

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 20 FEBRUARY 2004**

**03/0869/FL: PROPOSED ERECTION OF NEW HOUSING DEVELOPMENT  
COMPRISING 9 TOWN HOUSES, 13 FLATS AND ONE DETACHED HOUSE  
AT ROBERTLAND MILL, DEAN STREET, STEWARTON  
BY SPRINGFIELD HOMES (SCOTLAND) LTD**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 It is proposed to develop the site for residential purposes and erect 9 terraced 3-bedroom dwellinghouses, 13 2-bedroom flats, and a single 4-bedroom detached dwellinghouse, a total number of residential units on the site of 23 (57 bedrooms).

1.2 The site layout comprises 4 key elements. At the northern edge of the site next to the Annick Water, on a west-east axis, a 2 ½ / 3 storey terrace of 4 3-bedroom dwellings is proposed attached to a 3-storey cranked block containing 7 2-bedroom flats. It is proposed that each dwellinghouse will contain an integral garage as well as driveway access to the internal road layout proposed. An access has been shown leading from the proposed new bridge. A car parking area has been shown adjacent to this block containing 8 designated car parking spaces. 7 visitor car parking spaces have been shown near this car park.

1.3 To the south of the aforementioned block, a single 1½ storey 4-bedroom dwellinghouse is proposed at a level elevated above the ground level of the blocks proposed. Landscaping is proposed on the intervening slope. Vehicular access is proposed via the internal road layout.

1.4 Adjacent to the south-west corner of the application site, a 3-storey block containing 6 2-bedroom flats is proposed on a north-south access. A car parking area containing 6 places is proposed adjacent to the southern site boundary with 2 visitor spaces proposed near the main entrance to the block.

#### **2. RECOMMENDATION**

2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet, and that the issue of the decision notice be withheld until the Solicitor to the Council has concluded an

**agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 dealing with the matters itemised in paragraph 8.7 of the Report.**

### **3. CONCLUSIONS**

3.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that, in considering and determining planning applications, regard is to be had to the development plan and the determination shall be in accordance with that plan unless material considerations indicate otherwise.

3.2 As indicated in Section 5 of the Report, the proposed development does not fully accord with the provisions of the development plan in terms of the numbers of residential units proposed and public and private open space provision. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated in Section 6 of the Report, there are material considerations relevant to this application. In arriving at a decision, an assessment requires to be made of whether these material considerations are of sufficient weight to justify a departure from the development plan in this instance.

3.3 On the issue of the number of residential units proposed, the indicative capacity of the site (14) has been exceeded by 9 residential units. However, an examination of the planning history of the site shows that previously approved applications have varied in terms of the number of units proposed (see Section 6 of the Report). Amongst these previous applications, 28 flats were given permission in 1988. It has been noted that the site has remained vacant for a number of years despite previous permissions being issued. The brownfield nature of the site, its constrained location, and the requirement to upgrade the bridge into the site all serve to marginalise the site in terms of viability. Given the levels of the site, the height, form and mass of the buildings proposed, the separation distance from adjacent properties, the brownfield nature of the site and its attendant constraints, it is not considered that the proposal represents an over-development of the site in this instance, and that development in excess of the indicative site capacity can be justified.

3.4 In terms of public and private open space provision, the development is located in close proximity to a large area of open amenity space adjacent to Dean Street and also contains an established footpath route along the Annick Water which the developer proposes to upgrade. Given the extent and location of open space provision in the vicinity of the site, the proposed development is considered satisfactory in terms of public open space provision. The Council's Design Guidance on New Residential Developments states that if it can be demonstrated that the provision of private open space is not reasonably possible

and may prejudice an otherwise acceptable development then the Council may consider waiving this requirement particularly in town centre or brownfield locations. It is noted that the developer has stated that the deficiency in private open space provision is compensated for by the position of the gardens adjacent to the Annick Water, thereby providing a high level of amenity. It is accepted in this case that an exception to private open space can be made on the grounds that this would otherwise prejudice an otherwise broadly acceptable development of the site.

3.5 In terms of design, the buildings proposed are generally considered to be visually interesting and offer a distinctive solution to this brownfield site.

