

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 19 AUGUST 2005

**05/0749/FL: PROPOSED CREATION OF 12 DWELLINGS, ASSOCIATED
LANDSCAPE, FLOOD DEFENCE AND PARKING, PART RE-BUILD OF WEIR
AND REMEDIAL WORK TO RIVERBANK
AT LAIGH MILTON MILL, CROSSHOUSE
BY BOSS INTERIORS LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought to form 12 flatted dwellings together with the erection of a flood wall, part re-building of the weir and remedial works to the adjacent riverbank. Ten flats will be formed in the existing stone building with 2 flats proposed in an extension adjacent to the north-east corner of the front elevation of the existing building. Within the existing building, two flats are proposed on ground floor, three flats on the first and second floors and two flats on the third floor. Two one bedroom flats are proposed on the first and second floors, with the remaining ten flats of two bedroom accommodation.

1.2 The proposal also involves the complete removal of the existing slate mansard roof of the stone building and its replacement by a pitched roof, with gables, proposed pitched roof dormers and conservation style velux windows. The proposed extension is 165.5 square metres in area and is of a simple design with a hipped roof with one pitched roof dormer with 2 velux windows proposed to front (north) elevation and 2 pitched roof dormer windows and 2 velux windows to the elevation adjacent to the riverbank (south). The use of natural slate is proposed on all roofs and the use of a render on the proposed extension. Other external alterations to the existing building include new doors, new window openings and new window frames. The windows on the west elevation will either have opaque glazing or larch timber louvre screens. A number of the existing window openings in the stone building and the dormers will have balustrades. A recessed terrace set within the new pitched roof is also proposed. Within the new extension, an area is proposed to store refuse bins. Thirty car parking spaces are proposed within the site and a shared garden adjacent to the front of the proposed extension.

1.3 The proposed development also includes the erection of a new floodwall along the southern and eastern elevations. Part of the floodwall comprises part of the eastern elevation of the proposed extension. The height of the new floodwall varies from 1.2 metres to 1.7 metres depending on the depth of the

bearing strata to address the 1 in 200 year flood risk. The stem and base would generally be in the region of 250 mm in thickness with a base length of approximately 2250mm. The wall would be rendered. In addition an area of the west elevation windows below the + 16 datum this portion of the window will be infilled. The existing stone wall in this locality will also have waterproof tanking introduced internally as in this area it is not feasible to build the floodwall.

1.4 Works to the River Irvine involve part re-building of the weir adjacent to the riverbank which has been subject to local scouring and erosion. Two options are proposed to reinstate the bank of the river, the first option involves using existing stones from the river originally used to form the wall with additional stone as required. The second option involves the introduction of gabion baskets with an appropriate stone infill with a stone fill mattress to the front of the weir to prevent scouring of the riverbed taking place. The gabion baskets would be designed in such a manner as to resist the effect of flooding and scouring. No other work is proposed to the weir and therefore the free passage of migrating fish will be unaffected.

2. RECOMMENDATION

2.1 It is recommended that the application should be approved subject to the conditions indicated on the enclosed sheet and that the issuing of the Planning Decision Notice 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 Sections 5.5 and 7.2 of the report.

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the report the application is in accordance with the Development Plan. Therefore given the terms of Section 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 of the report there are material considerations relevant to this application. The consultation responses received raise no adverse comments regarding the proposed development. The application site is directly adjacent to the River Irvine and the flood risk to the proposed flatted dwellings has been adequately addressed by the applicant through the erection of a floodwall and the internal treatment of the western elevation against flood risk seepage. The proposed development will bring a vacant building back into use which has suffered extensive vandalism. The removal of the slate Mansard roof and its replacement by a traditional pitched roof is considered appropriate to the building and its rural setting. The other alterations proposed are compatible

with the building. The proposed extension to the northern elevation is considered appropriate in terms of siting, size and design and meets the provisions of Policy RES 7 of the Adopted East Ayrshire Local Plan.

3.3 This building is an important feature in the rural landscape of the area and the proposed development is considered to be in keeping with the character of the building.

