

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 13 APRIL 2005**

**05/0087/FL: PROPOSED ERECTION OF 68 HOUSES, PROVISION OF  
TRAFFIC CALMING MEASURES AND COMMUNITY WOODLAND  
AT KILMAURS ROAD, KNOCKENTIBER  
BY ABBEY DEVELOPMENTS LTD**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning consent is sought for the erection of 68 Dwellings, 23 of which are 3-bedroomed detached, 7 of which are 4-bedroomed detached, while the remaining 38 dwellings proposed are 3-bedroomed semi-detached dwellings. A total of 50 dwellings are two-storey while the remaining 18 units are proposed to be one and a half storey dwellings, 8 of which are proposed adjoining the single storey dwellinghouses on Fisher Court. The dwellings are proposed to be finished in 7 varieties of buff facing brick, and grey concrete roof tiles. The application site also includes traffic calming measures to the Kilmaurs Road and Greenhill Terrace in the form of "speed humps" at 4 locations, the first adjacent to 2-4 and 1-3 Greenhill Terrace; the second adjacent to 34-36 Greenhill Terrace; the third is located approximately 24 metres north of the junction of Kilmaurs Road and Castle Terrace and the fourth "speed hump" is located adjacent the Pavilion at the recreation ground on Kilmaurs Road.

1.2 The proposals also include the provision of a Community Woodland to the north and west of the proposed dwellinghouses. The applicant will require to enter into a Section 75 Legal Agreement with the Council to carry out the planting of the Community Woodland prior to the commencement of development on site to provide environmental benefits to the community of Knockentiber. The proposals also make provision for a pedestrian and cycle path from the development to the existing Kilmarnock – Irvine Cycle path. A play area and Sustainable Urban Drainage (SUDS) detention basin and swale are also proposed to the North of the application site within the Community Woodland.

1.3 The applicant has submitted a design statement indicating that the composition of the development allows either upward mobility or downsizing as the personal circumstances of the occupiers evolves over time. This will stabilise the community in the long term, together with the amenity offered by the rural aspect, community woodland, children's play area and easy access to countryside walks and cycle parks. The architecture of the houses is intentionally conventional with pitched tiled roof and facing brick walls. They have chosen facing brick in a variety of colour and textures. They have designed the houses, in an attempt to maintain some character of the rural

settlement situation. A landscaping strip is also proposed adjacent to the new dwellinghouses and commercial property on Kilmaurs Road to provide a buffer between the two uses.

## **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 Section 75 Agreement with the applicants regarding the obligations referred to in Section 7.2 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 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 there are material considerations relevant to this application. The consultation responses received raise no adverse comments and the concerns of objectors in relation to the traffic calming measures and congestion on Kilmaurs Road have not been echoed by the Roads Division. Their concerns in relation to the size and location of the proposed development, whilst noted, are not considered significant enough to merit the refusal of this application as the application site is an identified housing site within the Adopted EALP. Whilst the number of units has been significantly increased from the indicative number stated in the Local Plan, it is considered the proposals meet the requirements of the Council's Open Space Standards and East Ayrshire Design Guidance and does not constitute over development of the site. It is also considered that the development has been designed and sited to minimise its impact on the amenity of adjacent properties. The development will add considerably to the amenity of the area by developing a derelict vacant site and replacing it with well designed development with a range of housing types and sizes.

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards and that decision is based on the principle of the development, it will require to be referred to the Development Services Committee, as there would be significant breach of Council Policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

**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.**

## EAST AYRSHIRE COUNCIL

### CENTRAL LOCAL PLANNING COMMITTEE: 13 APRIL 2005

#### **05/0087/FL: PROPOSED ERECTION OF 68 HOUSES, PROVISION OF TRAFFIC CALMING MEASURES AND COMMUNITY WOODLAND AT KILMAURS ROAD, KNOCKENTIBER BY ABBEY DEVELOPMENTS LTD**

#### **Report by Head of Planning, Development and Building Standards**

### **1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as it is a larger scale residential development of area significance and is subject to objections.

