

## **EAST AYRSHIRE COUNCIL**

**DEVELOPMENT SERVICES COMMITTEE: 01 AUGUST 2006**

**05/1249/FL: PROPOSED ERECTION OF NINE DETACHED DWELLINGS,  
ALTERATIONS TO EXISTING ACCESS, DEMOLITION OF EXISTING MILL  
BUILDINGS AND ASSOCIATED WORKS  
AT HOWIE ANIMAL FEED GRAIN MILL, LOCHLIBO ROAD, DUNLOP  
BY W & A DEVELOPMENTS LTD**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Planning permission is sought to demolish the existing mill and associated buildings on site and erect nine detached dwellinghouses with associated works. The existing buildings to be demolished, are constructed predominantly in brick or corrugated sheeting and cover a large proportion of the area pertaining to the application site. The proposed nine dwellinghouses are dispersed through the redline site to create a 'hamlet', where the dwellinghouses fronting the public roads have a relationship to both the public road and the new access road serving the development.

1.2 Three house types are proposed for the site, the house types for A, B and C cover a footprint area each of some 424 sq metres, 200 sq metres and 350 sq metres respectively. All proposed dwellinghouses are two storey in size and finished externally in wet dash render with timber windows and doors and natural slate roofing.

1.3 With the exception of plot 4 all proposed dwellinghouses are accessed from a new access junction leading from Lochlibo Road. The access road has been formed to a width of 4.8m with 2m wide grass verges as opposed to formal footpaths to retain the character of a rural lane setting.

#### **2. RECOMMENDATION**

**2.1 It is recommended that the Planning application be approved subject to the conditions indicated on the attached sheet and that the issuing of the Planning Decision Notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal agreement with the applicants in respect of the matters detailed in paragraph 7.1 of the report.**

### **3. CONCLUSIONS**

3.1 As indicated in the report, the application is considered broadly contrary to the terms of the Development Plan. Therefore it should be refused unless material considerations indicate otherwise.

3.2 As per Section 6 of the report there are material considerations relevant to the application and in this instance due to the unique nature of the site it is considered on balance that these are of sufficient weight to merit the approval of the application.

**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.**

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ALTERATIONS TO EXISTING ACCESS, DEMOLITION OF EXISTING MILL  
BUILDINGS AND ASSOCIATED WORKS  
AT HOWIE ANIMAL FEED GRAIN MILL, LOCHLIBO ROAD, KILMARNOCK,  
DUNLOP, KA15 14H  
BY W & A DEVELOPMENTS LTD**

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

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

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Development Services Committee under the scheme of delegation, due to the fact that the proposal represents a departure from the Development Plan.

### **2. APPLICATION DETAILS**

2.1 **Site Description:** The application site relates to a redundant industrial site comprising the former animal feed grain mill and series of associated outbuildings which have been vacant since the firm went into receivership in 2004. The application site covers an area of some 4.5 acres, located within the Rural Protection Area some 2.3km north east of Dunlop. The application site is bounded by a number of residential properties at White Gates to the north west, Oakholme to the north, Newmill House to the north east and Millbrae to the south east. The land beyond the dwellinghouses and south west of the application site is predominantly agricultural land.

2.2 **Proposed Development: Planning** permission is sought to demolish the existing mill and associated buildings on site and erect nine detached dwellinghouses with associated works. The existing buildings to be demolished, are constructed predominantly in brick or corrugated sheeting and cover a large proportion of the area pertaining to the application site. The proposed nine dwellinghouses are dispersed through the redline site to create a 'hamlet', where the dwellinghouses fronting the public roads have a relationship to both the public road and the new access road serving the development.

2.3 Three house types are proposed for the site, the house types for A, B and C cover a footprint area each of some 424 sq metres, 200 sq metres and 350 sq metres respectively. All proposed dwellinghouses are two storey in size and

finished externally in wet dash render with timber windows and doors and natural slate roofing.

2.4 With the exception of plot 4 all proposed dwellinghouses are accessed from a new access junction leading from Lochlibo Road. The access road has been formed to a width of 4.8m with 2m wide grass verges as opposed to formal footpaths to retain the character of a rural lane setting.