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 then the application will not require to be referred to the Development Services Committee as there would be no 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: 19 AUGUST 2005

05/0749/FL: PROPOSED CREATION OF 12 DWELLINGS, ASSOCIATED LANDSCAPE, FLOOD DEFENCE AND PARKING, PART RE-BUILD OF WEIR AND REMEDIAL WORK TO RIVERBANK AT LAIGH MILTON MILL, CROSSHOUSE BY BOSS INTERIORS LTD

Report by Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1. The purpose of this report is to present for determination a full application which is to be considered by the Local Planning Committee under the scheme of delegation as it is a larger application which accords with East Ayrshire Local Plan and is subject to objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a stone building with a slate mansard roof known as Laigh Milton Mill. It is located to the west of Gatehead, Kilmarnock, and within the countryside. The application site includes a car parking area and open space to the front of the building and part of the adjacent River Irvine which includes a weir. The Mill is at the bend of the River Irvine adjacent to the weir and is approximately 10 metres from the riverbank. The site is surrounded to the north by residential properties known as 'Millhouse' and 'Mill Cottage', to the south by agricultural land, to the west by the River Irvine and to the east by an unclassified road from Gatehead to Springside and by agricultural land.

2.2 The building has been vacant for 3 years and is in a poor state of repair as a result of vandalism. It was previously used as a bar and restaurant with a flat on the upper floor of the building occupied by manager/owner of the bar and restaurant.

2.3 **Proposed Development:** Full planning consent is sought to form 12 flatted dwellings together with the erection of a flood wall, part re-building of the weir and remedial works to the adjacent riverbank. Ten flats will be formed in the existing stone building with 2 flats proposed in an extension adjacent to the

north-east corner of the front elevation of the existing building. Within the existing building, two flats are proposed on ground floor, three flats on the first and second floors and two flats on the third floor. Two one bedroom flats are proposed on the first and second floors, with the remaining ten flats of two bedroom accommodation.

2.4 The proposal also involves the complete removal of the existing slate mansard roof of the stone building and its replacement by a pitched roof, with gables, proposed pitched roof dormers and conservation style velux windows. The proposed extension is 165.5 square metres in area and is of a simple design with a hipped roof with one pitched roof dormer with 2 velux windows proposed to front (north) elevation and 2 pitched roof dormer windows and 2 velux windows to the elevation adjacent to the riverbank (south). The use of natural slate is proposed on all roofs and the use of a render on the proposed extension. Other external alterations to the existing building include new doors, new window openings and new window frames. The windows on the west elevation will either have opaque glazing or larch timber louvre screens. A number of the existing window openings in the stone building and the dormers will have balustrades. A recessed terrace set within the new pitched roof is also proposed. Within the new extension, an area is proposed to store refuse bins. Thirty car parking spaces are proposed within the site and a shared garden adjacent to the front of the proposed extension.

2.5 The proposed development also includes the erection of a new floodwall along the southern and eastern elevations. Part of the floodwall comprises part of the eastern elevation of the proposed extension. The height of the new floodwall varies from 1.2 metres to 1.7 metres depending on the depth of the bearing strata to address the 1 in 200 year flood risk. The stem and base would generally be in the region of 250 mm in thickness with a base length of approximately 2250mm. The wall would be rendered. In addition an area of the west elevation windows below the + 16 datum this portion of the window will be infilled. The existing stone wall in this locality will also have waterproof tanking introduced internally as in this area it is not feasible to build the floodwall.

2.6 Works to the River Irvine involve part re-building of the weir adjacent to the riverbank which has been subject to local scouring and erosion. Two options are proposed to reinstate the bank of the river, the first option involves using existing stones from the river originally used to form the wall with additional stone as required. The second option involves the introduction of gabion baskets with an appropriate stone infill with a stone fill mattress to the front of the weir to prevent scouring of the riverbed taking place. The gabion baskets would be designed in such a manner as to resist the effect of flooding and scouring. No other work is proposed to the weir and therefore the free passage of migrating fish will be unaffected.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have made the following comments regarding their road and flooding responsibilities.

Roads Issues

The development should provide a layby for use by service vehicles to an adoptable road standard. The new access should be constructed to an adoptable standard to the rear of the existing road verge. The car park is private. All road works associated with the development should be completed prior to the occupation of the flats.