### **2. APPLICATION DETAILS**

2.1 **Site Description:** The application site comprises the B751 Kilmaurs Road from approximately 10 metres south of 1-3/2-4 Greenhill Terrace to 11 metres north of the junction of Kilmaurs Road and Hannah Drive. The remainder of the site is located to the north-western boundary of Knockentiber and is bound by agricultural land to the north and west, Montgomery's Garage, commercial properties, a dwellinghouse, the B751 and dwellinghouses on Hannah Drive to the east and by dwellinghouses on Fisher Court to the south. The majority of the site was formerly an opencast coal extraction area, which ceased operation a number of years ago. The site also includes Hepworth's Distribution Yard, which was vacated in late 1999. The site is now rough grassland with two derelict industrial buildings located to the southern boundary adjacent to Fisher Court.

2.2 **Proposed Development:** Full planning consent is sought for the erection of 68 Dwellings, 23 of which are 3-bedroomed detached, 7 of which are 4-bedroomed detached, while the remaining 38 dwellings proposed are 3-bedroomed semi-detached dwellings. A total of 50 dwellings are two-storey while the remaining 18 units are proposed to be one and a half storey dwellings, 8 of which are proposed adjoining the single storey dwellinghouses on Fisher Court. The dwellings are proposed to be finished in 7 varieties of buff facing brick, and grey concrete roof tiles. The application site also includes traffic calming measures to the Kilmaurs Road and Greenhill Terrace in the form of "speed humps" at 4 locations, the first adjacent to 2-4 and 1-3 Greenhill Terrace; the second adjacent to 34-36 Greenhill Terrace; the third is located approximately 24 metres north of the junction of Kilmaurs Road and Castle Terrace and the fourth "speed hump" is located adjacent to the pavilion at the recreation ground on Kilmaurs Road.

2.3 The proposals also include the provision of a Community Woodland to the north and west of the proposed dwellinghouses. The applicant will require to enter into a Section 75 Legal Agreement with the Council to carry out the planting of the Community Woodland prior to the commencement of development on site to provide environmental benefits to the community of Knockentiber. The proposals also make provision for a pedestrian and cycle path from the development to the existing Kilmarnock – Irvine Cycle path. A play area and Sustainable Urban Drainage (SUDS) detention basin and swale are also proposed to the North of the application site within the Community Woodland.

2.4 The applicant has submitted a design statement indicating that the composition of the development allows either upward mobility or downsizing as the personal circumstances of the occupiers evolves over time. This will stabilise the community in the long term, together with the amenity offered by the rural aspect, community woodland, children's play area and easy access to countryside walks and cycle parks. The architecture of the houses is intentionally conventional with pitched tiled roof and facing brick walls. They have chosen facing brick in a variety of colour and textures. They have designed the houses, in an attempt to maintain some character of the rural settlement situation. A landscaping strip is also proposed adjacent to the new dwellinghouses and commercial property on Kilmaurs Road to provide a buffer between the two uses.

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

3.1 East Ayrshire Council's Roads and Transportation Division have no objections to the proposed development and have commented as follows:-

- The SUDS feature and proposed traffic calming with speed cushions are acceptable. They have indicated that there may be slight re-location during construction consent procedure if further objection is received to the location of the speed cushions although the principle of traffic calming at the positions indicated is acceptable.
- The proposed vertical alignment of the road produces a low point adjacent to Plot 59. An overflow route from this low point area into the detention basin which does not pass through residential properties will be required. This will require careful amendment of the public road and maintenance track to the detention basin. Driveways into corner plots will require to be re-located and the house floor levels raised to achieve this.
- Information supplied on the mineshaft is inconclusive and it is not certain that the road or adjacent dwellings lie outwith the subsidence zone of influence. A condition should be attached to any grant of planning consent that no building works to be commenced on site until the applicant has completed the mine stabilisation works and addressed the possible existence of shallow mine workings which should not present a subsidence risk to the proposed roads or stabilisation works undertaken.