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

3.1 East Ayrshire Council's Roads and Transportation Division have no objection to the proposal subject to the imposition of conditions on any planning consent pertaining to the requirement that gates to private entrances be set back to the rear of the service strip and the requirement to setback planting and hedging adjacent to the service strip on Fulwood Road to ensure a clear 2 metre strip is retained when the hedge/planning is at mature growth. It is further advised that the developer is required to obtain road construction consent prior to the commencement of works on site.

***Should the Committee be minded to approve the proposal conditions can be attached relating to these matters and a note requiring the developer to obtain a road opening permit.***

3.2 East Ayrshire Council's Outdoor Amenities Division have commented that there are several trees within the site that could be worthy of retention and the developer should consult with a suitable arboriculturalist to carry out a tree survey which would indicate the conditions of the trees and categorise them for retention (BS5837) 2005. Once consideration has taken place a tree protection plan should be put in place prior to any work starting on site and the protective fences should be inspected and passed by the Division prior to any work taking place.

***A condition can be attached to any grant of planning consent addressing the matter of tree retention, protection and replacement where necessary as outlined.***

3.3 East Ayrshire Council's Environmental Health Division offer the following comments:

3.3.1 Demolition of the existing buildings should be undertaken in accordance with the provisions of the relevant Code of Practice. All demolition material should be suitably disposed of and any special wastes (eg asbestos) should be dealt with in accordance with regulatory requirements and disposed of to licensed landfill authorised for its acceptance.

3.3.2 Although the site is located in a generally rural environment a mile or two to the north east of Dunlop, there are a number of dwellings in its immediate proximity. Accordingly, the applicants should ensure that no nuisance is caused to nearby residents from any demolition/ construction activities eg smoke, dust, noise etc).

3.3.3 Regarding any potential issue of noise it is suggested that any potentially noisy site works be restricted to the hours of 0800 – 1700 hours Monday to Friday and 0800 – 1300 on a Saturday and not at all on a Sunday.

3.3.4 Historic land use data identifies potentially contaminative industries associated with this site, ie Smithy (ironworking), sawmill and timber yard (wood treatment and storage). The sites later use as an animal feed grain mill may also present potential for ground contamination, ie vehicle movements with the potential for fuel spillage etc. It is recommended that the standard contaminated land conditions be applied to this application.

***Notes can be attached to any grant of planning permission advising the applicant regarding treatment and disposal of demolition material and the prevention of nuisance to residents from construction/ demolition activities. Conditions can be attached to any grant of planning consent to address any potential ground contamination from previous uses and to restrict operating hours for noisy works on the site.***

3.4 Scottish Water have no objections to the application subject to the imposition of conditions on any grant of planning consent pertaining to; an agreement being reached with Scottish Water for the provision of a water scheme to serve the development; connection to the public water network; the siting of any septic tanks and any requirements to upgrade the existing water supply.

***Notes can be attached to any grant of planning consent addressing all of the matters outlined above with the exception of the provision of a water scheme to serve the development which can be addressed by means of a condition.***

3.5 Scottish Environment Protection Agency (SEPA) have made no objection in principle to the proposal however they request that the following matters are addressed prior to the determination of the application:

3.5.1 The applicant should confirm the foul drainage proposals and SEPA advises that there is unlikely to be a connection to the public sewer and the ground conditions may be unsuitable for a closed soakaway. Given the small size of the watercourse, full biological treatment would be required, such as

package treatment plant and reed bed. The applicant should be aware that a consent application for such a scheme would have to be advertised for public comment and would be placed on SEPA's monitoring program.

***The applicant has confirmed that foul drainage will be treated by means of a package treatment plant and a condition can be attached to any grant of planning consent requiring the prior approval of the foul drainage proposal.***

3.5.2 Surface water associated with the proposed development must be treated in accordance with the principles of PAN91 and "SUDS Design Manual for Scotland and Northern Ireland", CIRIA C521. SEPA would welcome the imposition of a planning condition requiring that the applicants submit and agree a suitable SUDS system with your authority, in consultation and agreement with SEPA, before works can commence on site. The presence of contaminants on site would influence the final design of any SUDS system therefore SEPA recommends that the presence of contaminants is identified at an early stage.

