

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 13 DECEMBER 2005

**05/1065/FL: PROPOSED ERECTION OF 86 DWELLINGS
AT DALSALLOCH WOOD AND FORMER GREYHOUND TRACK,
MAUCHLINE ROAD, AUCHINLECK**

APPLICATION BY LIBERTY HOMES SCOTLAND

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of 86 dwellinghouses on the site and for the construction of new residential roads to serve the proposed development. Four different house types are proposed as follows:

- (i) 13 Type A: A five apartment, 1½ storey dwelling incorporating traditional style dormers on the front elevation of the dwelling;
- (ii) 12 Type B: A four apartment, single storey dwelling;
- (iii) 31 Type C: A seven apartment, 2½ storey dwelling with integral single garage; and
- (iv) 30 Type D: A seven apartment, 2½ storey dwelling incorporating a traditional style dormer on the front elevation with integral single garage.

1.2 The majority of the proposed dwellings (61) are of 2½ storey construction. However the proposed single storey and 1½ storey dwellings are located within the proposed development where there would otherwise be overlooking and privacy issues and on the most visually prominent part of the development site. The proposed dwellings are to be finished externally in a render wall finish and concrete roof tile, the colours of which are not specified. Timber screen fencing is to be provided along the site perimeter and along the rear garden boundaries of the proposed dwellings.

1.3 The existing maintained open space and Marie Curie Garden to the north of the site on Mauchline Road is to be retained and expanded to incorporate a sustainable urban drainage feature with new public footpaths being provided. This area will be overlooked by an apron of single and 1½ storey dwelling, presenting an attractive gateway feature to Auchinleck on its approach along the A76 Trunk Road.

1.4 Access to the site will be taken from Pennylands Road with the new residential road forming a loop and new dwellings laid out around this loop. A

smaller connector road will transect the loop providing two residential areas internal to the loop. The new residential road will incorporate appropriate traffic calming measures. The proposed development will also result in a continuation of the existing footpath on Mauchline Road around and along the full length of the Pennylands Road boundary of the site up to the existing railway bridge on Pennylands Road. New bus stops will also be provided on either side of Pennylands Road as part of the proposals. It will also be necessary, as part of the development proposals, to provide surface water attenuation measures, these being provided on the Pennylands Road boundary of the site.

1.5 Although a significant area of public open space will be provided as part of the proposed development, no active open space is shown within the proposed layout. However, given that substantial active open space is available on the adjacent Merlin Park, this is not considered to be a significant issue. Some of the existing woodland along the western (Pennylands Road) and southern (rail line) boundaries of the development site is to be retained to provide a degree of screening and to soften the visual impact of the proposed development. Existing footpaths within Merlin Park will be retained or diverted to provide new links into the development site. With the exception of the former greyhound track part of the application site, the site is currently in the ownership of the Council.

2 RECOMMENDATION

2.1 It is recommended that application be approved subject to the notification of the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 and subject to the conditions listed on the attached sheet. The decision notice should be withheld until the Solicitor to the Council has satisfactorily concluded an agreement with the applicant, under Section 69 of the Local Government (Scotland) Act 1973 to secure the developer contribution to the Council's Sports, Leisure and Recreation Fund and that payment has been made in this regard.

3. SUMMARY OF ANALYSIS

3.1 As 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. As is indicated at Section 6 of the report, there are material considerations relevant to this application. However is considered that the representations received can either be addressed through the imposition of appropriate conditions, or are not valid grounds of objection, or are not of sufficient weight to justify refusal of the development.

3.2 The proposal represents a major development located on the fringe of the settlement of Auchinleck and will result in significant change to the locality. This is particularly relevant as the development will result in the felling of the Dalsalloch Wood. It is considered however that the proposed development, in terms of its scale, layout and design will also make a positive contribution to the townscape in this locality. Although there are no particular statutory or non-statutory natural heritage interests identified within the development site, it is considered that appropriate conditions could be attached to ensure that the potential for disturbance to any protected species that may be present within the site is appropriately addressed.

