.

The Planning Authority considers that all appropriate legislative procedures have been adhered to.

4.14 Stewarton as a town has not the infrastructure to cope with the additional dwellings and there has been little investment in recent years.

The review of the East Ayrshire Local Plan identified that the designation of the site for additional housing in Stewarton was acceptable. This was subsequently confirmed through the Examination in Public process and the adoption of the East Ayrshire Local Plan in October 2010.

4.15 The proposed development will result in overlooking into my property due to the difference in ground level.

The detailed design of the scheme will ensure that appropriate window to window distances will be maintained between houses, though it is likely that due to the differences in ground levels some properties may be overlooked. It should be noted, however, that this is an application for planning permission in principle and no details of the proposed development are known at this time.

4.16 What are the foul and surface water implications for my property.

Scottish Water has not objected to the Proposals and a detailed Drainage Impact assessment will be carried out at the AMCPP stage of the Planning process to assess the details such as this.

4.17 The current water pressure is very poor and this will only make it worse.

This is a matter for Scottish Water, who has not objected to the scheme, to address.

4.18 Hedgehogs and bats visit our street at night and this development will impact on this. A full ecological survey should be carried out.

An ecological assessment of the site has been carried out of the site which did not identify any matters which cannot be addressed by appropriate design or planning conditions on the planning consent.

4.19 Due to the increased traffic a school crossing person will be required.

The request for the provision of a school crossing person is a matter which can be raised with the Roads Authority when an individual considers that the level of vehicle to pedestrian movements is significant enough to merit the Crossing Person. The Roads Authority would then assess the request against the appropriate criteria.

4.20 The early 19th Century lime kilns will be lost to this development.

The concept design drawing for the development of the site show the retention of the lime Kilns area and it is proposed to attach conditions to any grant of consent protecting this historic asset.

4.21 The setting of the Historic town of Stewarton will be lost.

The suitability of the site and the impact of the development on the setting of Stewarton has been assessed through the Local Plan review process and found to be acceptable.

4.22 This will exacerbate the parking issues within Stewarton.

The Roads and Transportation Service has not raised any concerns in relation to the additional parking.

4.23 There is no employment for people in Stewarton.

This application relates to the provision of a housing site. The East Ayrshire Local Plan providing 2.15 Hectares of safeguarded industrial land within Stewarton.

4.24 There is already a glut of mid-range housing in Stewarton.

The release of land for housing allows for the longer term expansion of Stewarton.

4.25 The Site is green belt land.

Following the revision of the East Ayrshire Local Plan in 2010 the designation of this area of land was changed from Rural Protection Area to inclusion within the settlement boundary of Stewarton.

4.26 The schools in Stewarton will be unable to cope with the additional children.

The Education Authority has no objection to the proposals

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan (2007) and the Adopted East Ayrshire Local Plan (2010).

Ayrshire Joint Structure Plan

5.2 The Ayrshire Joint Structure Plan, in terms of Schedule 5 within the plan, promotes a strategic expansion site within the Stewarton area. This is to meet the requirements of Policy COMM2 which states that the three Ayrshire Councils shall work together to facilitate the levels of development proposed within the strategic expansion locations identified within the schedule.

It is considered that, with the allocation of the site as a residential development site in the East Ayrshire Local Plan, this fulfils the requirements of the Structure Plan and is therefore consistent with the provisions of Policy COMM2 of the Approved Ayrshire Joint Structure Plan,

East Ayrshire Local Plan

5.3 The application site lies within the settlement boundary of Stewarton in the Adopted East Ayrshire Local Plan 2010. Policy SD4 states that:

“The Council will direct all new development to those development opportunity sites specifically identified on the local plan maps as being suitable for the type of development proposed. Any development on sites not identified for the specific purposes envisaged will be assessed on their own merits against the provisions of all appropriate local plan policies.”

The application site is identified within the EALP as Development Opportunity Site 355H. The proposed residential development of this site is consistent with the provisions of Policy SD4.

5.4 Policy RES1 relates to the principle of the residential development and states:

“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 sites identified will be specifically reserved for residential development at the indicative capacities indicated, with development taking place in line with any phasing programme described in the plan, or such other programming as may be agreed for the sites in question.”

The proposed development site is identified as a residential opportunity site (355H) within the local plan with an indicative capacity of 100 houses. The principal of residential development at this site is therefore acceptable and is in accordance with this element of RES1.