***A condition can be attached on any grant of planning consent requiring the approval of a SUDS system prior to any construction work on site.***

3.5.3 The flood risk assessment has determined that the site is not at risk of flooding, however the plans supplied with the consultation suggest that the level of the site may be lowered to achieve more natural contours. SEPA suggest that the authority considers whether additional information is required from the applicant with regards the flood risk assessment.

***As detailed in section 3.1 the applicants submitted a Flood Risk Assessment to meet the requirements of the Council's Roads and Transportation Division who have no objections to the proposed development in relation to potential flooding from the adjacent watercourse.***

3.5.4 It is possible that previous uses at the site may have resulted in land contamination and SEPA advise that this may be a matter which the authority wishes to explore further.

***As detailed in section 3.3 conditions can be imposed on any grant of planning consent to address any potential contamination on the site.***

3.5.5 Construction works associated with the development of the site must be carried out with due regard to SEPA's guidelines on avoidance of pollution. The development of the site may entail operations such as the importation or removal of waste material such as soil which may require a waste management license or confirmation of exemption.

***A note can be attached to any grant of planning consent to refer the applicant to SEPA's guidelines on avoidance of pollution and the need for a waste management license.***

3.6 Dunlop and Lugton Community Council have no objections to the application.

***Noted.***

#### **4. REPRESENTATIONS**

The application was advertised in the Kilmarnock Standard on 30 December 2006, no letters of representation have been received from third parties in relation to the proposal.

#### **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 Policy G5 states that development proposals outwith settlements in the Rural Protection Areas shall conform to the structure plan only where the development:

A has a demonstrated site specific locational need;

***The applicants submit that the existing vacant industrial buildings cannot be readily reused and therefore the site specific locational need for the proposed dwellinghouses to be located in this location within the rural area, relates to the redevelopment of a brownfield site. The redundant nature of the buildings is not considered to demonstrate a site specific locational need for residential re-use of the site.***

B can be justified in terms of social and economic benefit to the community;

***It is considered that the proposal will not result in any social or economic benefit to the community.***

C contributes to rural land diversification; or

***It is considered that housing does not contribute to rural land diversification.***

D provides for the operational needs of agriculture and forestry.

***The proposal does not provide for the operational needs of agriculture and forestry.***

#### East Ayrshire Local Plan

5.3 Policy SD3 states that, within the Rural Protection Area, development Proposals relating to land located outwith settlement boundaries will be acceptable to the Council only in five stated circumstances.

(i) comprises an acceptable form of residential use as detailed in Policy RES13 of the Local Plan: or

***As detailed in section 5.6 the proposal does not form an acceptable form of residential use as detailed in Policy RES13.***

(ii) can be fully justified in terms of site specific locational need; or

***As detailed in section 5.2 the reuse of this redundant former industrial brownfield site does not demonstrates a site specific locational need for the proposal.***

(iii) can be fully justified in terms of social and economic benefit to the community; or

***It is considered that the proposal will not result in any social or economic benefit to the community.***

(iv) contributes to rural land diversification; or

***It is considered that housing does not contribute to rural land diversification.***

(v) provides for the operational needs of agriculture or forestry.

***The proposal does not provide for the operational needs of agriculture and forestry.***

5.4 Policy SD6 states that the Council will positively encourage the re-use and redevelopment of brownfield land, both in the area settlements and in the rural

area, in preference to the development of Greenfield sites. The release of greenfield land for development will require to be fully justified and will be supported only where an alternative, developable brownfield site is not readily available, marketable or capable of development for the purposes envisaged.

***The applicants submit that the proposal is in accordance with policy SD6 given that the proposal will redevelop an existing brownfield site where the existing buildings on site do not lend themselves to conversion or re-use.***

***Whilst the redevelopment of this brownfield site in the rural area is not presented as an alternative to the development of a greenfield site, it is considered that it generally accords with the principle aim of this policy to redevelop a redundant brownfield site prior to the release of any Greenfield sites. However the proposal fails to satisfy the terms of strategic policy SD3 and in turn RES13 which provide criteria for acceptable residential proposals outwith settlements.***

5.5 Policy IND8 states that proposals for alternative uses of land or premises currently or formerly used for industrial purposes shall be considered acceptable subject to a set of three criteria being met, as follows:

- (i) the proposed use not being detrimental to surrounding established uses;