3.6 As is indicated in Section 6 of the Report, there are other material considerations relevant to the application which require to be given due weight in arriving at a decision. With regard to the consultation responses received, it is considered that the matters raised can be dealt with by means of appropriately worded conditions. The representations against the development require to be taken into account in arriving at a decision. It is considered that, on balance, these representations are not of sufficient weight to justify refusal of the application. On balance, it is recommended that the proposed development should be approved subject to the imposition of appropriately worded conditions.

3.7 It is recommended that the proposed development should be approved subject to a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 to include the following obligations on the part of the developer:

#### **Section 75 Agreement**

- (i) The provision of a financial contribution of £5000 towards the Council's sports, leisure, and recreation fund; and
- (ii) The provision and ongoing maintenance of a surfaced footpath, street furniture, and landscaping within the application site.

#### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee because such a decision would not represent a substantial departure from Council policy.

**Alan Neish**  
**Head of Planning and Building Control**

**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

NORTHERN AREA LOCAL PLANNING COMMITTEE: 19 MARCH 2004

**03/0869/FL: PROPOSED ERECTION OF NEW HOUSING DEVELOPMENT  
COMPRISING 9 TOWN HOUSES, 13 FLATS AND ONE DETACHED HOUSE  
AT ROBERTLAND MILL, DEAN STREET, STEWARTON  
BY SPRINGFIELD HOMES (SCOTLAND) Ltd**

### Report by Head of Planning and Building Control

#### 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 the nature and scale of the proposed development and also as the application is subject to objections.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The site extends to approximately 0.64 hectares and lies on the eastern side of the Annick Water. The site was formerly occupied by industrial buildings which were demolished over 12 years ago. The site has remained vacant since this time and has been colonised by some small trees and scrub vegetation. The site is relatively low-lying in comparison with surrounding development, climbing towards the eastern edge which slopes up to the existing dwellings which are elevated. The lower part of the site contains some small hummocks of vegetated spoil.

2.2 Current access to the site is from Dean Street via a narrow bridge over the Annick Water. Access to the adjacent Riverford Mill site is taken at the junction prior to the bridge from Dean Street. An unsurfaced access track to the adjacent dwellings forks within the site, with access to the 3 dwellings to the south-east of the site taken via the northernmost track.

2.3 A Tree Preservation Order (Ref No TPO 18/1985) is extant in the grounds of Annick Rise and covers a defined group of trees consisting of Lime, Birch, Sycamore, Larch, Ash, Scots Pine, and Spruce. These trees lie within the area of land adjacent to the south-western corner of the application site. A footpath is located adjacent to the river where an existing informal established right of way currently lies.

2.4 **Proposed Development:** It is proposed to develop the site for residential purposes and erect 9 terraced 3-bedroom dwellinghouses, 13 2-bedroom flats, and a single 4-bedroom detached dwellinghouse, a total number of residential units on the site of 23 (57 bedrooms).

2.5 The site layout comprises 4 key elements. At the northern edge of the site next to the Annick Water, on a west-east axis, a 2 ½ / 3 storey terrace of 4 3-bedroom dwellings is proposed attached to a 3-storey cranked block containing 7 2-bedroom flats. It is proposed that each dwellinghouse will contain an integral garage as well as driveway access to the internal road layout proposed. An access has been shown leading from the proposed new bridge. A car parking area has been shown adjacent to this block containing 8 designated car parking spaces. 7 visitor car parking spaces have been shown near this car park.

2.6 To the south of the aforementioned block, a single 1 ½ storey 4-bedroom dwellinghouse is proposed at a level elevated above the ground level of the blocks proposed. Landscaping is proposed on the intervening slope. Vehicular access is proposed via the internal road layout.

2.7 Adjacent to the south-west corner of the application site, a 3-storey block containing 6 2-bedroom flats is proposed on a north-south access. A car parking area containing 6 places is proposed adjacent to the southern site boundary with 2 visitor spaces proposed near the main entrance to the block.