***The requirements of the Roads Division can be met by attaching suitably worded conditions to any grant of Planning Consent in relation to the positioning of the driveways at Plots 57-64, the future maintenance of the SUDS system; the stabilisation of the mine shaft and the exact location of the traffic calming to the B751.***

3.2 Transco, Power Systems, East Ayrshire Council's Department of Educational and Social Services have no adverse comments to make regarding the proposed development.

***Noted.***

3.3 Scottish Water, have no objections to the proposed development subject to their written approval of the layout and specification of the sewers to service the proposed development. Scottish Water have also requested the implementation of a Sustainable Urban Drainage System.

***The Applicant has provided details of a proposed Sustainable Urban Drainage System (SUDS) detention basin and swale to the north of the application site although it is only indicative at this stage. An appropriately worded note and condition can be attached to any grant of planning consent to meet the requirements of Scottish Water in relation to SUDS and servicing the development.***

3.4 The Scottish Environment Protection Agency have no objections to the proposals provided that all foul drainage from the site is connected to the public sewer . They also request that any grant of planning consent includes a condition for the incorporation of a Sustainable Urban Drainage System. Provision should be made in line with the Council's collection plans to address the re-cycling, compositing, recovery and disposal targets.

***The requirements of SEPA in relation to SUDS can be addressed by attaching a condition and notes to any grant of planning consent. Provision has been made for the siting of bins within the curtilage of the proposed dwellinghouses.***

3.5 East Ayrshire Council's Environmental Health and Waste Management Division have no objections to the proposals subject to investigation and remediation works in relation to the previous uses of the site.

***The requirements of Environmental Health can be addressed by means of suitably worded conditions attached to any grant of Planning Consent.***

3.6 East Ayrshire Council's Outdoor Amenities Services have no objection to the application although they have requested the applicant makes a

contribution to the Sports, Recreational and Leisure Fund to provide additional recreational equipment for children in Knockentiber.

***The applicant has advised that they are willing to contribute £25,000 towards the Sports, Recreational and Leisure Fund for recreational equipment in Knockentiber.***

3.7 The West of Scotland Archaeology Service have no adverse comments to make in relation to the application but have requested that a archaeological evaluation is carried out on the site prior to the commencement of development on-site due to the close location of the application site to a prehistoric cairn within 80 metres of the application site. They have also requested 14 days notice prior to this evaluation being carried out to enable WoSAS to facilitate in monitoring the evaluation

***An appropriately worded condition can be attached to any grant of planning consent to meet the requirements of West of Scotland Archaeology Service.***

#### **4. REPRESENTATIONS**

4.1 There are 7 objectors to the proposed development and their main grounds of objection are as follows.

4.2 They object to the enlargement of the village by 50% while the village already has no facilities - no school, shops, post office and children's play facilities or facilities for young people. It is considered the proposals will impact on the village in a negative way by splitting the village in two. There will be no integration between the new development and the community whilst there will be no benefits to the community if the proposals go ahead.

***The application site has been identified for residential development in the EALP. Whilst the EALP gives an indicative number of 32 units (based on the number of units suggested in the approved outline consent) it is not considered that the increase in units is inappropriate in this location. It is not considered that the new development will fail to lead to integration between the proposed development and the existing community as the proposed Community Woodland would be an environmental benefit to all of the wider community, providing an additional recreational facility to the community. The applicant has also advised they will provide funding towards additional recreational equipment in Knockentiber by making a contribution to the Sports, Leisure and Recreational Fund.***

4.3 To expand the village in this way will lead to congestion on the roads and increase speed problems on Kilmaurs Road, result in more noise, pollution and greatly increase the risks of road traffic accidents. The old railway bridge on Kilmaurs Road has been damaged in recent times by the

volume of traffic and this will only get worse as there will be a huge influx of construction vehicles.