Flooding

- i) The floodwall is now part of the new proposed building and Flat 11 extends beyond the floodwall. It would appear that parts of the proposed building could be affected by floodwater. Would this be an issue for Building Standards with respect to types of water-resistant materials to be utilised and/or structural stability?
- ii) The floodwall should be designed (to current standards) and constructed to ensure a continuous barrier against water penetration. There is a need for a proper assessment of the ground conditions on which the floodwall is founded will have to be undertaken.
- iii) There should be no liability on the Council for the continued assessment and maintenance of the floodwall.
- iv) Flat 12 the floor level is well below the top of the floodwall. Would this be an issue for Building Standards with respect to types of water-resistant materials to be utilised.
- v) The west face of the development requires to be 'treated' to prevent water ingress from flood events. There are maintenance issues for prospective owners.
- vi) There should be no liability on the Council for the continued assessment and maintenance of the riverbank remedial works. This should legally fall to all areas within the development.

With regard to points i) and iv) this can be addressed by condition to ensure that the materials used in the construction of Flats 11 & 12

are water resistant. Point ii) can be addressed by attaching a suitably worded condition to any grant of planning permission. The future maintenance of the floodwall and the riverbank can be addressed through the Section 75 Legal Agreement whereby future maintenance is the responsibility of the owners of the flats. The existing western elevation at the floor level will have waterproof tanking introduced internally.

3.2 SEPA have no objection to the proposed development but would offer the following comments: -

- i) The proposals for the weir should be assessed against the aims of the Water Framework Directive (WFD) which includes provision for the restoration of watercourses to their natural state if practicable. In this case, it has been confirmed that the weir is required for the intake serving the adjacent fish farm and therefore should not be removed. It should be noted that to comply with the aims of the WFD an appropriately designed fish pass should be installed and agreed with them.
- ii) The weir may require to be authorised in terms of the Water Environment and Water Services (Scotland) Act 2003 and they should be contacted directly.
- iii) With regard to the remedial work on the riverbank, the applicant has agreed to reinstate the previous wall using existing stone where possible rather than installing gabions. This work also falls within the remit of the WFD and SEPA also require to agree the details of the bank remediation.
- iv) Surface water from the site should be treated in accordance with the principles of SUDs.
- v) They also request that advice contained within Pollution Prevention Guidance Note 5 'Works in, near or liable to affect a watercourse' is adhered to during the construction phase to minimise the risks of pollution.

The requirements of SEPA with regard to the fish pass remedial works on the riverbank and SUDs can be addressed by attaching conditions to any grant of planning consent. The other issues such as authorisation in terms of the Water Environment and Water Services (Scotland) Act 2003, the Water Framework Directive and the Pollution Prevention Guidance Notes, the applicant can be made aware of these matters by attaching notes to any grant of planning consent.

3.3 East Ayrshire Council's Environmental Health and Waste Management have no objections to the proposed development. They are now satisfied by the

refuse storage provisions. The avoidance of nuisance to nearby residents from dust, burning of waste and noise during the renovation works are still pertinent.

Conditions can be attached to any grant of planning consent to meet the requirements of Environmental Health in terms of hours of construction, noise, dust and the burning of materials.

3.4 Scotland Gas Networks and Power Systems have no adverse comments to make regarding the proposed development.

Noted.

3.5 Scottish Water, Gatehead Community Council and Crosshouse Community Council have not responded to their consultation letter at the time of writing this report.

Noted.

3.6 West of Scotland Archaeology Service have indicated that Laigh Milton Mill may possibly date back to pre-improvement times prior to 1780 AD or even earlier. The date of the original activity on the site is not known but it and the later mill complex is of interest and there should be some attempt to look for any traces of surviving evidence on the site along the major phases of ground disturbance. They recommend that a condition is attached that a watching brief occurs during the main pieces of proposed ground disturbance. This would allow the on-site archaeologist to identify whether the disturbance is affecting any buried or earlier remains surviving on the site and to ensure that these are properly investigated and recorded before their destruction.

A condition could be attached to any grant of planning consent to meet the requirements of West of Scotland Archaeology Service.

4. REPRESENTATIONS

4.1 There is one objector to the proposed development and their grounds of objection are as follows.

4.2 The previous application had been successful with a proviso that the exterior appearance of the building should remain unchanged. The new application clearly does not meet the criteria as the roofline is to be changed substantially with the addition of several dormer windows and the east and south faces of the Mill are to have a number of new balconies with railings.

The previous application (03/0977/FL) largely proposed that the existing Mill building remains as it is with limited external alteration.

The applicant has re-evaluated the proposals and has proposed removing the Mansard roof which is a later addition to the Mill building and replacing it with a more traditional roof design which is more in keeping with the building and its rural setting. The proposed dormers are of traditional design and the use of balconies does not detract from the traditional appearance of the building.