2.8 2 metres to the north of this block, 5 3-bedroom dwellings in a 2½ / 3 storey terrace are proposed, again on a north-south axis. It is proposed that each of these dwellinghouses will contain an integral garage as well as a driveway access to the internal road layout .

2.9 In terms of finishes, it is proposed to finish all the buildings with grey concrete roof tiles, and white render and stone walls. Balcony railing details have been provided on all elevations facing the Annick Water. The access into the site has been shown to be widened to 5.5 metres with a new bridge proposed over the Annick Water. Indicative traffic calming measures have been shown along Dean Street and at the junction of the access with Dean Street. The pedestrian link from the bridge along the river to the Springwell Place bridge is proposed to be surfaced and the applicant has indicated that two seating areas will be involved adjacent to the footpath.

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

3.1 East Ayrshire Council's Roads and Transportation Division has stated, in relation to the amended plans, that the following issues remain to be addressed:-

- i. The traffic calming requires a second speed table on Dean Street in addition to the table at the road junction. The locations are necessary now as they will be subject to Road Humps legislation;
- ii. The footway over the new bridge is to be placed on the west side, not the east as indicated. A service strip will be required on the east side;
- iii. The submission also indicates a stone parapet on the new bridge. This may not be provided if the structural requirements are not achieved;
- iv. The footpath along the Annick Water, indicated as public, is not currently adopted by the Roads Division. If it is proposed to be adoptable, it would have to be extended to the existing public footway at Robertland Rigg.
- v. No details of the SUDS have been provided.

***Noted. These matters can be dealt with by means of appropriately worded conditions, should planning permission be granted.***

3.2 East Ayrshire Council's Education and Social Services Department has no specific objections to the proposed development. However, additional residential developments in the Stewarton area may produce pressures in relation to the school facilities on Stewarton which currently struggle to accommodate people from the existing catchment area. It should be noted that no guarantee can be given that school-aged children will be accommodated at Nether Robertland and Lainshaw Primary Schools and Stewarton Academy in the future. Should this occur, the Education Authority would require to maintain its statutory duties by redirecting pupils to alternative provision.

***Noted.***

3.3 Scottish Power has stated that it has no objection to the proposed development provided that the works proposed do not interfere with their cables and apparatus located within the area of the proposed works.

***Should planning permission be granted, appropriately worded notes can be attached to make the applicant aware of the position of Scottish Power apparatus within and adjacent to the application site.***

3.4 Transco has forwarded a copy of its record plan showing the location of their plant and has recommended that the applicant contact their Glasgow operations office prior to the commencement of works on site.

***Noted. A copy of the Transco consultation response can be forwarded to the applicant and an advisory note attached to any decision notice issued.***

3.5 The Coal Authority has not identified any instability issues which would affect the determination of this planning application.

**Noted.**

3.6 Scottish Water and The West of Scotland Archaeology Service have not responded to the consultation letters sent.

**Noted.**

3.7 The Scottish Environment Protection Agency (SEPA) has commented that all foul drainage from the site should be connected to the public sewer. We would however seek written assurance from Scottish Water that the additional flow arising from this development will not cause or contribute to the premature operation of consented storm overflows and that sufficient capacity exists in the receiving sewerage treatment works.

***In the absence of a response from Scottish Water, it is recommended that the developer makes early contact with Scottish Water to ensure that the drainage arrangements proposed from the development are to Scottish Water's satisfaction prior to the commencement of works on site. An appropriately worded note to the applicant can be applied in this respect.***

3.8 It is possible that previous uses at the site as a mill may have resulted in land contamination although no details have been received relating to the site history or its condition. In addition, any planning permission granted should include a condition requiring the applicant to treat surface water from the site in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland, which was published by CIRIA in March 2000. The design of the drainage system will be site specific and will be dependent upon the contaminants at the site, the remediation strategy and the risks posed by any residual contamination, in addition to the normal design considerations. We would request that a drainage strategy is forwarded to SEPA prior to planning permission being granted.

