

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE - 29 JUNE 2004

DECISION OF THE SOUTHERN LOCAL PLANNING COMMITTEE HELD ON 28 MAY 2004 RELATING TO PLANNING APPLICATION NO 03/0829/FL: PROPOSED FORMATION OF 24 PLOTS FOR PRIVATE HOUSING DEVELOPMENT AT VACANT SITE LOCATED OFF PRIMPTON AVENUE, DALRYMPLE BY BRANDON HOMES

Report by the Acting Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform the Committee of the decision of the Southern Local Planning Committee held on 28 May 2004 regarding the above planning application.

2. BACKGROUND

- 2.1 The Southern Local Planning Committee on 28 May 2004 considered a report dated 17 May 2004 (attached as an Appendix) by the Head of Planning, Development and Building Standards and agreed that this application be referred to the Development Services Committee with a recommendation for refusal as the Committee were not satisfied that the flood prevention/mitigation measures proposed as part of the application were sufficiently adequate to address the risk of flooding at the application site and therefore the application site was not suitable for a housing development in terms of the proposals contained within the application.
- 2.2 The application attracted 14 third party letters of representation in addition to objections by Scottish Water and Dalrymple Community Council. Therefore, there is a requirement for a Hearing to take place at this meeting in respect of this application.

3. FINANCIAL/LEGAL IMPLICATIONS - NIL.

4. POLICY IMPLICATIONS

- 4.1 The Committee are referred to the report dated 17 May 2004 by the Head of Planning, Development and Building Standards, attached as an Appendix to this report.

5. RECOMMENDATIONS

- 5.1 It is recommended that this Committee consider the planning application with reference to the report by the Head of Planning, Development and Building Standards dated 17 May 2004 and with consideration to the recommendation of the Southern Local Planning Committee as detailed in Paragraph 2.1 above.

David Mitchell
Acting Executive Director of Corporate Support

7 June 2004

SN/SR

LIST OF BACKGROUND PAPERS - NIL

Any person wishing further information on this report should contact Bill Walkinshaw, Administration manager on telephone number (01563) 576135.

Implementation Officer: Stuart Nelson, Administrative Officer.

APPENDIX

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 28 MAY 2004

03/0829/FL : PROPOSED FORMATION OF A 24 NO. PRIVATE PLOTTED DEVELOPMENT AT VACANT SITE OFF PRIMPTON AVENUE, DALRYMPLE

APPLICATION BY BRANDON HOMES C/O MITCHELL FIELD DESIGN PARTNERSHIP

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is being sought for the residential development of the site to form 24 private plots. The site layout takes on a simple form with the access road dividing the site and a cul de sac formation at the northern end.

1.2 It is proposed to take access off the existing public road through the Primpton Avenue development and this would involve the construction of a bridge to cross over the watercourse. It is proposed to install a Sustainable Urban Drainage system running alongside the Primpton Burn and the southeast corner of the site would be retained as the existing flood flow path from Burnton Road. A connection to the public sewer is proposed for foul drainage.

1.3 It is proposed to develop the site as plots for detached units and all are sizeable; varying between 360 square metres and 1120 square metres. Albeit the application is for full planning permission, consent is essentially sought for the access road, the drainage and flood engineering works and the identification of 24 plots; there are no elevation details of the proposed units. However, a design brief has been prepared which states that all units are to be either two storey or one and a half storey with a grey or red roof tile finish. The external wall finish is to be Essno white or buff decarock with a buff facing brick and white timber or uPVC windows and doors. All rear gardens are to have a 1800mm high vertically boarded timber screen fence stained green.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet but that the decision notice be withheld until the Solicitor to the Council has concluded a formal legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant in respect of the matters listed in Paragraph 7.1 of the report.

3. CONCLUSIONS

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 it is considered that these have been adequately addressed and are not of sufficient weight to merit refusal of the application.