***The site is surrounded by residential properties with the exception of the agricultural land to the southwest, therefore it is considered that residential use on the site would present a complementary land use to the surrounding residential properties. It is further considered that the removal of this industrial use will enhance the residential amenity of the existing residential properties surrounding the site and help define the settlement.***

- (ii) the proposal meeting with the requirement of all other relevant Local Plan policies; and

***The proposal fails to satisfy the majority of the criteria of the policies SD3 and RES13, however if accepting the clear brownfield nature of the site, the proposal satisfies the general principle of policy SD6. In addition the proposal meets the requirements of policies RES22 and TLR5 in terms of open space and leisure and recreation contribution provision.***

- (iii) the existence of alternative industrial or business land or premises with potential for future employment use within the settlement concerned.

***This industrial site is not located within a settlement boundary.***

5.6 Policy RES13 is supportive of residential development of houses in the Rural Protection Area only where it can be demonstrated that the houses are required on a permanent basis:

- (i) for a full time agricultural or forestry worker employed directly on the land to which the proposed house relates;
- (ii) for a worker employed by a rural enterprise or a tourism related activity and where the requirement for that worker to live on the site is essential to the economic operation of the activity concerned;
- (iii) as an essential and integral part of an authorised proposal which necessitates the provision of on-site staff accommodation; or
- (iv) as an enabling development for the conversion of a large rural residential or institutional property, as detailed in Policy RES8 above.

The policy also states that developments for which a site specific locational need cannot be demonstrated to the satisfaction of the Council will not receive Council support.

***The proposal fails to comply with the set criteria of Policy RES13.***

5.7 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.

***Schedule 4 requires detached dwellinghouses to provide a minimum open space allocation of 100 sq metres private garden ground for each dwellinghouse. It is considered that the plot sizes for each dwellinghouse vastly exceed the minimum private open space requirement.***

5.8 The applicant has been requested to confirm a contribution to the Leisure and recreation fund under Policy TLR5 of the Adopted East Ayrshire Local Plan.

***The applicants have confirmed that they would be willing to contribute £45,900 towards the Council's Leisure and Recreation Fund which equates to 1% of construction costs.***

5.9 On balance whilst the proposal meets the general aim of policy SD6 it fails to satisfy the criteria of policies SD3 and RES13 which are considered the principle policies outlining the relevant criteria for appropriate residential development in the countryside. Therefore the proposal is broadly considered to be contrary to the terms of the development plan.

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

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representations, the planning history of the site, the applicants supporting statement, the Finalised Ayrshire Joint Structure Plan and the impact on the amenity of the area.

### Consultation Responses

6.2 The consultation responses do not indicate that the application should be refused subject to the imposition of appropriate conditions on any grant of planning consent.

### Representations

6.3 No third party representations have been received in respect of the application.

### Impact on the Amenity of the Area

6.4 The existing large industrial buildings on site are vacant and cannot be reused readily for other uses therefore it is likely that they will be left to deteriorate and will be viewed as a derelict, significant visual blot on the rural landscape if the site is undeveloped. It is considered that the regeneration of this brownfield site in the countryside to residential use would improve the amenity of the surrounding residential properties and given the unique nature of the site it is considered preferable to redevelop the site rather than to leave these large industrial buildings in a relatively prominent site in the rural area, to fall into a state of disrepair.

The applicants have submitted a marketing report conducted by Colliers Cree Chartered Surveyors and International Property Consultants that advises that the marketing of the site for a continued industrial use would be a futile exercise. The buildings were internally and externally inspected by members of the planning division where it was ascertained that the buildings could not be re-used for alternative industrial uses. Given the size and nature of the existing buildings on site which cannot be reused or redeveloped for other business purposes, the proposed redevelopment of this site is unique and will not set a precedent for further redevelopment proposals of existing business developments in the rural area for housing. It is further considered that the design of the dwelling houses and the formation of a small 'hamlet' will complement and reflect the design and form of the countryside location.

## Planning History

6.5 Planning permission (01/0330/FL) was approved on 22 June 2001 for the erection of office establishment and extension to existing car park.