***East Ayrshire Council's Roads and Transportation Division have no objections to the proposed traffic calming measures. The proposed traffic calming measures should discourage speeding on Kilmaurs Road.***

4.4 They object as the drainage in the village cannot cope with the additional dwellings.

***Scottish Water and SEPA have no objections to the proposed development.***

4.5 Speed humps are known for damaging peoples' spines and create additional noise nuisance to those living nearest them, why not incorporate a 20 MPH speed limit and speed cameras on the B751.

***The traffic calming measures to Kilmaurs Road have been incorporated by the applicant at the request of the Roads Division. There is no evidence to support the objectors' claims that such traffic calming measures can lead to spinal injury.***

4.6 There is only one entrance and exit from the site opposite their back garden leading to a loss of amenity to them and their neighbours. The position of the dwellings will mean a significant loss of privacy and natural light at 4 Hannah Drive.

***The single entrance to the site is acceptable to the Roads Division. In terms of a perceived loss of amenity there is the existing B751 Kilmaurs Road immediately adjacent to the rear of the objectors' property at Hannah Drive, therefore it is not considered that the proposed new access road would result in a detrimental impact on the objectors' residential amenity. The proposed location of the nearest dwelling within the development is approximately 40 metres away from the objectors' dwelling, with a proposed 11 metre landscaped strip at the entrance to the development and B751 Kilmaurs Road therefore it is not considered that the proposed location of the dwelling at Plot 1 will have an adverse impact on the objector's privacy or affect the amount of daylight reaching the rear of the objectors' dwelling.***

4.7 They object to a two-storey house at Plot 9 as it will dwarf their bungalow at 20 Fisher Court and they would prefer a bungalow type to be located adjacent to their property.

***Due to the significant difference in ground levels between the objectors' dwelling at Number 20 Fisher Court and the proposed dwelling at Plot 9 it is not considered that the proposed dwelling will have an adverse impact on the existing bungalow. The***

***proposed dwelling at Plot 9 will have no windows to the southern gable adjacent to 20 Fisher Court and will be located some 9 metres from the existing bungalow at 20 Fisher Court.***

4.8 The increase in population from this development will have a serious affect on local schools, GP's and Hospital facilities and Dental Practices.

***East Ayrshire Council's Educational and Social Services have no objection to the proposed development. It is not considered that the addition of 68 dwellings will have a major affect on GP, Hospital and Dental Practices in the wider community.***

4.9 East Ayrshire Council should be preserving the green fields.

***The application site is an identified housing site within the EALP and therefore its development for residential purposes is acceptable.***

4.10 They object on the basis that whilst the traffic calming measures to the B751 are necessary it should be the responsibility of East Ayrshire Council to provide such traffic calming, not a developer on condition they are granted planning consent for the development.

***East Ayrshire Council's Roads Division have indicated that the traffic calming measures are required as a result of the proposed development, therefore the traffic calming measures are being provided at the expense of the developer and not the Council. The future maintenance of the traffic calming measures will, however, fall to the Roads Division.***

4.11 They object to the location of the traffic calming measures due to perceived difficulties in accessing their property once the traffic calming measures are installed.

***East Ayrshire Council's Roads Division have indicated that the exact location of the traffic calming measures may require to change slightly to allow access to adjacent properties. Their exact location and specification will be subject of a condition attached to any grant of planning consent.***

4.12 The drain and access to services are located where the proposed "speed hump" is to be located adjacent to the entrance at 3 Busbie Holdings which will cause flooding at the entrance to their property while the traffic calming measures will require to be excavated should any problems with services arise at this location which are located at this point.

***East Ayrshire Council's Roads Division have no objections to the proposed location of the traffic calming measures although their***

***exact location and specification will be subject of a condition attached to any grant of Planning Consent. It should also be noted that Transco and Scottish Water also have no objections to the proposals.***

4.13 There is one letter of support received regarding the traffic calming measures and the new development. They believe that more traffic calming is necessary for the north of the village as when the houses are completed this will mean an increase in traffic and an increase in families with children. At present cars driving northwards towards the entrance and exit of the cycle path accelerate to high speeds and they are worried that small children within the adjacent residential development as well as the rest of the village are in danger.