3.3 Nonetheless, the development will make a significant contribution in socio-economic terms, as it will bring much needed investment to the community of Auchinleck. While there are a number of concerns and points of objection raised by some of the local community, on balance it is considered that the positive benefits to the community of Auchinleck that will accrue from the proposed development significantly outweigh the acknowledged negative aspects.

3.4 Should the Committee be minded to approve the application, it will require to be notified to the Scottish Ministers in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 due to the financial interest the Council has as the owner of the major part of the development site and due to the representations received.

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

DEVELOPMENT SERVICES COMMITTEE: 13 DECEMBER 2005

**05/1065/FL: PROPOSED ERECTION OF 86 DWELLINGS
AT DALSALLOCH WOOD AND FORMER GREYHOUND TRACK,
MAUCHLINE ROAD, AUCHINLECK**

APPLICATION BY LIBERTY HOMES SCOTLAND

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 applications which is to be considered by the Development Services Committee under the scheme of delegation as the application is subject to objections and, if approved, will require to be notified to the Scottish Ministers as the Council has a financial interest in the proposed development.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located on the south side of Mauchline Road in Auchinleck and comprises the coniferous wooded area at Dalsalloch Wood and also the site of the now disused Auchinleck Greyhound Racing Track. The site extends to approximately 4.7 hectares and is gently sloping and undulating in nature rising from Pennylands Road to the west towards Merlin Park in the east.

2.2 As indicated, the greater part of the site is occupied by Dalsalloch Wood with a large area of maintained open space lying in the in the north-west part of the site, part of this forming the Marie Curie Cancer Care Garden. The site is bounded to the north by Mauchline Road and residential and commercial properties, to the west by Pennylands Road and the A76 Trunk Road beyond, to the south by the Glasgow - Dumfries rail line, and to the east by the Merlin Park. An existing gas governor building and a Scottish Water pumping station lie on the western boundary of the application site.

2.3 **Proposed Development:** Full planning permission is sought for the erection of 86 dwellinghouses on the site and for the construction of new residential roads to serve the proposed development. Four different house types are proposed as follows:

- (i) 13 Type A: A five apartment, 1½ storey dwelling incorporating traditional style dormers on the front elevation of the dwelling;
- (ii) 12 Type B: A four apartment, single storey dwelling;
- (iii) 31 Type C: A seven apartment, 2½ storey dwelling with integral single garage; and
- (iv) 30 Type D: A seven apartment, 2½ storey dwelling incorporating a traditional style dormer on the front elevation with integral single garage.

2.4 The majority of the proposed dwellings (61) are of 2½ storey construction. However the proposed single storey and 1½ storey dwellings are located within the proposed development where there would otherwise be overlooking and privacy issues and on the most visually prominent part of the development site. The proposed dwellings are to be finished externally in a render wall finish and concrete roof tile, the colours of which are not specified. Timber screen fencing is to be provided along the site perimeter and along the rear garden boundaries of the proposed dwellings.

2.5 The existing maintained open space and Marie Curie Garden to the north of the site on Mauchline Road is to be retained and expanded to incorporate a sustainable urban drainage feature with new public footpaths being provided. This area will be overlooked by an apron of single and 1½ storey dwelling, presenting an attractive gateway feature to Auchinleck on its approach along the A76 Trunk Road.

2.6 Access to the site will be taken from Pennylands Road with the new residential road forming a loop and new dwellings laid out around this loop. A smaller connector road will transect the loop providing two residential areas internal to the loop. The new residential road will incorporate appropriate traffic calming measures. The proposed development will also result in a continuation of the existing footpath on Mauchline Road around and along the full length of the Pennylands Road boundary of the site up to the existing railway bridge on Pennylands Road. New bus stops will also be provided on either side of Pennylands Road as part of the proposals. It will also be necessary, as part of the development proposals, to provide surface water attenuation measures, these being provided on the Pennylands Road boundary of the site.