3.2 Full planning permission is being sought for the development of the application site for residential purposes. It is intended to secure full permission for twenty four private plots for detached dwellinghouses. The site has been identified in the Local Plan for the development of twenty residential units and the additional four units proposed are not considered to raise any extraneous issues which would be contrary to the allocation in the Local Plan. The principle of the proposal is therefore considered to be acceptable.

3.3 Albeit the application has been made for full planning permission the details of the proposed units have not been submitted. The developer has stated an intention to dispoise of the plots for private development and has submitted a development brief to ensure that potential buyers are aware of the general design requirements. The brief does state that the houses are all to be either two storey or one and a half storey however given the close proximity of Plots 1-13 (inclusive) to the houses at Forglen Road and the raised ground levels which are necessary it is considered appropriate to ensure that these particular plots are developed for single storey units only. The external finishing materials as stated in the brief are found to be acceptable. Further full planning permission would be required prior to the actual construction of any house units being commenced.

3.4 There is an historic issue of flooding at this site and hence the developer did submit a Flood Risk Assessment report. This report makes several recommendations regarding finished house levels that should be embraced by any planning consent. The formation of a swale along the eastern boundary for on site disposal of surface water and raising ground levels between the Primpton Burn and Forglen Road will actually improve the protection afforded to the existing houses at Forglen Road which are affected by flooding within their rear gardens at times when the watercourse is in spate accompanied by prolonged heavy rainfall.

3.5 It is proposed to connect the development to the public sewer for foul drainage. The developer will have to resolve the issue of providing and financing this with Scottish Water prior to any work commencing on the site. Similarly the Roads Division has stipulated traffic calming measures which shall require to be secured through a Section 75 legal agreement.

3.6 The site is one which has been identified for residential development in the Local Plan and in terms of amenity, infrastructure implications and the scale and layout of the site the proposed development is found to be acceptable.

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 should that refusal be based on the principle of housing development, then the application will require to be referred to the Development Services Committee because it would represent a significant departure from the development plan.

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

SOUTHERN LOCAL PLANNING COMMITTEE: 28 MAY 2004

03/0829/FL : PROPOSED FORMATION OF A 24 NO. PRIVATE PLOTTED DEVELOPMENT AT VACANT SITE OFF PRIMPTON AVENUE, DALRYMPLE

APPLICATION BY BRANDON HOMES C/O MITCHELL FIELD DESIGN PARTNERSHIP

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, due to it being for a residential development of more than ten units and is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located on the northern edge of the settlement of Dalrymple. Extending to an area of approximately 1.98 hectares the site comprises an area of rough grassland partially sandwiched between existing residential developments. There are no significant features on the site which is rectangular in shape.

2.2 The site is enclosed on three sides with housing to the east, south and west at Primpton Avenue, Burnton Road and Forglan Road respectively. Agricultural land lies to the north of the site which is bound by a native hedgerow. Primpton Burn runs along the eastern boundary of the site in a north westerly direction.

2.3 **Proposed Development:** Full planning permission is being sought for the residential development of the site to form 24 private plots. The site layout takes on a simple form with the access road dividing the site and a cul de sac formation at the northern end.

2.4 It is proposed to take access off the existing public road through the Primpton Avenue development and this would involve the construction of a bridge to cross over the watercourse. It is proposed to install a Sustainable Urban Drainage system running alongside the Primpton Burn and the southeast corner of the site would be retained as the existing flood flow path from Burnton Road. A connection to the public sewer is proposed for foul drainage.