## **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 and the Adopted East Ayrshire Local Plan (EALP).

### Approved Ayrshire Joint Structure Plan (AJSP)

5.2 The proposed development does not raise any strategic issues in terms of the AJSP.

### Adopted East Ayrshire Local Plan (EALP)

5.3 Policies RES 1; RES 3; RES 20; RES 22; TLR 5 and ENV7 of the Adopted EALP are specifically relevant in the consideration of this application.

5.4 Policy RES 1 encourages and supports the residential development of those Development Opportunity Sites identified for housing purposes. The sites identified will be reserved for residential and associated recreational and amenity open space development.

***The present proposal accords with Policy RES1 of EALP. The proposed development is for 68 dwellinghouses which is considerably more than the indicative capacity of 32 dwellings in the Local Plan. However it is considered that such a number can be accommodated on the site whilst meeting open space standards and amenity issues.***

5.5 Policy RES 3 states that in appropriate circumstances, the Council will expect housing developers to enter into Section 75 Agreements under the Town and Country Planning (Scotland) Act 1997. Such agreements will be requested, for instance, where:-

- i) The development of a site is to be limited to a particular type of residential use;
- ii) Phasing is required for a large scale site and development requires co-ordinating with other service or facility provision;
- iii) Associated landscaping requires long term maintenance;
- iv) Developer contributions are required to fund or provide additional or extended associated services or facilities;
- v) Existing community facilities and amenities, lost as a result of a proposed development, require to be replaced; or
- vi) The development is an enabling development linked to the conversion of a listed building.

***The developer will be required to enter into a legal agreement with the Council under Section 75 of The Town and Country Planning (Scotland) Act 1997 for the provision and future maintenance of the Community Woodland and for a contribution towards the Sports, Recreational and Leisure Fund in terms of Policy TLR5.***

5.6 Policy RES20 states that, in formulating their development proposals, developers should ensure that the provision of open space should meet seven stated criteria, as follows:

- (i) that areas of open space are of a size and configuration that is easily maintainable. Larger areas of well located, consolidated open space should be provided in preference to a series of smaller, individual areas scattered throughout the proposed development site;
- (ii) that proposed areas of open space link, wherever possible, with other areas of adjacent existing open space;
- (iii) that the proposed areas of open space are safe and secure, overlooked if possible by adjacent properties;
- (iv) that play areas, kick about areas and games pitches are provided as required by the Council's Head of Leisure Services;
- (v) that play equipment and facilities for the disabled and those with special needs are provided as considered appropriate;
- (vi) that areas of open space are attractively planted and, where appropriate, use plant species to encourage wildlife; and

- (vii) that all open spaces are provided, as appropriate, with footpaths for both access and leisure walking, linking with adjacent open spaces wherever possible.

***The development has substantial open space in the form of a community woodland. In addition the applicant is prepared to contribute towards the TLR5 Sports, Leisure and Recreation Fund to provide leisure facilities elsewhere in Knockentiber. A play area is proposed to the north-east within the community woodland to the rear of Plots 63-64 and will be accessed by a footpath link from the development. A link is also proposed to the Kilmarnock-Irvine cycle path.***

5.7 Policy RES 22 indicates that all developers will require to observe the minimum private open space criteria and standards detailed in Schedule 4 of the Local Plan.

***The proposed development meets the private open space standards of 100 square metres of private rear garden ground per dwelling, most exceed this minimum requirement. The proposals significantly exceed the minimum standards for the 4 bedroom detached dwellings which have between 214 square metres and 428 square metres of private rear garden ground.***

5.8 Policy TLR5 requests all potential developers of residential sites comprising four or more houses enter into a Section 75 Agreement for contributions towards the provision of appropriate leisure and recreational facilities within the area to which the development relates.