Volume 3 of the adopted local plan requires that development at site 355H is phased with no more than 70 units being built pre 2017 with the remaining 30 units programmed post 2017. This matter can be addressed through a condition on the Planning Permission in Principle.

5.5 Policy RES22 relates to the preservation and maintenance of public open space:

The Proposal does involve the removal of part of an existing landscaped area to accommodate an access road however it is considered that the loss of the landscaped area is not significant.

5.6 Policy RES23 relates to residential open space provision and states:

“The Council will require 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. In preparing their proposals, developers should have regard to the interim guidelines in Schedule 4. 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.”

As this is an application for Planning Permission in Principle, the development details which have been submitted of the proposed development are notional and indicative only. However the information submitted indicates that the site can be developed at a reasonable level of density while providing areas of open space and maintaining the historic lime kilns intact as a feature.

5.7 Policy RES29 relates to developer contributions and states:

“Where a development of 4 or more houses, either on its own, or in association with existing developments, will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities. Contributions will relate to the development concerned, including in nature, scale and kind. Where these cannot be secured by planning conditions or other appropriate means, the council will expect developers to complete a section 75 or other legal agreement. Contributions sought under this policy will be waived or reduced only in exceptional circumstances – for example, where a developer demonstrates that a development would have exceptional development costs, would bring particular economic, social or other benefits, or is ‘enabling development’ as defined in the plan.”

The Supplementary Planning Guidance on developer contributions indicates that for this development, the developer contribution will be as follows:

<i>Corridor wide – New leisure facility in Stewarton</i>	<i>£667 per unit</i>
<i>Stewarton and Dunlop – Upgrading of B778</i>	<i>£379 per unit</i>
<i>Administration Fee</i>	<i>£60 per unit</i>
<i>Total per unit</i>	<i>£1106 per unit</i>

Based on the development comprising of the erection of 100 dwelling a development contribution of £ 110,600 would be required. The applicant has agreed to enter into a Section 75 legal agreement to ensure that these mandatory contributions are paid when the development occurs.

5.8 Policy ENV10 relates to design statements and states:

“The Council will, at its discretion, require developers to accompany their planning applications with formal design statements in line with the provisions of PAN 68: Design Statements. If an applicant fails to produce a design statement on request, or if a submitted statement is considered below standard, the Council may determine to refuse the application it relates to on design grounds.”

The applicant has submitted a design statement to supplement the proposals and this adequately demonstrates how the site could be developed and the style of housing. As part of this process the developer carried out a public consultation process to allow the public to make comment on the conceptual designs for the site.

5.9 Policy ENV18 relates to the safeguarding and protection of trees and states:

“The Council will actively seek to preserve and supplement existing broadleaf and native tree species throughout East Ayrshire.”

While the proposal is in principle, it is clear that the hedgerows and trees within the site will require to be removed to allow development however it is considered that any detailed development proposals will require to provide appropriate landscaping thus compensating for the limited tree loss on the site.

5.10 In addition to those specific policies relevant to the application the residential development opportunity site 355H requires additional improvements to be made within the surrounding area. Volume 3 of the East Ayrshire Local Plan outlines these as the following:

Stewarton Cross Improvements

(i) The local plan states that developers of the main Greenfield release housing sites in Stewarton shall enter into a section 75 agreement to enable improvements to be made to Stewarton Cross.

The Transport Assessment indicates that there will be minimal impact from this development on Stewarton Cross and therefore no contribution will be required from this development

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The material considerations relevant to the determination of the application are the consultation responses, the representations received, applicant's information and The Conservation (Natural Habitats, &c.) Regulations 1994

Consultation Responses

6.2 There has been detailed engagement with consultees. There are no significant adverse issues raised by consultees that cannot be addressed by use of appropriate conditions.

Representations

6.3 The representations have been carefully assessed within this report but it is considered that the points of objection are either not of sufficient weight to justify refusal of the application or are not material to the determination of this application.

6.4 The Applicant has indicated that they have carried out the Public Consultation process for the conceptual layout for the scheme and it has generally been well received.

6.5 The Conservation (Natural Habitats, &c.) Regulations 1994

The application of conditions should ensure that disturbance to protected species and associated habitats is minimised.

At this stage, SNH has not indicated any potential need for a licence to disturb any habitat used by protected species and consequently the Planning Authority has reasonably considered the general requirement established under Regulation 3(4) to have regard to the provisions of the Habitats Directive, and in particular to the provisions of Articles 12 and 13 of the Directive and Regulations 39 and 43 of the 1994 Regulations.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 The applicant has agreed to enter into a legal agreement to ensure the payment of the Developer Contributions as noted in section 5.7 of this report. There are no financial 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 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.