2.5 It is proposed to develop the site as plots for detached units and all are sizeable; varying between 360 square metres and 1120 square metres. Albeit the application is for full planning permission, consent is essentially sought for the access

road, the drainage and flood engineering works and the identification of 24 plots; there are no elevation details of the proposed units. However, a design brief has been prepared which states that all units are to be either two storey or one and a half storey with a grey or red roof tile finish. The external wall finish is to be Essno white or buff decarock with a buff facing brick and white timber or uPVC windows and doors. All rear gardens are to have a 1800mm high vertically boarded timber screen fence stained green.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objection to the proposed development subject to the following conditions :

- (i) access to the site will require to be taken via internal roads which comply with the Roads Development Guide 1996 and will require Construction Consent;
- (ii) junction visibility splay areas of 2.5m by 35m at all internal road junctions with no object greater than one metre in height being allowed within these areas;
- (iii) the developer shall liaise with East Ayrshire Council's Roads Division regarding the funding of the traffic calming measures which are required along the length of the existing Primpton Avenue along with the provision of appropriate signage/drainage/lighting etc;
- (iv) 2 no. off road parking spaces for each 2/3 bedroom plot and 3 off road spaces for each 4 bedroom plot;
- (v) any garages must be set back a minimum distance of 6m from the rear of the footway;
- (vi) the private driveways will require to be paved for a minimum distance of 2m over their full width from the rear of the footway;
- (vii) no surface water must be allowed to egress onto the public road;
- (viii) any gates will require to open inwards away from the public road;
- (ix) the developer shall surface the emergency access/flowpath between Nos. 17 and 19 Burnton Road for a minimum width of 3.5m and this should be lit with bollards at either end of it if it is to be considered for future adoption;
- (x) the developer shall provide a lit footpath link to Forglen Road between Plots 2 and 3 with a pedestrian barrier at either end;

All of the above conditions can be imposed on the consent if the Committee are minded to approve the application.

3.2 East Ayrshire Council's Flooding Engineer has no objection to the proposed development in principle. It is however recommended that the developer is required to confirm in writing the future maintenance responsibility for the swale which acts as an overflow for the Primpton Burn. This should also include for possible structural maintenance associated with the central bund between the two channels.

The requirement for the developer to confirm future maintenance can be addressed through the imposition of a suspensive condition should the Committee be minded to approve the application.

3.3 East Ayrshire Council's Department of Neighbourhood Services has no objection to the proposed development but has advised that any maintained or Neighbourhood Services Account held land which may be damaged by the application, be reinstated to the satisfaction of the Senior Client Officer or his nominee.

This requirement can be imposed on the consent if the Committee are minded to approve the application.

3.4 Scottish Environment Protection Agency has advised that they have no objection in principle to the proposed development and that the flood prevention works appear to be adequate. This is subject to all foul drainage from the development being connected to the existing public sewer. They have however raised concern regarding the stability and construction of the dividing banking that separates the current course of the Primpton Burn and the proposed surface water feature flood prevention works. They have requested that this matter is resolved prior to planning permission being granted.

The proposed development is on a site identified as being suitable for residential development. Additionally SEPA has advised that they are satisfied with the flood prevention measures and it is therefore considered acceptable to request further details which shall require to be undertaken prior to the commencement of development on the site as part of a Section 75 legal agreement.

3.5 Scottish Water has objected to the proposed development for the reason that the cost of providing infrastructure to serve the development is outwith Scottish Water's "reasonable cost" obligation.

Should the Committee be minded to approve the application it is considered acceptable to impose a suspensive condition requiring the developer to address this prior to any development commencing on the site.

3.6 Transco has requested that their information pack is passed to the developer.

This has been done.

3.7 The Coal Authority has no objection to the proposed development and had no adverse comments to make.

Noted.

3.8 PowerSystems has no objection to the proposed development.

Noted.

3.9 Dalrymple Community Council has objected to the proposed development for the following reasons :

- the burn that runs alongside this development floods over onto this field and the field acts as a flood plain therefore keeping a certain amount of water at bay from the houses in Forglen Road. It was suggested by the Council that the bankings of the burn be raised as far as the bottom of the development but this would only cause further flooding to the Glebe Cottage area, as this area in years gone by was always prone to flooding.
- Is the sewerage system adequate to take further development? There have been hundreds of new houses built over the years but the sewerage system has never been upgraded.
- Two years ago there was flash flooding in Burnton Road, Seath Drive and Weir Terrace area. The fire service came and used this field to pump water away from the houses in the area. If the development goes ahead where will they pump the water if it happens again?