6.6 Planning permission (03/0656/FL) was approved on 5 September 2003 for the erection of a storage/ workshop building.

## Finalised Ayrshire Joint Structure Plan

6.7 The replacement Ayrshire Joint Structure Plan has been approved and submitted to the Scottish Ministers for approval. This document has, therefore, become a material consideration in respect of the application. Policy COMM5 of the replacement structure plan, which relates to Housing in the Countryside, is pertinent to the proposed development and states that:

“Throughout the rural areas there shall be a general presumption in favour of housing development within existing communities, the reuse and redevelopment of redundant buildings for housing, the development of infill sites within existing housing groups and clusters and the development of housing to meet the operational requirements of agriculture and other rural businesses.

The three Councils shall identify in local plans or supplementary planning guidance policies where various types of residential development in the countryside would be considered acceptable and establish criteria against which single or small scale residential development in the countryside can be assessed”.

***It is considered that the proposal is unique in that it seeks to re-use a large redundant industrial site incapable of being reused for other industrial/ business operations considered appropriate within the rural area. The site is surrounded by housing with the exception of the land to the west and southwest, therefore it is considered that the proposal constitutes the redevelopment of a redundant infill site within an existing rural housing group.***

***With regards to guidance contained within the Local Plan, policies SD6 and SD3 of the adopted East Ayrshire Council state where housing in the countryside would be considered acceptable and an assessment against the relevant criteria is detailed in sections 5.3 and 5.4 of this report.***

## Applicant's Supporting Statement & Design Statement

6.8 The applicants have submitted both planning and design statements in support of the application (which can be viewed during normal office hours at the Council Office in Croft Street, Kilmarnock). The supporting statement provides a

site description, background description, outline of the proposal, assessment against development plan considerations and national planning policy guidance and other material considerations.

6.9 With regards to National Planning Policy Guidance the applicants submit that SPP3, SPP15, PAN44, PAN72 and PAN73 are applicable.

#### 6.9.1 SPP3 Planning for Housing

6.9.1.1 The applicants submit that the key aim of SPP3 'Planning for Housing' is to promote well-located, high quality new housing. Paragraph 29 states that planning authorities should promote the re-use of previously developed land in preference to Greenfield land, provided that a satisfactory residential environment can be created. Paragraph 31 further states that land identified for industrial or other development purposes may also provide opportunities for housing development where: there is now little prospect of development for the purposes originally envisaged; there is access to a choice of transport; and a satisfactory residential environment can be created. Given that the proposal represents the reuse of a prominent large industrial site within the rural area and promotes the sensitive design and integration of the proposed residential development by forming a 'hamlet' in this rural location, it is considered that the proposal is broadly compliant with this particular element of the policy guidance of SPP3.

#### 6.9.2 SPP15 Planning for Rural Development

6.9.2.1 SPP 15 'Planning for Rural Development' is a material consideration in the determination of this application. Paragraph 37 of said document indicates that the SPP 15 should be implemented through alterations to development plans. As a direct result of this and the ongoing review of the East Ayrshire Local Plan, a draft East Ayrshire Local Plan is currently being prepared and as part of this, SPP 15 will be taken into full consideration. Until then, the current East Ayrshire Local Plan remains the principal policy document against which all planning applications are assessed.

#### 6.9.3 PAN44 'Fitting New Housing Development into the Landscape'

6.9.3.1 PAN44 provides guidance on 'fitting new housing developments into the landscape'. The applicants submit that it is evident that any landscape and visual impacts arising from the development would be significantly less than those associated with the existing visually intrusive structures on site at present and the removal of these intrusive industrial buildings will result in an improved landscape setting. Given the topography of the land, which gently slopes down from a north west to south east direction it is considered that the dwellinghouses sited at plots 1 and 9 at the entrance to the site will provide a definitive edge on the main access road and will viewed in the context of the surrounding houses. It

is further considered that the design and layout of the proposed dwellinghouses will fit into the rural landscape in which they are sited.

#### 6.9.4 PAN72 'Housing in the Countryside'

6.9.4.1 PAN72 provides guidance on the design principles to be taken into account when planning a new development. The application is supported by a design statement which demonstrates the theory behind the design and siting of the proposed dwellinghouses.

#### 6.9.5 PAN73 'Rural Diversification'

6.9.5.1 PAN73 provides guidance on rural diversification. As detailed in paragraph 27, house-building, in itself, is not diversification therefore the guidance provided in PAN73 is not considered applicable.