***Noted. This Division would agree with the imposition of an appropriately worded condition attached to any planning permission issued, to ensure site investigation prior to development commencing. This will of course also be covered by the submission of a Building Warrant. In order to fully address SEPA's comments regarding SUDS, it is recommended that an appropriately worded condition should be attached to any planning permission granted. Such a condition would require the use of a SUDS arrangement to deal with surface water run-off, and the submission of details.***

3.9 The applicant should be aware of the increased risks of pollution to the Annick Water during the construction phase of the development, in particular the construction of a proposed new bridge over the river. The developer should follow the advice provided in Pollution Prevention Guidelines 5 and 6. The developer should contact SEPA directly prior to construction to agree a method statement which will outline the detailed measures to be taken to ensure no pollution occurs in the river during these works.

***Noted. A copy of the SEPA Guidelines can be forwarded to the applicant and an advisory note attached to any decision notice issued.***

3.10 Scottish Natural Heritage (SNH) has raised no objection to the proposed new residential development. If tree felling is involved then the possible presence of bats should be investigated prior to development. All bat species are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994. If the presence of bats or other legally protected species is found at this site, SNH should be consulted on these findings as a licence to disturb protected species would be required from the Scottish Executive.

***The proposed development does not involve the felling of any significant trees within the application site. An appropriately worded note can be attached to any planning permission granted to make the applicant aware of the current situation regarding legally protected species.***

3.11 The proposed development is adjacent to the Annick Water and SNH would recommend that standard conditions are attached to any grant of permission to ensure that there are no incursions into the river during construction.

***Noted. Appropriately worded conditions can be attached to safeguard the Annick Water during construction, should planning permission be granted.***

3.12 The Scottish Wildlife Trust (SWT) has no objections to the development. SWT has also recommended that the developer, Community Council, anglers organisations, Scottish Water and other interested parties be invited to come together to look at ways in which the river, banks and environs can be improved. Amongst others, the amenity value and wildlife benefits should be considered in such an initiative. Significant benefits to Stewarton and the River Annick could result. It would seem to be a reasonable proposal that the developer be expected to commit funds to such a project as part of the conditions of the application.

***The proposal as submitted does bring significant benefits to this site. The developers intentions with regard to the riverbank area are stated in Section 6.17 of the Report. This Division would welcome a pro-active approach to the riverbank area.***

3.13 Stewarton and District Community Council has objected to the proposed development and has made the following comments :-

3.14 Block 1 is shown to be 4 storeys high with Blocks 2 and 3 being 3 storeys. The Community Council consider that Block 1 should also be 3 storeys and as such would not dominate this small site or the surrounding area. At 4 storeys high this block of housing would also be dominant in the view from the existing houses around and behind the site.

***The amended plans received by the Planning Authority show an amended design to Block 1 to 3 storeys.***

3.15 It is noted that a new bridge and road junction will be created to Dean Street and while this is welcomed it is anticipated that the configuration of Dean Street in relation to the improved junction will also be taken into account.

***See comments provided in Paragraph 3.1 of the Report.***

3.16 The site overlays a long-standing Right of Way and the proposal to do away with this local amenity must be regarded seriously. The loss of other Rights of Way in and around the town has been deprecated in the past but nothing has been done by East Ayrshire Council to redress these “taken overs”. East Ayrshire Council have a section/team who are responsible for Rights of Way and the Community Council is also a member of the Scottish Rights of Way. The site plan shows a public pathway running round the riverbank boundary – is this provision a salve to the intended “take over” of the existing Right of Way?

***There are no formally committed Public Rights of Way within or across the site. The proposals include a public footpath extending along the west of the site to the new bridge. See comments provided in Paragraph 3.1 of the Report.***

3.17 The Local Plan indicates 14 houses for the site. The developer proposes 24 – this should be considered over-development as it introduces large blocks of flats into a small rural environment.