The Flood Risk Assessment report advises that the development will actually protect the houses on Forglen Road from flooding due to the ground level being raised. The mitigation measures are designed to protect the surrounding area as well as the site. The Flood Risk Assessment, (Page 7), comments that “while an area of land which at present floods will be raised, with a small loss of storage, new storage will be created by the formation of the low level flood flow channel. Thus the nett loss of storage resulting from the development will be small.” The Council’s flooding engineer has not objected to the proposal and it is therefore not considered that the flood risk associated with the property known as Glebe Cottage will be exacerbated by the proposed development. The matter of foul drainage shall be addressed prior to any works commencing on the site.

4. REPRESENTATIONS

4.1 This application has attracted fourteen third party letters of representation in addition to the objections by Scottish Water and the Community Council. These letters have objected to the proposed development for the following reasons.

4.2 The field is a floodplain and albeit soil tests have been carried out the objector states that a soil expert has advised the tests were totally inadequate for the problem. The flood area problem was initially caused by a bad architecturally

designed bridge over the B7034 when the original road was rerouted. Attempted remedies were tried by the old Ayr County Council Roads Department but were unsuccessful. After the part deforestation of Skeldon Estate the water flow was exacerbated causing the Skeldon Burn to flood and on bursting its banks caused extensive flooding to Weir Terrace/Seath Drive/Burnton Road and eventually 18 Burnton Holding. The Purclewan Burn floods, frequently bursting its banks with the result that at the present development at Primpton Park the flood water reaches to within 20 feet of the houses. The water level in all three burns during late spring/summer is only about 5 inches deep. But in the flood season reaches a level of four to five feet, with an extremely fast flow.

I have seen proposals by Brandon Homes to alleviate the flood problem in the proposed development. Total and utterly unworkable. It would probably solve the problem in the development but who gets the water – Knockjarder Cottage/Weir Terrace/Seath Drive/The Glebe/ Forglen or Burnton Road. The burns are simply not able to carry any more water.

There is a known flood path through the site hence the developer has submitted a Flood Risk Assessment report identifying means to address this. This report is only required to examine the impact of the proposed development on the site which is proposed for development and the immediate surrounding area. If there is an existing problem of flooding this must be kept separate from the consideration of the application unless the report has deemed that the development will impact on watercourses in the vicinity. Indeed the report confirms that the development including the appropriate mitigation measures will actually protect the houses on Forglen Road from flooding as the raised ground will create a barrier between the burn and the aforementioned houses. The Council's Flooding Engineer and SEPA have both confirmed they are satisfied with the findings of the FRA report and the mitigation measures being proposed.

4.3 Are the sewage works in the village able to cope with this.? The capacity of the existing infrastructure is at its maximum and the design of the application would put further pressure and have an unacceptable adverse impact on our client's land and the environmental quality of the area. We ask that you consult with SEPA and the Ayrshire Flood Appraisal Group in respect of this application and ensure that adequate flood prevention measures are in place so as to remove any adverse effects from flooding that may be experienced on our client's land.

Scottish Water has objected to the proposal on the grounds that it would be beyond their reasonable cost obligation rather than due to any unsurmountable capacity issue. It is intended to impose a condition on the consent to ensure that this matter is resolved to the satisfaction of both Scottish Water and SEPA prior to any works commencing on the site.

4.4 Is the level of development to be raised from the current level of the field?

The Flood Risk Assessment does advise that the development site should be raised to a level which results in the flood risk for the plots becoming acceptable and this would be achieved by infilling. It is intended to impose a condition requiring a cross section of the site to be submitted prior to any works commencing on site to ensure that the infill is kept to a minimum and at a level consistent with the recommendations of the Flood Risk Assessment.