2.7 Although a significant area of public open space will be provided as part of the proposed development, no active open space is shown within the proposed layout. However, given that substantial active open space is available on the adjacent Merlin Park, this is not considered to be a significant issue. Some of the existing woodland along the western (Pennylands Road) and southern (rail line) boundaries of the development site is to be retained to provide a degree of screening and to soften the visual impact of the proposed development. Existing footpaths within Merlin Park will be retained or diverted to provide new links into the development site. With the exception of the former greyhound track part of the application site, the site is currently in the ownership of the Council.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has no objection to the proposed development subject to appropriate conditions. The site will require to be served by internal roads which comply with the Roads Development Guide 1996 and will require Construction Consent from the Roads and Transportation Division. The consent would cover details such as road widths, footways, road construction, street lighting, drainage, traffic calming, provision for public transport etc. and must be in place prior to commencing road works on site. A road bond must be submitted by the developer prior to commencing building work on site. Junction visibility splay areas of 2.5 metres by 35 metres will be required at all internal road junctions with no object greater than 1 metre in height allowed within these areas. 15 metres forward visibility is required at speed bends. No surface water must be allowed to discharge from driveways onto existing or proposed public roads. Parking requirements must be to the Roads Development Guide 1996 including visitor parking. Any garages must be set back a minimum distance of 6 metres from the rear of the footway / service strip. The private driveways will require to be paved for a minimum distance of 2 metres from the rear of the footway / service strip to avoid overcarry of loose material onto the public road. Driveway manoeuvrability should be provided for off road parking. The proposed driveways shall not be less than 4.8 metres in length by 2.5 metres wide. Any access gates shall open inwards away from the public road.

Conditions can be attached to any consent granted for the proposed development to meet the requirements of the Roads and Transportation Division.

3.2 Scottish Water has objected to the proposed development but states that the objection can be deemed to be withdrawn if the Planning Authority attaches the following conditions to any consent which it grants:

- (i) No development shall commence until evidence is exhibited to the Planning Authority that an agreement has been reached by the applicant with Scottish Water for the provision of drainage and/ or water scheme to serve the development.
- (ii) The development may involve building over, or in such a way as to obstruct access to an existing public sewer and/or water main. The applicant must contact Scottish Water to ascertain what measures are to be taken to protect this apparatus.

Scottish Water further states that there are currently constraint issues at Cumnock Wastewater Treatment Works and therefore objects to the proposed development. This objection will be removed if the developer can demonstrate

that the development will not have an impact on SW assets or that suitable infrastructure can be put in place to support the development.

The developer has been advised of these issues and a note can be attached to any consent granted for the proposed development advising the developer to make early contact with Scottish Water regarding the provision of water services.

3.3 The Scottish Environment Protection Agency has no objections in principle to the proposals provided that the drainage arrangements are to its satisfaction. All foul drainage from the development must be connected to the public sewerage system in accordance with Scottish Water requirements. The development must not entail the use of dual manholes for connections to the existing sewage system, either in the public sewers or within the curtilage of the development. The applicant should obtain written assurance from Scottish Water that the additional foul drainage arising from this development will not cause or contribute to premature operation of downstream consented storm sewer overflows. The proposed SUDS should be designed in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland. All waste materials generated by this development that require to be removed such as construction, demolition materials and surplus excavated material, must be removed from the site by licensed waste carriers. Waste must be removed to a site that has either an appropriate waste management licence or is registered with SEPA as exempt from licensing.

Conditions and appropriate notes can be attached to any consent granted to meet the requirements of SEPA.

3.4 Power Systems has no objections to the proposed development.

Noted.

3.5 Auchinleck Community Council has been consulted but no response has been received at the time of writing this report.

Noted.

3.6 Transco has indicated the presence of its apparatus and structures in the locality of the development site. Any protection or diversion of apparatus shall require to be undertaken at the developer's expense.

The applicant has been advised of the comments of Transco.

3.7 Scottish Natural Heritage has no comments to make in respect of the proposed development.

Noted.