## 7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 The applicants require to provide a sightline visibility splay on land outwith their control. Thus it would be necessary for the applicants, the adjoining landowner and the Council to enter into a legal agreement under Section 75 of the Town & Country Planning (Scotland) Act 1997 committing themselves to maintaining the sightline visibility splay. In addition the applicants have agreed to enter into an appropriate legal agreement with the Council with regard to a contribution in terms of Policy TLR5.

## 8. CONCLUSIONS

8.1 As indicated in the report, the application is considered broadly contrary to the terms of the Development Plan. Therefore it should be refused unless material considerations indicate otherwise.

8.2 As per Section 6 of the report there are material considerations relevant to the application and in this instance due to the unique nature of the site it is considered on balance that these are of sufficient weight to merit the approval of the application.

## 9. RECOMMENDATION

**9.1 It is recommended that the Planning application be approved subject to the conditions indicated on the attached sheet and that the issuing of the Planning Decision Notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal agreement with the applicants in respect of the matters detailed in paragraph 7.1 of the report.**

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

24 July 2006  
(GC/SA/MMM)

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Adopted East Ayrshire Local Plan (2003).
5. Approved Ayrshire Joint Structure Plan (1999).
6. Finalised Ayrshire Joint Structure Plan.
7. Planning Permission 01/0330/FL.
8. Planning Permission 03/0656/FL.
9. Applicant's Supporting Statement.
10. Applicant's Design Statement.
11. SPP3.
12. SPP15.
13. PAN44.
14. PAN72.
15. PAN73.

Anyone wishing to inspect the above papers please contact Gillian Craig, Senior Planning Officer, on 01563 576769.

***Implementation Officer: Dave Morris***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/1249/FL

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Site of Proposal: Howie Animal Feed Grain Mill  
Lochlibo Road  
Dunlop  
KILMARNOCK  
KA15 14H

Nature of Proposal: Proposed Erection of 9 No. Detached  
Dwellings, Alterations to Existing Access,  
Demolition of Existing Mill Buildings and  
Associated Works

Name & Address of Applicant: W &A Developments Ltd  
C/o Keppie Planning Ltd

Name & Address of Agent: Keppie Planning Ltd  
160 West Regent Street  
GLASGOW  
G2 4RL

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DPOs Reference: GC/MMM

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

1. No development shall begin on site (with the exception of site investigation works), until a comprehensive contaminated land investigation has been submitted to, and approved in writing by, the Planning Authority.

The investigation shall be conducted in line with BS10175:2001 code of practice for "the investigation of potentially contaminated sites" and will contain details of proposals to deal with contamination (if present) to include:

- (i) the nature, extent and type(s) of contamination on the site;
- (ii) a site specific risk assessment of all relevant pollutant linkages;
- (iii) remedial measures to treat/ remove contamination to ensure the site is fit for the use proposed; and
- (iv) measures to deal with unsuspected contamination discovered during construction works.

REASON To ensure potential risks arising from previous site uses have been fully assessed.

2. If the contaminated land investigation works are approved under condition 1, prior to any further site works, the developer shall submit a report, confirming that the remedial works have been carried out in accordance with the remediation plans for the prior written approval of the Planning Authority.

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

3. Construction work shall be restricted to the hours of 0800 to 1700 hours Monday to Friday, 0800 hours to 1300 hours on a Saturday and not at all 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.

4. Prior to the commencement of any construction works on site, details shall be submitted of the foul drainage proposals, for the prior written approval of the Planning Authority, thereafter the foul drainage scheme shall be installed on site in accordance with the approved details prior to the occupation of the first dwellinghouse.

REASON To ensure a satisfactory foul drainage system is provided for the development.

5. Before any work commences on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved by the Planning Authority in writing. The Sustainable Urban Drainage System shall thereafter be installed on site prior to the occupation of the dwellinghouses.

REASON To ensure that adequate drainage is provided.

6. Prior to the commencement of works on site, evidence shall be submitted that the developer has reached an agreement with Scottish Water for the provision of a water scheme to serve the development.

REASON To ensure adequate provision of a water supply for the development.

7. Prior to the commencement of works on site, a plan shall be submitted illustrating a suitable means of access along the watercourse for inspection and maintenance purposes and approved in writing by the Planning Authority.