4.5 What size is the culvert to allow Primpton Avenue to extend across the burn? Is the size the same or more than the culvert for Primpton Burn allowing Burnton Road to cross. The objector has seen the Burnton Road culvert be insufficient twice in the past nine years with water backed up and flowing over the road and into Primpton Avenue properties and Primpton Cottage.

It is intended to construct a bridge to cross the burn rather than creating a further culvert. The details of the bridge have been considered by both the Council's Flooding Engineer and SEPA and subject to natural materials being used to control erosion near the bridge structure they have no objections to such a proposal. Final details of the bridge can be required by condition.

4.6 How will the burn, culvert and SUDs be maintained? I also note that this development is a plot only development. If this is correct who will be held fully responsible for the future maintenance/flood damage, Brandon Homes? I also note that there is no mention of a development in the field across the other side of the Primpton Burn. I believe this was purchased at the same time, is this another agenda?

It is intended to impose a condition on the consent requiring the developer to confirm the future management and maintenance of the SUD system as well as areas of public open space within the application site. There are no current planning applications on the land across the other side of the Primpton Burn and hence this is of no materiality in the consideration of the current planning application.

4.7 Can speed bumps be placed along the entire length of Primpton Avenue for pedestrian safety as there are many families with young children and babies.

The Council's Roads Division has advised that traffic calming measures are required along Primpton Avenue and these shall be secured through a Section 75 legal agreement should the Committee be minded to approve the application.

4.8 The writer would like to see what little bit of countryside is left at their back door being kept.

The site under consideration has been identified within the settlement in the Local Plan as being suitable for residential development and its development for the proposed houses has therefore been found acceptable in principle.

4.9 I suggest that before consent is given the authorities delay decision until after the winter of 2004/2005 when the planning committee will be able to visit the site and see the problem for themselves.

It would not be prudent nor reasonable to delay making a decision on the proposed development until after the forthcoming winter. In any case the FRA report is an examination of all factors relevant to the potential for a 1 in 200 year flood event. This therefore takes into account the likely weather and flood risk associated with the winter months which are prone to heavier rainfall.

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 (2003).

Ayrshire Joint Structure Plan

5.2 There are no policies contained within the structure plan which are especially relevant to this application. The site has been identified for housing in the Local Plan consistent with the terms of Policy G8 which draws together the principles that should guide the release of new development land.

East Ayrshire Local Plan

5.3 Policy RES1 encourages and supports the residential development of those Development Opportunity Sites identified for housing purposes on the individual Local Plan maps and reserves them for residential and associated recreational and amenity open space development.

The proposal is for housing development on a site identified for residential development purposes. It therefore complies with Policy RES1.

5.4 Policy TLR5 states that the Council will request all developers to make a contribution to the Sports, Leisure and Recreation Fund based on the expected number of houses and the level of need in a particular area for particular facilities.

The developer has agreed to make a contribution of £7,500 to the Fund and this complies with Policy TLR5.

5.5 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 site layout includes an area of open space in the south west corner of the site which measures approximately 800m² and is therefore ample for the proposed development of 24 no. dwellinghouses. For a development of this scale it is not considered necessary to require the developer to provide any play equipment et cetera and therefore the policy is complied with.

5.6 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 proposed development meets with the minimum private open space standards and therefore complies with Policy RES22.

5.7 Policy ENV17 requires a precautionary approach to development on land known to have flooded in the past. At such land, the developer shall fully investigate the implications of flood risk on their proposals and on adjoining land and property. Appropriate flood prevention measures shall be incorporated into the development to remove or reduce to an acceptable minimum any adverse flooding effects. The Council will consult with SEPA and will expect developers through Section 75 legal Agreements to provide and finance any necessary flood prevention infrastructure.