8.2 As is indicated in Section 6 above, there are material considerations relevant to this application. The proposal has attracted representations, however the points of objection are either not of sufficient weight to justify refusal of the application or are not material to the determination of this application. Therefore the material considerations of relevance to this application are considered to support the proposal.

8.3 To conclude there are no significant environmental or community concerns regarding the proposal that cannot be addressed by appropriate planning conditions and therefore it is considered that the application should be approved.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet but that the issue of the decision notice should be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in Paragraph 5.7 and 7.1 of this report.

CONTRARY DECISION NOTE

Should the Committee agree that this application for planning permission in principle be refused contrary to the recommendation of the Head of Planning and Economic Development based on the principle of the development, then the application would require to be referred to Council because a decision on that basis would represent a significant departure from the development plan.

Alan Neish
Head of Planning and Economic Development

30 August 2011

CSI/RH

FV/HM

LIST OF BACKGROUND PAPERS

1. Application Form Reports and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Letters of representation
5. Adopted East Ayrshire Local Plan (2010)
6. Approved Ayrshire Joint Structure Plan (2007)

Any person wishing to inspect the background papers listed above should contact Mr Craig Iles on 01563 576772.

Implementation Officer: Hugh Melvin

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 01/0859/OL

Location	LAND EAST OF DRAFFEN HOUSE LOUDOUN STREET STEWARTON
Nature of Proposal:	Proposed Outline Planning Permission For Residential Development
Name and Address of Applicant:	Diane Fraser C/O Ian Bremner 1075 WARWICK ROAD ACOCKS GREEN BIRMINGHAM B27 6QT
Name and Address of Agent	The Barton Willmore Planning Partnership 12 ALVA STREET EDINBURGH EH2 4QG

Officer's Ref: Craig Iles
(01563) 576772

Reason for the Decision

The proposals are compliant with the Development Plan and after careful consideration of representations and other relevant factors there are no material considerations that would indicate that the application should not be approved.

- 1 Before any development commences on the site, the further written approval of the Planning Authority shall be obtained for the Approval of Matters specified in the Conditions of this Planning Permission in Principle (AMCPPP) in respect of the layout of the site. The design of any layout submitted shall take account of the master plan submitted as part of this application and contain existing and proposed ground levels as well as finished floor levels.

REASON: The application is for planning permission in principle only at this stage.

- 2 Before any development commences on the site, the further written approval of the Planning Authority shall be obtained for the Approval of Matters specified in the Conditions of this Planning Permission in Principle (AMCPPP) in respect of the size, height, design and external appearance of the proposed dwellinghouses

REASON: The application is for planning permission in principle only at this stage.

- 3 Before any development commences on the site, the further written approval of the Planning Authority shall be obtained for the Approval of Matters specified in

the Conditions of this Planning Permission in Principle (AMCPPP) in respect of the means of drainage of the site and disposal of sewerage. As part of any such application a Drainage Impact Assessment and Flood Risk Assessment shall be submitted which addresses all possible sources of flooding of the site and details the design solutions required to address these matters.

REASON: The application is for planning permission in principle only at this stage.

- 4 Before any development commences on the site, the further written approval of the Planning Authority shall be obtained for the Approval of Matters specified in the Conditions of this Planning Permission in Principle (AMCPPP) in respect of the means of a Sustainable Urban Drainage System for the drainage of the development site. Said scheme should be designed in accordance with Water Environment(Controlled Activities)(Scotland) Regulations 2011.

REASON: The application is for planning permission in principle only at this stage.

- 5 Before any development commences on the site, the further written approval of the Planning Authority shall be obtained for the Approval of Matters specified in the Conditions of this Planning Permission in Principle (AMCPPP) in respect of the internal road layout and the means of access points to the application site. The internal road layout shall be designed as a twenty mph zone with appropriate traffic calming.

REASON: The application is for planning permission in principle only at this stage.

- 6 Before any development commences on the site, the further written approval of the Planning Authority shall be obtained for the Approval of Matters specified in the Conditions of this Planning Permission in Principle (AMCPPP) in respect of proposed traffic calming, footway and roads improvements on Cutstraw Road and Kirkford, Stewarton.