4.3 The proposed 'new building' significantly changes its appearance and would conflict with the Local Plan. They do not imagine that another proposal to build new houses elsewhere in the area would be acceptable.

The proposed development has been assessed against the policies of the Adopted East Ayrshire Local Plan in Section 5 of the report.

4.4 The property's condition has been allowed to deteriorate through the neglect of the most recent owners. The idea that they should benefit through this neglect to the detriment of the area and other residents is quite repugnant.

It is recognised that the building has deteriorated substantially in recent years through extensive vandalism. The applicants have been boarding up the windows and doors, however the boarding is frequently removed by the vandals.

4.5 The greater part of the car park is common ground. This was to allow the farming fraternity to access the river in order to water beasts. The ground has not been used for that particular purpose and has not precluded its use by the community over many years for recreational pursuits. To lose this in order to allow a 'developer' a greater profit is disturbing and distasteful.

The Section 75 Legal Agreement associated with the previous application (03/0977/FL) included a requirement to allow responsible access to the adjacent riverbank by the public and anglers. It is considered that this should also be a requirement of this planning application.

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

5.2 The proposed development does not raise issues of a strategic nature.

East Ayrshire Local Plan

5.3 Policy RES 7 encourages the rehabilitation or conversion to residential use of existing and traditionally designed and constructed buildings both within settlements and the rural area provided it meets all of the following criteria:-

- i) the Council will require to be satisfied that the structural condition of the building is suitable for its conversion to residential use;
- ii) the proposal is capable of being implemented while retaining, to at least eaves level, the existing external walls of the building. Any extension shall be limited to a maximum of 50% of the ground floor area of the existing building and a minimum 50% of the external wall area in the completed conversion/rehabilitation shall be formed from the external walls of the original building;
- iii) the development meets the service requirements of all appropriate statutory undertakers and the Council as Roads Authority;
- iv) the proposal is fully in keeping with the character and appearance of the area within which it is located;
- v) the proposal meets all the design requirements of the Council and reflects the style and design of the original building located on the site; and
- vi) the proposal does not damage the architectural integrity of the building and re-uses wherever possible, any existing traditional building materials found on site.

The proposed development complies with the above policy as the applicant has submitted a structural report which confirms the structural condition of the building to conversion. The size of the proposed extension is in keeping with criteria (ii) and is in keeping in terms of design and size to the existing building. None of the statutory consultees have raised any objection to the proposed development. The proposed alterations to the existing building such as the new pitched roof, dormers, window balustrades are considered to be in keeping with the building and the rural character of the area.

5.4 Policy RES 22 requires all developers to observe the minimum standards for the provision of private open space. Flats require the provision of 25 square metres per bedroom. The above standards may be relaxed at the discretion of

the Council in respect of the conversion of existing properties to flats. Where this can be fully justified by the developer and where considered appropriate by the Planning Authority.

The proposed development does not meet the above standards, however it is considered that a relaxation of the standards is appropriate in this case as the proposed development will result in the re-use of a vacant building in a poor state of repair with limited grounds and adjacent to the River Irvine.

5.5 The applicant has agreed to contribute 1% of construction costs to the Sports, Recreational and Leisure Fund in terms of Policy TLR 5.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and representation received detailed in Sections 3 and 4 of the report and the sites planning history.

Consultations and Representations Received

6.2 It is not considered that any aspect of the consultations and representation received indicate that the application should be refused. The concerns of the objector are not considered material in the consideration of this application. The proposed alterations are considered to be compatible with the existing building and the rural character of the area.

Planning History

6.3 05/0420/FL: Proposed Rehabilitation, Conversion and Extension to Form 12 Dwellings Associated Landscape, Flood Defence and Park, Part Re-build of Weir and Remedial Work to Riverbank at Laigh Milton Mill was withdrawn by the applicant following discussions with this Division.

6.4 03/0977/FL: Proposed Change of Use to Form 7 No. Flatted Dwellings, Erection of Flood Wall, Part Re-build of Weir and Remedial Works to Riverbank at Laigh Milton Mill was approved on 23 June 2004. A Section 75 Legal Agreement is associated with this permission and the site and addresses a contribution to the Sport, Leisure and Recreational Fund maintenance of the floodwall and unrestricted access to the riverbank to allow responsible access by the public and anglers.