The applicant has provided a Flood Risk Assessment and the Council, having consulted with SEPA, will require by conditions and legal agreement, the implementation of the agreed alleviation measures.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, third party representations, Scottish Planning Policy 7 "Planning and Flooding" and the planning history of the site.

Consultation Responses

6.2 Two of the consultees did object to the proposed development. Firstly, Scottish Water, as the proposed development lies outwith their reasonable cost obligation with regard to the provision of infrastructure. The Community Council has also objected and these objections have been noted in Section 3 of the report. Subject to the application of conditions, it is considered that the objections raised by the consultees can be sufficiently addressed and are not of such significant weight as to indicate the application should be refused.

Representations

6.3 The third party letters of representation in the main raised concern regarding the risk of flooding of the site and the surrounding land. This is a material planning issue which has been given detailed consideration in a report by an appropriately qualified engineer. It has been concluded that subject to appropriate mitigation measures the risk of flooding can be satisfactorily addressed.

Scottish Planning Policy 7 “Planning and Flooding”

6.4 SPP7, issued some five months after the receipt of the application, amongst other things says that local plans should identify sites constrained by flood risk, should safeguard the flood storage capacity of functional flood plains and indicate the circumstances when a drainage assessment will be required.

The EALP commits the Council through PROP18 to working with SEPA to identify trigger maps identifying areas where formal consultation with SEPA will be carried out regarding flooding related matters. Policy ENV17 requires the incorporation of appropriate flood prevention measures where required following a full investigation of the implications of flood risk.

6.5 SPP7 confirms that flood risk is a material planning consideration in the determination of applications and says that planning authorities must be satisfied that alleviation measures such as land raising have been implemented before the development is occupied.

These requirements are all addressed by conditions proposed in respect of any consent granted.

Planning History

6.6 The site was previously the subject of a planning application for the erection of sixty one dwellinghouses (Planning Ref: 00/0836/FL). However this application was never progressed to a determination and was subsequently withdrawn on 11 October 2002.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. However, if approved it is recommended that permission is granted subject to the completion of a Section 75 legal agreement. This agreement is required to address the following items :

- (i) traffic calming measures to be employed along the length of Primpton Avenue from the junction of the B742;
- (ii) provision and future maintenance of flood mitigation measures;
- (iii) future management and maintenance of the public open space;
- (iv) future management and maintenance of the SUD system; and

- (v) developer contribution of £7,500 towards the Council's Sports, Leisure and Recreation Fund.

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 these have been adequately addressed and are not of sufficient weight to merit refusal of the application.

8.2 Full planning permission is being sought for the development of the application site for residential purposes. It is intended to secure full permission for twenty four private plots for detached dwellinghouses. The site has been identified in the Local Plan for the development of twenty residential units and the additional four units proposed are not considered to raise any extraneous issues which would be contrary to the allocation in the Local Plan. The principle of the proposal is therefore considered to be acceptable.

8.3 Albeit the application has been made for full planning permission the details of the proposed units have not been submitted. The developer has stated an intention to dispoise of the plots for private development and has submitted a development brief to ensure that potential buyers are aware of the general design requirements. The brief does state that the houses are all to be either two storey or one and a half storey however given the close proximity of Plots 1-13 (inclusive) to the houses at Forglen Road and the raised ground levels which are necessary it is considered appropriate to ensure that these particular plots are developed for single storey units only. The external finishing materials as stated in the brief are found to be acceptable. Further full planning permission would be required prior to the actual construction of any house units being commenced.

8.4 There is an historic issue of flooding at this site and hence the developer did submit a Flood Risk Assessment report. This report makes several recommendations regarding finished house levels that should be embraced by any planning consent. The formation of a swale along the eastern boundary for on site disposal of surface water and raising ground levels between the Primpton Burn and Forglen Road will actually improve the protection afforded to the existing houses at Forglen Road which are affected by flooding within their rear gardens at times when the watercourse is in spate accompanied by prolonged heavy rainfall.