***The applicant has confirmed that they are willing to contribute £25,000 towards the TLR5 Sports, Leisure and Recreational Fund.***

5.9 Policy ENV7 of the EALP is relevant and advises that all developers will be expected to fully comply with the Council's Design Guidance and policy documents relating to and advising on the particular type of development proposed. The design guidance for new residential development states that house types must reflect and respect the built form of the surrounding area by reflecting the existing buildings in terms of design, storey height, scale, density and external finishes. In general housing layouts shall include a variety of house types of differing sizes suitable for a wide range of households. Furthermore, the Design Guidance also states that any new housing development shall not result in unacceptable overlooking or have a visually intrusive impact on residential amenity.

***It is considered that the proposed development is in keeping with the surrounding dwellings in terms of design and materials. It is not considered that any of the proposed dwellings would lead to an unacceptable overlooking or overbearing to any of the adjacent residential dwellings. The applicant has submitted a design statement indicating that the composition of the development allows***

*upward mobility or down sizing as personal circumstances require. The architecture of the houses is intentionally conventional and they have been designed to maintain some character of the rural settlement.*

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

6.1 The principal material considerations relevant to the determination of the application are the consultation responses received which are addressed in Section 3 of this report, the letters of objection addressed in Section 4 of this report and the planning history of the site.

### Consultation responses and representations received

6.2 The consultations and representations received are addressed in Sections 3 and 4 of the report, none of which indicate that the application should be refused. The objectors' concerns relating to the increase in traffic congestion, the location of the proposed traffic calming measures and the method of traffic calming proposed are not echoed by the Roads Division. The objectors' concerns at the scale of the proposed development and their concerns in relation to the impact on their residential amenity are not of such significant weight as to justify a recommendation of refusal. The proposed dwellings have been sited to minimise their impact on the residential amenity of any of the adjacent residential dwellings in terms of overlooking and overbearing.

### Planning History

6.3 00/0713/OL: Proposed Residential Development approved by the Central Local Planning Committee on 01 June 2001. This outline application involved an indicative layout of 32 dwellinghouses within the application site and the provision of community woodland which was the subject of a Section 75 Legal Agreement for its provision and maintenance.

6.4 04/0945/FL: Proposed Erection of 69 Dwellings and Landscaping of Surrounding Greenbelt. This application was withdrawn by the applicant following discussion with this Division. It did not include traffic calming measures proposed for Kilmaurs Road and Greenhill Terrace within the application site.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial implications for the Council.

7.2 Legal implications for the Council would arise from the Council entering into a Section 75 Legal Agreement with the applicant. The Section 75 Legal Agreement would address the provision of a Community Woodland, a link footpath to the Kilmarnock to Irvine cycle route and the future maintenance of

both. Also a contribution of £25,000 to the Sports, Recreational and Leisure Fund towards recreational facilities in Knockentiber.

## **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 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6 there are material considerations relevant to this application. The consultation responses received raise no adverse comments and the concerns of objectors in relation to the traffic calming measures and congestion on Kilmaurs Road have not been echoed by the Roads Division. Their concerns in relation to the size and location of the proposed development, whilst noted, are not considered significant enough to merit the refusal of this application as the application site is an identified housing site within the Adopted EALP. Whilst the number of units has been significantly increased from the indicative number stated in the Local Plan, it is considered the proposals meet the requirements of the Council's Open Space Standards and East Ayrshire Design Guidance and does not constitute over development of the site. It is also considered that the development has been designed and sited to minimise its impact on the amenity of adjacent properties. The development will add considerably to the amenity of the area by developing a derelict vacant site and replacing it with well designed development with a range of housing types and sizes.

## **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 Section 75 Agreement with the applicants regarding the obligations referred to in Section 7.2 of this report.**

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards and that decision is based on the principle of the development, it will require to be referred to the Development Services Committee, as there would be significant breach of Council Policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

05 April 2005  
(BD/MMM)

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### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letters of objection
5. Adopted East Ayrshire Local Plan
6. Approved Ayrshire Joint Structure Plan.
7. Application Nos: 00/0713/OL and 04/0945/FL.