6.5 03/0260/FL: Proposed Change of Use to Form 7 no. Flatted Dwellings at Laigh Milton Mill was withdrawn by the applicant.

6.6 01/0778/FL: Proposed change of Use from Bar Restaurant with 2 no. Vacant Floors of Former Mill into 7 no. Apartments and alterations at Laigh Milton Mill withdrawn by the applicant on 19 February 2003.

6.7 96/0183/FL: Proposed change of Use of Part of the First Floor to Offices approved on 26 June 1996.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application.

7.2 Legal implications would arise from the Council entering into a Legal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant in respect of ensuring that the maintenance of the floodwall and riverbank is an obligation on the future owners of the flatted dwellings, unrestricted access to riverbank to allow responsible access by the public and anglers and a contribution to the Sports, Recreational and Leisure Fund.

8. CONCLUSIONS

8.1 As is indicated in Section 5 of the report the application is in accordance with the Development Plan. Therefore given the terms of Section 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 of the report there are material considerations relevant to this application. The consultation responses received raise no adverse comments regarding the proposed development. The application site is directly adjacent to the River Irvine and the flood risk to the proposed flatted dwellings has been adequately addressed by the applicant through the erection of a floodwall and the internal treatment of the western elevation against flood risk seepage. The proposed development will bring a vacant building back into use which has suffered extensive vandalism. The removal of the slate Mansard roof and its replacement by a traditional pitched roof is considered appropriate to the building and its rural setting. The other alterations proposed are compatible with the building. The proposed extension to the northern elevation is considered appropriate in terms of siting, size and design and meets the provisions of Policy RES 7 of the Adopted East Ayrshire Local Plan.

8.3 This building is an important feature in the rural landscape of the area and the proposed development is considered to be in keeping with the character of the building.

9. RECOMMENDATION

9.1 It is recommended that the application should be approved subject to the conditions indicated on the enclosed sheet and that the issuing of the Planning Decision Notice 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 Sections 5.5 and 7.2 of the 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 then the application will not require to be referred to the Development Services Committee as there would be no significant breach of Council policy.

Alan Neish
Head of Planning, Development and Building Standards

10 August 2005
(PC/MMM)

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Letter of Representation.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. Planning Application Nos: 05/0420/FL, 03/0977/FL, 04/0260/FL, 01/0778/FL and 96/0183/FL.

Anyone wishing to inspect the above papers please contact Pamela Clifford on 01563 576798.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0749/FL

Site of Proposal:	Laigh Milton Mill Crosshouse KILMARNOCK KA2 0BP
Nature of Proposal:	Proposed Creation of 12 Dwellings, Associated Landscape, Flood Defence and Parking, Part Re-built of Weir and Remedial Work to Riverbank.
Name & Address of Applicant:	Boss Interiors Ltd Unit 2 Speirsbridge Business Park Thornliebank GLASGOW G46 8NL
Name & Address of Agent:	B C Design 259 Garrioch Road GLASGOW G20 8QZ

DPOs Reference: PC/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 and plans and the Report on Wall to Existing Riverbank and Floodwall from Paterson Consulting Engineers Ltd, all submitted on 13 July 2005.

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

2. Notwithstanding the approved plans, details and samples of all external materials to be used shall be submitted to and approved by the

Planning Authority prior to the commencement of development on site and shall be implemented thereafter as approved.

REASON In the interests of visual amenity.

3. All roofs shall be covered in natural slate.

REASON In the interests of visual amenity.

4. The proposed works shall operate without detriment to adjoining properties by reason of noise, dirt, grit, smell or general disturbance.

REASON To safeguard the amenity of the area.

5. Notwithstanding the approved plans, all windows along the west elevation shall have opaque glazing, with the exception of those windows to be fitted with timber louvre or timber screen. Prior to the commencement of development on site, details and samples of the opaque glass to be installed within the windows, the timber screen and timber louvre shall be submitted to and approved by the Planning Authority and installed on site as approved prior to the occupation of the flat to which it relates and maintained thereafter.

REASON To prevent overlooking to adjacent residential properties.

6. No construction work, site clearance or preparation works external to a building shall take place before 08:00 hours and after 17:00 hours on Monday to Friday, before 08:00 hours and after 13:00 hours on a Saturday, nor at any time on a Sunday.

REASON In the interests of residential amenity.