8.5 It is proposed to connect the development to the public sewer for foul drainage. The developer will have to resolve the issue of providing and financing this with Scottish Water prior to any work commencing on the site. Similarly the Roads Division has stipulated traffic calming measures which shall require to be secured through a Section 75 legal agreement.

8.6 The site is one which has been identified for residential development in the Local Plan and in terms of amenity, infrastructure implications and the scale and layout of the site the proposed development is found to be acceptable.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet but that the decision notices be withheld until the Solicitor to the Council has concluded a formal legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the application respect of the matters listed in Paragraph 7.1 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 and should that refusal be based on the principle of housing development, then the application will require to be referred to the Development Services Committee because it would represent a significant departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

NM/NM/SMB
17 May 2004
FV/DVM

LIST OF BACKGROUND PAPERS

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

Anyone wishing to inspect the above background papers should contact Nicola Monroe on 01563 555485.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0829/FL

Location	Vacant site off Primpton Avenue DALRYMPLE KA6 6DS
Nature of Proposal:	Proposed formation of a 24 no. private plotted development
Name and Address of Applicant:	Brandon Homes Brandon House 81 Hamilton Road MOTHERWELL ML1 3DQ
Name and Address of Agent	Mitchell Field Design Partnership 1 Glenbervie Glenbervie Business Park LARBERT FK5 4RB

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

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

1. The planning permission hereby granted is for the formation of the site layout, access and associated drainage and flood alleviation works only and until such time as full planning permission has been secured for the erection of any individual unit, no work constituting the commencement of development on that unit shall take place on site.

REASON – To enable the Planning Authority opportunity to consider the details of the proposed units.

2. Notwithstanding the details on the plans or development brief hereby approved the units to be built on Plots 1-13 (inclusive) shall be single storey only.

REASON – In the interests of safeguarding residential amenity.

3. The external finishing materials to the proposed houses shall be in accordance with those specified in the Development Brief as submitted by the developer to the Planning Authority on 06 February 2004.

REASON – To ensure the plots are developed with a degree of consistency in the interests of visual amenity.

4. Notwithstanding the details on the plans hereby approved a 2metre high vertically boarded screen fence shall be erected along the boundary marked in green prior to the occupation of any of the units where the fence is to be erected and shall be stained in a suitable dark colour

and maintained in a neat and tidy condition in perpetuity to the satisfaction of the Planning Authority.

REASON – In the interests of safeguarding residential amenity.

5. Prior to the commencement of development the developer shall submit a landscaping plan for the area of public open space as shown hatched in green on the approved plans. This shall incorporate an appropriate mix of native trees, hedges and shrubs which shall be planted no later than the first planting season following commencement of development to the satisfaction of the Planning Authority.

REASON – In the interests of visual amenity.

6. Prior to the commencement of development the developer shall submit a programme for the future management and maintenance of the area of public open space as shown hatched in green on the plans hereby approved for the further written approval of the Planning Authority.

REASON – To ensure the area of public open space has sufficient provision for future maintenance.

7. Prior to the commencement of development the developer shall provide written confirmation that suitable arrangements regarding foul drainage have been made to the satisfaction of SEPA and Scottish Water.

REASON – In the interests of public health and safety.

8. Prior to the commencement of development on site, the developer shall submit a programme for the future management and maintenance of the swale hereby approved for the further written approval of the Planning Authority.

REASON – In the interests of public health and safety.

9. Notwithstanding the details on the plans hereby approved, the minimum design level for the new houses shall be 0.9 metres above the existing ground levels and no lower than 56.1m OD. House floor levels should be no less than 0.3 metres above surrounding ground levels. These levels shall be illustrated within cross sectional drawings to be submitted to and approved by the Planning Authority, before the commencement of development which shall also indicate the overall extent of infill across the site. The site shall be developed in accordance with these levels as approved.

REASON – In the interests of protecting the occupants of the dwellings from flood risk.