4. REPRESENTATIONS

4.1 In addition to the objection received from Scottish Water, a further 4 letters of representation from 6 signatories have been received raising points of objection or concern regarding the proposed development. The main point of objection or concern are summarised as follows:

4.2 The proposed development would lead to a loss of privacy by directly bordering our garden area. There will be the possibility of loss of daylight should multiple storey housing be erected.

The objectors' property lies on the north-eastern boundary of the development site and will be bounded by one plot of the proposed development site. It is proposed to erect a single storey dwelling on this plot and the dwellinghouse will be located 12.5 metres from the boundary of the objectors' property and 43 metres from their dwellinghouse. In this regard it is not considered that the proposed development will have any significant impact on the objector's property in terms of loss of daylight and certainly not in relation to the current impact of the existing woodland. A 1.8 metres high screen fence will also be proved along the common boundary of the existing and proposed dwellings. It is therefore not considered that there will be any significant loss of privacy to the existing residential property.

4.3 The loss of the only woodland area in the town would be awful. The woodland area enhances the appearance of the town and has been part of it for several decades. The proposed development would result in just another town full of houses with no unique visual aspects. The loss of the woodland is not in the best interests of the community.

It is acknowledged that the Dalsalloch Woods make a contribution to the townscape of Auchinleck. However, the woodland is a mature coniferous plantation that should require to be harvested at some point in the future. It is considered that the proposed residential development in terms of its design and layout will also contribute positively to the townscape of Auchinleck while also bringing much needed economic investment into the area.

4.4 Members of the community use the recognised walkway through the woodland as exercise for themselves and their dogs. The proposed development does not seem to have incorporated this, as this walkway has been moved and joins onto a roadway.

While the use of the woodland for recreational purposes is recognised, links will still be maintained through the development from the existing footpaths within Merlin Park. In addition new public footpaths will be provided within the existing and proposed public open space on Mauchline Road together with the provision of a new public footway along Pennylands Road. This would give added opportunities for recreational walking in the locality. Further consideration may require to be given to potential formal temporary closure or diversion of this walkway during construction works should it be deemed to be a formal public right of way.

4.5 We would like the Council to consider the wildlife and inhabitants of this woodland area. There are both bats and red squirrels in this woodland area. As all bats are protected we wonder if the Bat Conservation Trust has been involved in this project. As red squirrels are protected under the Wildlife and Countryside Act 1981 we wonder if the RSPCA have been involved in the project. We would like to enquire if any research has been done to consider the welfare of wildlife and the legalities of undertaking the proposed building work. There is a great variety of birdlife observed within the site.

Scottish Natural Heritage has been consulted on the proposed development and has not raised any comments in respect of the proposed development. A condition could be attached to any consent granted for the proposed development to investigate the possible use of the woodlands by any protected species. It is for the developer to ensure that the proposed works are undertaken on site in conformity with relevant legislation in this regard.

4.6 From a traffic point of view the use of the B7036 to access the development could become problematic. As this road is frequently undergoing repair on the north side of the traffic lights, the increase in traffic for 86 houses as well as the other houses built on Barony Road, may add to the need for more frequent repairs. Lorries travelling to the Egger factory already cause tailbacks to the roundabout when waiting to turn onto the B7036 and an increase in traffic could cause gridlock.

The Roads and Transportation Division has not raised any concerns regarding the capacity of the existing road infrastructure to serve the proposed development nor raised any specific road safety concerns subject to the imposition of appropriate conditions in any consent granted for the proposed development.

4.7 There has been a problem of severe flooding in the locality caused by surface water run-off from Phase 1 of the Arran Drive development. The drainage backup due to inadequate pumping capacity floods the lowest spot of my

mother's bungalow. I suspect further phases of the Arran Drive and Dalsalloch developments will aggravate the situation. I feel that further developments should be made conditional on the drainage and pumping capacity for sewage and surface water first being upgraded to a standard that will prevent future backing up and flooding.

Scottish Water has objected to the proposed development but is prepared to withdraw its objection subject to appropriate infrastructure being provided by the developer to ensure that the proposed development does not have an adverse impact on its assets. It is for Scottish Water and the developer to ensure that the proposed development is served by appropriate infrastructure in this regard.