***The site has been identified in the Local Plan as a site suitable for residential development with an indicative capacity of 14 residential units. Following amendments, 23 residential units are proposed. Scrutiny of the planning history of the site shows that previously approved applications have varied in terms of the number of units***

***proposed; 14 houses were approved in 1994 and, prior to that, 28 flats in total were consented in 1988 (see Section 6 of the Report). Given the levels of the site, the height and mass of the buildings proposed, the separation distance from adjacent properties, and the brownfield nature of the site and its attendant constraints, it is not considered that the proposal represents an over-development of the site in this instance.***

3.18 Information gained advises that a previous application for the site area was refused.

***The Planning history of the site has been summarised in Section 6 of the Report.***

#### **4. REPRESENTATIONS**

In addition to the representations received from Stewarton and District Community Council, 7 representations have been received summarised below :-

4.1 Creating 14 flats, 9 town houses and 1 detached house in such a small area will have an overbearing and overcrowding effect on our property and the properties of our two neighbours.

***See comments provided in Paragraphs 3.14 and 3.17 of the Report.***

4.2 The creation of so many properties including the four storey flats will have a considerable detrimental effect on the privacy enjoyed by our property and our neighbour's properties. The height of these properties, in particular the four storey flats, will have a detrimental effect on the amount of daylight and sunshine into our house. We feel that this is too excessive and creates problems for us with, among other things, amenity and overdevelopment.

***The amended plans submitted have revised the design of Block 1, altering its height from four storeys to three storeys. Due to the aforementioned degree of separation between the proposed and existing properties and the significant change in levels between these properties, it is not considered that privacy would be materially affected. The proposed development lies predominantly to the north of the existing properties and it is not considered that levels of daylight or sunlight will be materially affected by the proposed development.***

4.3 The proposal will create access problems. The plans show that a current access road that is in daily use by Rosemount and Annick Rise and the postal service will be blocked by the creation of car parking areas for the new properties

in Block 2 on the proposed site plan. Blocking this access road will make it impossible for emergency services such as fire engines to attend Rosemount, Annick Rise or the back area of Alpine as there is no place for them to turn around or reverse at the top of the hill.

***East Ayrshire Council Roads and Transportation Division have not objected to the proposed development. The amended proposal retains a readily available access to the existing dwellings to the rear (south-east) of the site.***

4.4 The addition of 24 new residences will cause congestion at the junction of Robertland Mill, Wylie Place and Dean Street.

***East Ayrshire Council's Roads and Transportation Division have raised no objections to the use of this junction, subject to alterations including traffic calming and the formation and maintenance of visibility splays. It is not considered that the use of the access proposed will give rise to congestion problems.***

4.5 The proposed development will have a detrimental effect on the trees and the natural environment of Annick Water. We believe that there are trees in this area that are the subject of Tree Preservation Orders.

***The application site is a brownfield, former industrial, site which has been colonised by some small trees and scrub vegetation. SNH and the SWT have not objected to the proposed development. Additionally, a high amenity landscaping scheme would be made a condition of any planning permission issued. A Tree Preservation Order (Ref No TPO 18/1985) is extant in the grounds of Annick Rise and covers a defined group of trees consisting of Lime, Birch, Sycamore, Larch, Ash, Scots Pine, and Spruce. Whilst these trees do not lie within the application site, care requires to be taken during construction to avoid damage to root systems.***

4.6 The construction in front of the Rosemount property may also affect the root system of the trees on the property border which would cause great concern to us as our home is directly below these mature trees.

***Noted. Whilst works on the property boundary mentioned do not involve substantial excavation, the developer should take care during construction works to avoid damage to existing roots should planning permission be granted. A planning condition attached to any consent will address this issue.***

4.7 The access to our property is over the small bridge over the Annick Water. This bridge has no sign indicating the load that it will bear. We are concerned

that it would be dangerous for heavy equipment to be brought over this bridge. We believe that it is imperative that the bridge is upgraded before any development involving heavy vehicles commences. Gas and water pipes also run under this small bridge. We are worried that heavy vehicles using this bridge may damage these pipes.

***Noted. Prior to the commencement of works on site, the applicant will require to submit finalised details of the proposed bridge including a method statement and an engineers statement to demonstrate the bridge(s) would be capable of coping with the loadings involved during the construction phase of the application.***

4.8 We are also concerned that the building work causes a threat to our supplies of water, gas, electricity, and telecommunications. The utilities for all three properties run from the main street under the ground that is being developed. We have already suffered when the mains water supply of all three properties was cut off for thirty-six hours because of soil testing carried out by a negligent sub-contractor of Springfield Homes. No compensation has been offered for the disruption of a vital facility.