Anyone wishing to inspect the above papers please contact Barry Douglas on 01563 576770.

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0087/FL

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Site of Proposal:	Land Off Kilmaurs Road Knockentiber KILMARNOCK KA2 0DY
Nature of Proposal:	Proposed Erection of 68 Houses, Provision of Traffic Calming Measures and Community Woodland
Name & Address of Applicant:	Abbey Developments 11 Glasgow Road PAISLEY PA1 3QS
Name & Address of Agent:	Taylor Associates 17 Barns Street AYR KA7 1XB

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DPOs Reference: BD/MMM

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

1. The proposed development shall be carried out in accordance with the application form received on 10 January 2005 and the amended plans received by the Planning Authority on 17 January 2005, 24 January 2005 and 04 March 2005.

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

2. Notwithstanding the approved plans samples of the Plann salt glazed bricks to be reclaimed and used on the proposed entrance feature and gateposts to the entrance of the site shall be submitted to and approved by the Planning Authority prior to the commencement of development on site. The proposed entrance feature and gateposts shall be implemented on site as approved prior to the occupation of any dwellinghouses.

REASON In the interests of visual amenity.

3. Notwithstanding the approved plans details of the design of the proposed entrance feature and gateposts shall be submitted to and approved by the Planning Authority in writing prior to the commencement of development on-site and implemented thereafter as approved prior to the occupation of any dwellinghouse.

REASON In the interests of visual amenity.

4. 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 implemented as approved thereafter.

REASON In the interests of visual amenity.

5. During the period of construction works the developer of the site shall ensure that adequate and continuing measures are taken 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.

6. No development shall begin on site with the exception of the site investigative works until a scheme to deal with the contamination arising from the long term usage of the site has been submitted to and approved in writing by the Planning Authority. The scheme 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 proposed use;
- iv) Measures to deal with unsuspected contamination discovered during construction works;
- v) Condition of the site on completion of de-contamination measures.

Before any residential unit is occupied the measures to de-contaminate the site shall be fully implemented as approved by the Planning Authority.

REASON In the interests of public safety.

7. On completion of the remedial works approved under the terms of Condition 6 above, and prior to any of the residential units being occupied, the developer shall submit a report which will be approved in writing by the Planning Authority confirming that the works have been carried out in accordance with the remediation plan.

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

8. Notwithstanding the approved plan a landscaping scheme shall be submitted to and approved by the Planning Authority in writing prior to the commencement of development on site and implemented as approved at the first available planting season after the occupation of the ten dwellinghouses. The landscaping scheme shall provide details of the proposed planting of the community woodland and the dense planting proposed adjacent to the existing commercial buildings to the eastern boundary of the application site and the landscape areas adjacent to Plots 1, 50 and 62.

REASON In the interests of visual and residential amenity.

9. Notwithstanding the approved plans details of a maintenance agreement for the community woodland, play equipment and all other areas of public open space and landscaping shall be submitted to and approved by the Planning Authority in writing prior to the commencement of development on site and implemented as approved thereafter.

REASON To ensure the future maintenance of all open areas, landscaping and play area to the satisfaction of the Planning Authority.

10. Notwithstanding the approved plans, all planting and other work related to the provision of the community woodland shall be required to be completed to the satisfaction of the Planning Authority in the planting season following the occupation of the tenth dwellinghouse.

REASON To ensure the provision of the community woodland.

11. Notwithstanding the approved plans a phasing plan for the completion of all roads and footpaths to final wearing surface within the application site shall be submitted to and approved by the Planning Authority prior to the commencement of development on site. The approved phasing plan shall thereafter be adhered to at all times.

REASON In the interests of residential amenity and road safety.

12. Notwithstanding the approved plans no house or road construction shall commence on site until the applicant demonstrates to the satisfaction of the Planning Authority that adequate stabilisation works have taken place to the mineshaft within the application site.

REASON In the interests of public safety.