4.8 I have lived at my current address for the past 30 years. There is no access for parking and never has been. After living at the address for two years and parking on the road, it was brought to the attention of the local police and I was requested to refrain from parking at this location and requested that I park instead on the pavement across the road, land at that time being Council owned. The proposed new development includes this area and if I am no longer allowed to park my vehicles at this location, I will have no choice but to park on the other side of the road. With the proposed new development there is a greater risk of accidents occurring. My objection would be eliminated by the provision of approved parking spaces at the location detailed where I currently park my vehicles. This may also serve as a useful parking area for any members of the public who wish to use the proposed public area and Marie Curie Garden.

Noted. This is not a valid ground of objection in respect of the determination of this application.

4.9 The whole ecological balance of the area would be affected by the loss of the woodland area – drainage, ozone and air pollution. The additional pollution from added traffic volume and waste created by such a large development would compound this.

While appreciating the objectors' concerns, it could be argued that the proposed development will offset the large number of dwellings that have recently been demolished in Auchinleck as LA housing stock has diminished. It is considered that the proposed development will have no significant impact overall in terms of ecological balance.

4.10 The aesthetics of the village would also be affected as the traditional linear layout would be lost and Auchinleck will become just like many other villages with a disproportionate number of new build houses on the outskirts and all in one area. The people who live in these areas tend to work and socialise outwith the

village (mainly due to the lack of amenities for the additional population creating a dormitory area where people do not contribute to the community to any significant effect.

While it is recognised that Mauchline Road and Main Street are set out in linear fashion, the remaining part of Auchinleck has developed around this such that the historic linear layout of the village has long since been lost. With trends of decreasing population in former mining communities, the proposed development will assist in stemming this trend and bring much needed investment into the area such that it will positively contribute to the fabric of community in Auchinleck, not detract from it as the objectors' would contend.

4.11 While wishing to promote the growth of the area, we feel that there are many areas within the village which have been previously used for housing that is now demolished or in a state of disrepair that could be developed without encroaching on the green outskirts further.

The comments of the objectors regarding the availability of existing sites within Auchinleck are noted. However, each application has to be considered on its merits having regard to the provisions of the development plan. The Dalsalloch Wood / greyhound track site lies within the settlement boundary of Auchinleck and as indicated within section 5 below, the development of this site for residential purposes is consistent with the development plan.

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 (1999) and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 There are no particular policies within the structure plan that are relevant to the proposed development.

Noted.

East Ayrshire Local Plan

5.3 Policy RES4 states that, within Settlement Boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites, including those sites created through the large scale demolition of existing housing, not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed against a set of four stated criteria, as follows:

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

Residential use at this location is unlikely to impact detrimentally on the surrounding natural and built environment.

- (ii) transportation and infrastructure implications;

Apart from the objection received from Scottish Water, which is based on cost criteria implications, there are no other significant infrastructure implications arising from the proposed development that cannot be addressed through the imposition of appropriate conditions in any consent granted for the proposed development.

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

The proposed development is considered to be generally compatible with surrounding densities. The proposed 2½ storey house types are not found in surrounding areas but there are no particular objections to those proposed.

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

The design is considered to be generally acceptable.

5.4 Policy RES19 requires all housing developers to provide areas of recreational and amenity open space in their developments to the indicative basic standards set out in Schedule 3 of the Local Plan. The policy states also that the precise type, size, location and design of the open space required is dependent on the extent of existing open space provision in the vicinity and the recreational and amenity needs of the wider area.

The proposed layout provides for an appropriate level of amenity open space. However, no active areas of public open space are to be provided as part of the proposed development. In this case, given that the development bounds onto the Merlin Park, it is not considered that the lack of this active open space within the development is of any significance. The applicant has agreed to

make a contribution to the Sports, Leisure and Recreation Fund and it is considered that such contribution could be used to provide additional facilities within Merlin Park since the applicant will benefit from the proximity of the development to this recreational area.

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

The amended plans submitted for the proposed development provide for private open space provision in accordance with Policy RES22.