10. Prior to the occupation of any of the dwellinghouses hereby approved the flood mitigation measures as prescribed in the Flood Risk Assessment report under “Flood Risk Management” (pages 5-7 inclusive) and under “Effect on Other Areas” (pages 7 & 8) and as submitted to the Planning Authority on 06 February 2004 shall be implemented to the satisfaction of the Planning Authority and SEPA.

REASON – To ensure that the appropriate mitigation measures are implemented timeously in the interests of public health and safety.

11. The developer shall provide a detailed specification for the construction of the bridge. This shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall thereafter be implemented as approved.

REASON – In the interests of public health and safety.

12. Any publicly maintained or Community Service Account held land which is damaged by the development hereby approved shall be reinstated to the satisfaction of the Senior Client Officer or his nominee of the Council’s Community Services.

REASON – To ensure that any public open space is left undamaged by the development hereby approved.

13. Access to the site will require to be taken via internal roads which comply with the Roads Development Guide 1996 and will require Construction Consent from East Ayrshire Council's Roads Department. This consent would cover detail such as road widths, footways, road construction, traffic calming, street lighting, drainage, structures et cetera.

REASON – In the interests of road safety.

14. Prior to the occupation of any of the dwellinghouses hereby approved the developer shall form junction visibility splay areas of 2.5m by 35m at all internal road junctions with no object greater than one metre in height being allowed within these areas. The developer shall include this in title deeds of any plots so affected or alternatively the plots should be set back outwith these splay areas.

REASON – In the interests of road safety.

15. Prior to the commencement of development the developer shall have liaised with East Ayrshire Council's Roads Division regarding the funding of the traffic calming measures which are required along the length of the existing Primpton Avenue along with the provision of appropriate signage/drainage/lighting etc. The traffic calming measures shall have been agreed with the Planning Authority prior to the commencement of development and shall be installed prior to the occupation of the first dwellinghouse.

REASON – In the interests of road safety.

16. Notwithstanding the details on the plans hereby approved there shall be 2 no. off road parking spaces for each 2/3 bedroom plot and 3 off road spaces for each 4 bedroom plot (with visitor parking as shown on the approved plans). Widened driveways for driveway manoeuvrability shall be provided on each plot.

REASON – In the interests of road safety.

17. Any garages must be set back a minimum distance of 6m from the rear of the footway.

REASON – In the interests of pedestrian safety.

18. Prior to the occupation of any of the dwellinghouses hereby approved the private driveways will require to be paved for a minimum distance of 2m over their full width from the rear of the footway.

REASON – To avoid overcarry of loose material onto the public road to ensure a secure road surface.

19. No surface water must be allowed to egress onto the public road.

REASON – To ensure a safe road surface in the interests of road safety.

20. Any gates will require to open inwards away from the public road.

REASON – In the interests of pedestrian and road safety.

21. Prior to the occupation of any of the dwellinghouses hereby approved the developer shall surface the emergency access/flowpath between Nos. 17 and 19 Burnton Road for a minimum width of 3.5m and should be lit with bollards at either end of it is to be considered for future adoption. If this is not be considered for future adoption the developer will require to submit details of the future maintenance of this access to the Council's Roads Division as part of the application for Road Construction Consent.

REASON – In the interests of road safety.

22. Prior to the occupation of any of the dwellinghouses hereby approved the developer shall provide a lit footpath link to Forglen Road between Plots 2 and 3 which shall have a pedestrian barrier at either end. Details of this path and barrier shall be submitted to and approved by the Planning Authority prior to the commencement of development.

REASON – In the interests of pedestrian safety.

23. Prior to the commencement n of development, full details of the means by which the ground between the existing burn and the proposed swale is to be protected from erosion shall be submitted to and approved by the Planning Authority. The details shall allow for the use of natural materials in the vicinity of the bridge structure.

REASON – In the interests of public health safety.