13. Notwithstanding the submitted plans, the exact location of all traffic calming measures to Greenhill Terrace and Kilmaurs Road shall be submitted to and approved by the Planning Authority and implemented prior to the commencement of any development on site.

REASON In the interests of road safety and residential amenity.

14. Notwithstanding the approved plans details of a 1.8 metre boundary wall to the eastern boundary of plot 63 and to the northern boundaries of plots 63 and 64 shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented as approved prior to the occupation of plots 63 and 64.

REASON In the interests of residential and visual amenity.

15. Prior to the commencement of development on site final details of the proposed Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved in writing by the Planning Authority. The Sustainable Urban Drainage System shall thereafter be formed and maintained on site in accordance with the approved details prior to the occupation of any dwellinghouse.

REASON To ensure adequate drainage is provided.

16. Notwithstanding the approved plan details of the measures to be taken to provide a surface drainage overflow to the proposed detention basin adjacent to plots 57 and 64 shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented as approved thereafter.

REASON To ensure adequate drainage is provided.

17. 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 with the Planning Authority.

REASON In the interests of road safety and residential amenity.

18. Notwithstanding the approved plan details of the final wearing surface for the proposed pedestrian and cycle paths within the community woodland shall be submitted to and approved by the Planning Authority in writing prior to the commencement of development on site and implemented as approved after the occupation of the ten dwellinghouses.

REASON To provide adequate access to the community woodland and Sustrans cycle path network.

19. Notwithstanding the approved plan details of the proposed bin storage facilities for three bins 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 dwellinghouses.

REASON To ensure adequate bin storage facilities in relation to the three bin re-cycling programme.

20. Notwithstanding the submitted plans details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site and implemented as approved thereafter. Details shall include provision of a 1.8 metre close boarded fence to the rear boundary of plots 1 - 8, 46 - 56 and 62; 57-58 and 65-68 which shall be implemented prior to the occupation of the dwellinghouses to which it relates.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

21. No demolition or construction work, site clearance or preparation works shall take place before 08:00 hours and after 17:00 hours on Mondays to Saturdays nor at any time on Sundays.

REASON In the interests of residential amenity.

22. All future occupants of the proposed dwellings shall be made fully aware of the location of the proposed play area, SUDS detention basin and community woodland prior to the purchase of any dwellinghouse. Future residents shall also be aware that the community woodland will be for the use of the general public. Details of how future occupants of the proposed dwellings are to be informed of these approved items shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented thereafter as approved.

REASON To ensure potential residents are fully aware of the location of the play equipment, SUDS detention basis and community woodland in the interests of residential amenity.

23. Notwithstanding the approved plans, details of existing and proposed ground levels of the application site and proposed finished floor levels shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented on site as approved thereafter.

REASON In the interests of visual and residential amenity.

24. No materials other than topsoil shall be brought onto 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.

25. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme

of archaeological works is 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 To ensure that archaeological resources which may be present within the site are satisfactorily recorded.

26. No trees shall be felled, lopped, have roots cut, or be the subject of any other works or hedgerows removed without the written consent of the Planning Authority.

REASON In the interest of visual amenity and to maintain the existing visual contribution of the trees to the amenity of the area.

27. Notwithstanding the submitted plans, the western boundary adjacent to the front of Plots 10 - 15 and the rear of Plot 9 shall be landscaped. Details of a species of hedgerow along the western boundary shall be submitted to and approved by the Planning Authority and implemented in the next available planting season after the occupation of any dwellinghouses within these plots.

REASON To provide a suitable boundary treatment to the countryside.

28. Notwithstanding the submitted plans, details of the treatment of the western side boundary between Plots 9 and No. 20 Fisher Court shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented prior to the occupation of the dwellinghouse on Plot 9.

REASON In the interests of residential and visual amenity of the area.

#### NOTES:-

1. The applicant should make early contact with Transco as the development may affect Transco apparatus in the area. Transco can be contact on 0141 418 4093.
2. 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.
3. 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.

4. The developer shall 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.
5. 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.
6. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**