5.6 Policy TLR5 of the Local Plan requests that all potential developers of residential sites comprising four or more houses enter into a Section 75 agreement with the Authority for contributions towards the provision of appropriate leisure and recreational facilities within the area to which their development relates.

The developer has confirmed agreement to make a contribution to the Sports, Leisure and Recreation Fund and hence complies with this policy. It is considered that the contribution should be secured by means of a Section 69 Agreement under the Local Government (Scotland) Act 1973.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultations Responses

6.2 The consultation responses in respect of the application do not suggest that permission should be withheld. The applicant will require to resolve issues of water service infrastructure directly with Scottish Water.

Representations

6.3 It is recognised that some of the points of objection raise pertinent planning issues and in the main it is appreciated that the proposed development will bring significant change to the area in which the development is located, not least in respect of the Dalsalloch Wood. However it is considered that the representations received can either be addressed through the imposition of appropriate conditions, or are not valid grounds of objection, or are not of sufficient weight to justify refusal of the development. On balance it is considered that the positive benefits to the community of Auchinleck that will accrue from the

proposed development significantly outweigh the acknowledged negative aspects.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are financial and legal implications for the Council in the determination of this application. Financial and legal implications will arise through the sale and disposal of the land as it is partly in the ownership of the Council. Due to this financial interest in the site, the application, if approved, will require to be notified to the Scottish Ministers. Further legal implications will arise through the requirement for a Section 69 Agreement under the Local Government (Scotland) Act 1973 to secure the developer contribution to the Council's Sports, Leisure and Recreation Fund and the possible temporary suspension and/or diversion of the potential right of way within the development site.

8. CONCLUSIONS

8.1 As 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. As is indicated at Section 6 of the report, there are material considerations relevant to this application. However it is considered that the representations received can either be addressed through the imposition of appropriate conditions, or are not valid grounds of objection, or are not of sufficient weight to justify refusal of the development.

8.2 The proposal represents a major development located on the fringe of the settlement of Auchinleck and will result in significant change to the locality. This is particularly relevant as the development will result in the felling of the Dalsalloch Wood. It is considered however that the proposed development, in terms of its scale, layout and design will also make a positive contribution to the townscape in this locality. Although there are no particular statutory or non-statutory natural heritage interests identified within the development site, it is considered that appropriate conditions could be attached to ensure that the potential for disturbance to any protected species that may be present within the site is appropriately addressed.

8.3 Nonetheless, the development will make a significant contribution in socio-economic terms, as it will bring much needed investment to the community of Auchinleck. While there are a number of concerns and points of objection raised by some of the local community, on balance it is considered that the positive benefits to the community of Auchinleck that will accrue from the proposed development significantly outweigh the acknowledged negative aspects.

8.4 Should the Committee be minded to approve the application, it will require to be notified to the Scottish Ministers in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 due to the financial interest the Council has as the owner of the major part of the development site and due to the representations received.

9. RECOMMENDATIONS

9.1 It is recommended that application be approved subject to the notification of the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 and subject to the conditions listed on the attached sheet. The decision notice should be withheld until the Solicitor to the Council has satisfactorily concluded an agreement with the applicant, under Section 69 of the Local Government (Scotland) Act 1973 to secure the developer contribution to the Council's Sports, Leisure and Recreation Fund and that payment has been made in this regard.

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

04 December 2005
HM/HM
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Letters of Representation.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).

Anyone wishing to inspect the above background papers should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Alan Neish

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/1056/FL

Location	Dalsalloch Wood and former Greyhound Track Mauchline Road AUCHINLECK KA18 2BJ
Nature of Proposal:	Proposed erection of 86 dwellinghouses
Name and Address of Applicant:	Liberty Homes Scotland Limited White Gables Braston Farm AYR
Name and Address of Agent	Lawrence McPherson Associates The Atrium New Road AYR KA8 8EX

DPO's Ref:
PPO's Ref: Hugh Melvin

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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 received on 06 September 2005 as revised by the amended site layout plan (Drawing No. 776P(-) 003A) and the site fencing plan (Drawing No 776P(-) 016A) received by the Planning Authority on 30 November 2005.