***Noted. It is understood that construction works within the site will require to accord with the standards set by the Health and Safety Executive. The applicant can be further advised of their concerns by a note attached to any planning permission issued.***

4.9 The proposed development site encompasses an area of 1.5 acres. The proposed development includes 24 dwellings of 2, 3, and 4 bedrooms (approximately 60 bedrooms in total). The information also indicates 20 visitor car parking spaces and parking for all dwellings. We have serious concerns about overcrowding and traffic issues based on these figures.

***See comments provided in Paragraphs 4.1, 4.2, and 4.4 of the Report.***

4.10 A development of this size on a relatively small area of land will impact on the quality of life and privacy of the surrounding properties and although it may reflect a style which once existed on this site, it is not in keeping with existing residential properties within the township of Stewarton.

***See comments provided in Paragraph 4.2 of the Report. It is considered that the design proposed is acceptable for the site, and will indeed comprise an attractive and imaginative development once established and fully landscaped. The use of appropriate local architectural cues and finishes should be noted. In considering the merits of the design of the development, consideration also requires to be paid to the former use of the site, the existing condition of the site, and the elevated nature of the surrounding development.***

4.11 There is an East Ayrshire Council Preservation Order in existence applying to all trees on the property belonging to Annick Rise. Situated along the boundary of Annick Rise and Robertland Mill are 13 lime trees with extensive root systems. Building work must be sympathetic with the protection of these trees.

***See comments provided in Paragraphs 4.5 and 4.6 of the Report.***

4.12 We are keen to see the area known as Robertland Mill developed but feel that the existing plans indicate a development that is both unsympathetic to the surrounding environment and its adjoining properties and unsuitable for the proposed location.

***See comments provided in Paragraphs 4.2 and 4.10 of the Report.***

4.13 Another development especially in a small confined area is not acceptable. The proposed site not only would need a new bridge to access it but would also cause more problems on a stretch of road already congested at that point by parked cars, the hotel car park, and a very busy junction. That same bit of road is not far from the point where many school children cross the road to get to school.

***See comments provided in Paragraphs 3.1 and 4.4 of the Report. It is considered that the traffic calming proposed will improve road and pedestrian safety in the locality by lowering traffic speeds.***

4.14 The proposed development site at present is used by my children as well as many others as the route to school each day, which I thought was a right of way along the whole stretch of the river which is also used by many dog walkers as places to walk in Stewarton are now getting few and far between.

***See comments provided in Paragraphs 3.1 and 3.16 of the Report.***

## **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).

5.2 The Adopted East Ayrshire Local Plan was prepared, and later formally adopted by the Scottish Ministers in 2003, in the context of the Ayrshire Joint Structure Plan. The proposed development does not constitute a planning application which individually or cumulatively raises issues of more than local

significance. As a consequence, there are no structure plan policies directly relevant to this proposal. Consequently, the proposed development falls to be considered in terms of the Policies RES 1, RES 19, RES 21, RES 22, ENV 7 and TLR 5 contained within the adopted East Ayrshire Local Plan.

### East Ayrshire Local Plan

5.3 The application site is located within a part of Stewarton identified as a development opportunity for residential purposes. The identified area (183H) covers a total area of 0.62 hectares with an indicative capacity of 14 houses.

5.4 Policy RES 1 states that the Council will encourage and support the residential development of those Development Opportunity Sites identified for housing purposes on the individual Local Plan maps. The sites identified will be reserved for residential and associated recreational and amenity open space development.

***Residential development within this site is acceptable in principle. As 23 residential units are proposed the development exceeds the indicative figure set within the Local Plan for the site. That figure however is not intended to be prescriptive and requires to be considered against other policies in the Local Plan which require public and private open space standards to be met as well as securing an alternative development. Where such standards are obtainable and other amenity issues are acceptable, it may be that the actual number of units capable of being accommodated on a site exceeds the indicative figure.***

5.5 Policy RES 19 states that the Council will require all housing developers to provide areas of recreational and amenity open space as an integral part of their development proposals and to make provision for the future maintenance of these areas, once formed, to the satisfaction of the Council. Developers will be expected to pay due regard to the indicative basic standards set out in Schedule 3 of the Local Plan in preparing their proposals, although the precise type, size, location and design of the open space will be dependent on the extent of existing open space provision in the vicinity and the recreational and amenity needs of the wider area.