REASON: The application is for planning permission in principle only at this stage.

- 7 Before any development commences on the site, the further written approval of the Planning Authority shall be obtained for the Approval of Matters specified in the Conditions of this Planning Permission in Principle (AMCPPP) in the respect of landscaping, provision of fences and walls, provision of open space and play equipment and maintenance arrangements for the open space. The proposed landscaping scheme should take account of the retention of the Lime Kilns and the two mature trees immediately to their west.

REASON: The application is for planning permission in principle only at this stage.

- 8 Before any development commences on the site, the further written approval of the Planning Authority shall be obtained for the Approval of Matters specified in the Conditions of this Planning Permission in Principle (AMCPPP) in respect of the phasing of the residential development. Said phasing proposal shall take account of the East Ayrshire Local Plan requirements relating to the phasing of the development.

REASON: The application is for planning permission in principle only at this stage.

- 9 Before any development commences on the site, the further written approval of the Planning Authority shall be obtained for the Approval of Matters specified in the Conditions of this Planning Permission in Principle (AMCPPP) in the respect of management of the potential contamination of the site in accordance with PAN 33.

As part of this application an initial "Desk Study" report should be carried out to create a Conceptual Site Model of the site in order to identify any potential pollutant linkages which may pose a risk to key receptors. If the conceptual site model identifies the potential for (a) pollutant linkage/s, an intrusive site investigation will be required to assess the risk the pollutant linkages may pose to key receptors. The intrusive site investigation will consist of the collection of soils, surface/groundwater samples for analysis and comparison to current risk assessment models and soil/water guideline values, along with soil gas monitoring (if required). The desk study and site investigation should 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), and with reference to East Ayrshire Councils' Guidance document "An Introduction to Land Contamination and Development Management" which is available to download at:

<http://www.east-ayrshire.gov.uk/devser/planandbuild/dpguidance.asp>.

The site investigation report will 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) A Remedial Strategy (if required) to treat/remove contamination to ensure the site is fit for the use proposed.
- (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.

10. If remediation work has been required on the site under the above condition, **prior to occupation of any of the proposed dwellinghouses**, the developer shall submit a completion report, confirming that the remedial work (if undertaken) has been carried out in accordance with the remediation plan.

REASON: To provide verification that remediation of has been carried out in accordance with the remediation plan and to the Authority's satisfaction.

11. Construction activity on the development site shall be restricted to between 0700 and 1900 hours Monday to Friday, between 0800 and 1300 hours on Saturdays and with no construction work taking place on Sundays.

REASON: In the interests of public health and safety.

- 12 All waste arising from the works during construction shall be disposed of to the satisfaction of the Waste Management Authority, and otherwise than by burning.

REASON: In the interests of public health and safety.

13. Before any development commences on the site, a Noise impact assessment shall be carried out in relation to the increased traffic generated by the development. Recommendations of said Noise Impact assessment shall inform the design of the site and the proposed traffic calming within the area.

REASON: In the interests of public health and safety.

16. Prior to the commencement of any development works on site, a programme of archaeological works in accordance with a written scheme of investigation shall be submitted to and approved in writing by the Planning Authority and agreed by the West of Scotland Archaeology Service. Thereafter the programme of archaeological works shall be fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

REASON: In the interests of preserving and recording any archaeological remains within the site.

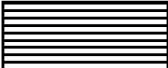

Advisory Notes

- 1 The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency regarding drainage of the site and to confirm the details of the proposed 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.
2. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements 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.
3. The developer should make early contact with Scottish Gas Networks, Scottish Water and Scottish Power Energy Networks regarding the possible protection/diversion of their apparatus which lies in or adjacent to the application site.

Reason for the Decision

The proposal is compliant with the Development Plan and after careful consideration of representations, consultations responses and other relevant material considerations it is considered that the material considerations do not, on balance, indicate that the application should be refused contrary to the Development Plan.



<p>Title/Location</p> <p>Land East of Draffen House, Loudoun Street, STEWARTON</p> <p>Application No. 01/0859/OL</p>	<p>East Ayrshire Council</p> <p>Department of Neighbourhood Services Planning & Economic Development Service The Johnnie Walker Bond 15 Strand Street Kilmarnock KA1 1HU Tel: (01563) 576790 Fax: (01563) 554592 E-Mail : Planning@east-ayrshire.gov.uk Com Date: 9/9/2011</p>
<p>Key</p> <p> Application Site</p>	

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