REASON To ensure provision of a suitable inspection and maintenance access along the watercourse is provided.

8. Prior to any construction works on site a tree survey shall be submitted to and approved in writing by the Planning Authority. Thereafter a tree protection plan shall be put in place for trees categorised for retention (BS5837) 2005, prior to the commencement of any construction work.

REASON To protect any trees identified for retention, during the construction phase.

9. Prior to the commencement of any construction works on site, full details of a scheme for both hard and soft landscaping shall be submitted to and approved by the Planning Authority. Said landscaping scheme shall be implemented not later than the next available planting season after the development has been carried out to the satisfaction of the Planning Authority. Any planting removed without the consent of the Planning Authority or seriously damaged at any time thereafter shall be replaced by specimens of the same size and species.

REASON To ensure the provision of an appropriate landscaped area in the interest of residential and visual amenity.

10. Notwithstanding the plans hereby approved details of the proposed street lighting to serve the development shall be submitted to and approved in writing by the Planning Authority.

REASON In the interest of visual amenity.

11. Notwithstanding the plans hereby approved and prior to the commencement of any construction works on site an amended plan shall be submitted to and approved in writing by the Planning Authority to illustrate all gates to private driveways being sited to the rear of the service strip and all hedges adjacent to the service strip on Fulwood Road being set back to ensure a 2 metre wide service strip is retained when the hedge is at mature growth.

REASON In the interest of road safety.

12. Notwithstanding the plans hereby approved the visibility splay areas of 2.5 metres by 150 metres shall be provided, maintained and retained at the junction of the access which serves plots 1, 2, 3, 5, 6, 7, 8 and 9 of the development with the public road with no obstruction to visibility greater than 1 metre in height being allowed within these areas.

REASON To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.

13. Details of the pedestrian link bridge shall be submitted to and approved in writing by the Planning Authority, prior to the construction of the bridge and the occupation of the dwellinghouse on plot 4.

REASON In the interest of residential amenity.

14. Notwithstanding the plans hereby approved the entrance lay-by at plot 4 shall be formed prior to the occupation of the dwellinghouse.

REASON In the interest of road safety.

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.

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

16. All proposed external finishing materials for the dwelling houses shall be in accordance with specifications detailed on the 'House Type' plans hereby approved unless otherwise agreed in writing by the Planning Authority.

REASON In the interest of visual amenity.

17. Notwithstanding the plans hereby approved the flood flow path shall be kept clear of any obstructions and this matter shall be brought to the attention of potential purchasers of the properties.

REASON To safeguard the flood flow path through the site in the interest of residential amenity.

18. Prior to the construction of the dwellinghouses, details of the floor levels of the dwellinghouses shall be submitted to and approved in writing by the planning authority.

REASON To ensure that the floor levels of the dwellinghouses in the vicinity of the upstream culvert have a minimum floor level of 0.3 metres above the highest level of the area of the site that is likely to be affected by overland flow resulting from a blockage of the culvert.

#### NOTES TO APPLICANT:-

1. Demolition of the existing buildings should be undertaken in accordance with the provisions of the relevant Code of Practice. All demolition material should be suitably disposed of and any special wastes (ie asbestos) should be

dealt with in accordance with regulatory requirements and disposed of to licensed landfill authorised for its acceptance.

2. The developer shall ensure that no nuisance is caused to nearby residents from any demolition activities eg. smoke, dust, noise etc.

3. Construction works associated with the development of the site must be carried out with due regard to SEPA's guidelines on avoidance of pollution (PPG1, 5 and 6).

4. The developer shall contact SEPA with regards to the requirement to obtain a waste management license or confirmation of exemption.

5. The removal of waste off site must be in accordance with the waste management regulations and the developer should contact SEPA with regards to the relevant requirements relating to the transport of controlled waste by registered carriers and the furnishing and keeping of duty of care waste transfer notes.

6 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.

7. 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.

8. The developer shall contact Scottish Water Planning and Development Services team for permission to connect to the public water network and to discuss whether the existing water supply may need upgrading in view of the proposed development.

9. The developer shall contact the Council's Roads and Transportation Division with regards to obtaining road construction consent prior to the commencement of the development.

10. The pedestrian link over the watercourse to plot 4 will not be adopted by the Council's Roads and Transportation Division.

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