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

2. Prior to the commencement of development the developer shall undertake a survey of the Dalsalloch Wood to ascertain the possible presence of protected fauna within the development site. The results of this survey shall be submitted to the Planning Authority and no works shall commence until the written approval of the Planning Authority has been granted following assessment of the survey.

REASON – In order to minimise potential impact of the development on natural heritage interests within the development site.

3. Prior to the commencement of development on site, the applicant shall submit to, and have approved by the Planning Authority a Landscaping Plan for the landscaping works to be undertaken on site. In particular, this scheme shall incorporate measures for the protection of those existing trees to be retained within the development site from construction works. The approved scheme shall include details of a programme for the

future maintenance and management of the area. The scheme shall be implemented during the next available planting season following completion of the houses hereby approved.

REASON – To minimise adverse impact on the trees to be retained within the development site and in the interests of visual amenity.

4. Prior to the commencement of development on site, the applicant shall submit to and have approved by the Planning Authority, samples of the external wall and roof finishing materials to be used in the proposed dwellinghouses.

REASON – In the interests of residential amenity

5. The site shall be served by internal roads that comply with the Roads Development Guide 1996.

REASON – In the interests of public road safety and residential amenity.

6. Junction visibility splay areas of 2.5 metres by 35 metres shall be provided at all internal road junctions with no object greater than 1 metre in height allowed within these areas.

REASON – In the interests of public road safety.

7. No surface water shall be allowed to discharge from driveways onto existing or proposed public roads.

REASON – In the interests of public road safety

8. Parking requirement shall be to the Roads Development Guide 1996 including visitor parking.

REASON – In the interests of public road safety and residential amenity.

9. Any garages must be set back a minimum distance of 6 metres from the rear of the footway or service strip.

REASON – In the interests of public road safety.

10. The private driveways shall be paved for a minimum distance of 2 metres from the rear of the footway or service strip to avoid the overcarry of loose material onto the public road.

REASON – In the interests of public road safety

11. Driveway manoeuvrability shall be provided for off-road parking.

REASON – In the interests of public road safety

12. The proposed private driveways shall be not less than 4.8 metres in length by 2.5 metres wide. Any access gates shall open inwards away from the public road.

REASON – In the interests of public road safety

13. The proposed foul drainage of the site shall be to the complete satisfaction of the Scottish Environment Protection Agency and Scottish Water.

REASON – In the interests of public health and safety.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development (Scotland) Order 1992, (or any Order or enactment replacing this), any future garages to be erected within the development site shall be of permanent construction and finished to match the dwellinghouses to which they relate.

REASON – To enable the Planning Authority to retain control over future development of the site in the interests of residential and visual amenity.

15. Prior to the commencement of development on site, the applicant shall submit to and have approved by the Planning Authority details of the proposed site entrance feature as indicated on Drawing No. 776P(-) 003A.

REASON – In the interests of visual amenity.

16. Construction works on site shall not be carried out prior to 0800 hours and after 1700 hours on Mondays to Fridays, 0800 hours and after 1300 hours on Saturdays and not at any time on Sundays.

REASON – To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity.

17. During the construction phase of the development, the applicant shall ensure that the existing public roads bounding the application site are maintained free from mud or other materials carried from the site, by means of mechanical brushing to the satisfaction of the Planning Authority.

REASON – In the interests of public road safety.

Notes to Applicant

1. East Ayrshire Council Roads and Transportation Division has advised that Construction Consent will be required for the construction of the residential roads and footpaths, street lighting etc. The Division can be contacted on Tel 01563 555330. The internal roads must comply with the Roads Development Guide 1996. This consent would cover details such as road widths, footways, road construction, street lighting, drainage, traffic calming, internal junction visibilities etc. A road bond will require to be provided prior to construction works commencing on site.
2. 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.
3. 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.

4. The developer should make early contact with Transco regarding the possible protection/ diversion of its apparatus which lie in or adjacent to the application site.

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