7. Prior to the occupation of any flats on site, the proposed floodwall shall be installed on site and shall be constructed to ensure a continuous barrier against water assessment. Details of its final treatment and an assessment of the ground conditions on which the floodwall is to be erected shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented prior to the occupation of any flats on site.

REASON To prevent the seepage of floodwater to residential properties in the interests of residential and visual amenity.

8. Details of the works to be undertaken to protect the adjacent riverbank against erosion and scouring shall be submitted to and approved by the Planning Authority and implemented prior to the occupation of any flats on site.

REASON To enable the Planning Authority control over the development of the site to protect the riverbank and in the interests of ensuring the free passage of migrating fish stock.

9. Any further remedial works to the river and riverbank which are not detailed in the document entitled 'Report on Wall to Existing Riverbank and Floodwall' dated 13 July 2005 shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented as approved. These works shall ensure at all times the free passage of migrating and breeding fish stock.

REASON To enable the Planning Authority control over the future works in the interests of ensuring the free passage of migratory fish stock.

10. Notwithstanding the submitted information, details of the final treatment and works to the western elevation to prevent the seepage of floodwater shall be submitted to and approved by the Planning Authority and implemented prior to the occupation of any flats on site and shall be maintained at all times.

REASON To prevent the incursion of floodwater into the proposed flats.

11. Notwithstanding the approved plans and prior to the commencement of development on site, full details of a final design of the Sustainable Urban Design System shall be submitted to and approved by the Planning Authority and installed on site prior to the occupation of any flats on site. Details of its subsequent maintenance shall also be submitted to and approved by the Planning Authority prior to the commencement of development and implemented as approved.

REASON To ensure that adequate drainage is provided.

12. A landscaping scheme including the treatment of the boundary of the site and the communal amenity area shall be submitted to and approved by the Planning Authority prior to the commencement of any development on site and shall be implemented not later than the next appropriate planting season after the occupation of the first flat. The scheme shall include details of the maintenance arrangements and the landscaping shall be maintained in accordance with these details.

REASON To ensure that the site is adequately landscaped and is subsequently maintained in the interests of residential and visual amenity.

13. The proposed layby on the public road shall be installed on site, prior to the occupation of any flats on site.

REASON In the interests of road safety.

14. No burning of waste, construction or other materials shall take place on site.

REASON In the interests of the amenity of the area.

15. 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 shall be implemented as approved.

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

16. Prior to the commencement of development on site a method statement for construction works including detailed mitigation measures to ensure that pollutants associated with these works (silts/concretes) do not cause pollution to the adjacent watercourse shall be submitted to and approved by the Planning Authority and implemented as approved. The applicant shall take into account SEPA's Pollution Prevention Guideline 5 in the Method Statement (copies attached to the decision note).

REASON To prevent the pollution of the adjacent watercourse.

17. Prior to the commencement of development on site, the developer shall secure the implementation of an archaeological watching brief to be carried out by an archaeological organisation acceptable to the Planning Authority during development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. A Project Design for the watching brief shall be submitted for the approval of the Planning Authority in agreement with West of Scotland Archaeology Service.

REASON To safeguard any potential archaeological remains in the application site.

18. Notwithstanding the approved plans, all materials used in the construction of Flats 11 & 12 shall be water-resistant. Details of the materials shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented thereafter as approved.

REASON To prevent the flooding of Flats 11 & 12 of the development.

NOTES:-

1. It is advised that the applicant makes early contact with East Ayrshire Council Roads and Transportation Division regarding works within the road limits. A Road Opening Permit should be obtained prior to the commencement of works on site to ensure road safety and compliance with construction standards.
2. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.
3. The applicant shall make early contact with Scottish Water (0845 601 8855) regarding connecting to the public sewerage system and whether diversion or protection of the public sewer is required. A totally separate drainage system of foul and surface water sewers will be required.
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. PowerSystems have underground apparatus in the area of the proposals and it is recommended that the applicant makes early contact with PowerSystems, St Vincent Crescent, Glasgow, G3 8LT (Tel: 0141 567 4194).
7. It is recommended that the applicant makes early contact with SEPA, Redwood Crescent, Peel Park, East Kilbride, G74 5PP (Tel: 01355 574200) as the proposals for the weir should be assessed against the aims of the Water Framework Directive and may require to be authorised in terms of the Water Environment and Water Services (Scotland) Act 2003.

**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.**