5.6 Policy RES 21 states that where a development is proposed which would necessitate the provision of open space and that development is located adjacent or in close proximity to an area of existing open space in need of upgrading or improvement, the Council may, as an alternative to providing new open space areas, require the developer through an appropriate Section 75 Agreement to upgrade and improve the existing open space area and provide for the maintenance of that area for a specified period to be agreed. Provision of

public open space where less than 30 dwellinghouses are proposed is at the discretion of the Council; 23 units are proposed in this instance.

***A level of public open space consistent with the number of residential units would be in the order of 690 square metres. The proposed riverside footpath improvements cater for the recreational and amenity needs of the wider area. Additionally, a significant amount of public open space is located in close proximity to the site, on Dean Street, and the development is for less than 30 units. It is therefore considered that the proposed development brings significant recreational and amenity benefits.***

5.7 Policy RES 22 states that all developers will require to observe the minimum private open space criteria and standards detailed in Schedule 4 of the Local Plan. The standards quoted may however, be relaxed at the discretion of the Council in respect of the conversion of existing properties to flats where the case for such a relaxation can be fully justified by the developer and where considered appropriate by the Planning Authority.

***The proposal fails to meet the private open space standards specified in the Local Plan. Block three has a typical rear garden ground area of only 45-50 square metres per dwelling. The minimum amount set out in Schedule 4 of the Local Plan is 70 square metres for terraced dwellings. Block one also fails to meet the 70 square metre minimum. No open space is shown specifically attached to the flats.***

5.8 Policy ENV 7 states that all developers will be expected to comply fully with the Council's existing and emerging Design Guidance and Policy documents relating to and advising on the particular type of development proposed. The policy also states that developments which do not meet the required design standards detailed in these documents will require to be fully justified and may not be supported by the Council.

***The design of the proposed development is generally considered to be of merit. Discussions with the applicant have resulted in a design that is compatible with the local vernacular and visually interesting. The whole site requires to be landscaped to a high standard to ensure it is in keeping with its waterside location. Appropriately worded suspensive conditions can be attached to ensure good quality indigenous landscaping is incorporated within the site, should planning permission be granted.***

5.9 Policy ENV 17 states that in areas that are known to have flooded in the past, a precautionary approach to development will be pursued. The Council will require any developer wishing to develop land that has been known to flood in

the past to fully investigate the implications of flood risk on their proposals and on adjoining land and property. Appropriate flood prevention measures should be incorporated into the design of their proposals so as to remove or reduce to an acceptable minimum, any adverse effects from flooding that may be experienced. The Council will consult with the Scottish Environment Protection Agency on any development proposals in areas of known flood risk in terms of the SEPA/Planning Authority Protocol on Flooding Issues and will expect developers to enter into agreements with the Council under Section 75 of the Town and Country Planning (Scotland) Act 1997, to provide and finance any necessary flood prevention infrastructure that may be required in association with their proposed developments.

***Whilst the site is not known to have a history of flooding, the Flood Risk Assessment submitted by the applicant confirms that the development is not anticipated to be at risk from flooding.***

5.10 Policy ENV 18 states that in cases where a development is proposed on land which is known or suspected to be contaminated, the Council will require the developer to investigate and identify the nature of the contamination and detail the remedial measures to be undertaken to treat or remove the contamination, as an integral part of any submitted planning application. In this regard, developers will be required to carry out a Risk Assessment of the development site as detailed in PAN 33 (revised 2000): Development of Contaminated Land, Annex 1.

***The Division considers that the concerns about contamination can be addressed by a condition requiring a site investigation prior to the commencement of development.***

5.11 Policy TLR 5 states that the Council will request all potential developers of residential sites comprising four or more houses, to 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 the development relates. Contributions will be at a level to be agreed by the Council, based on the expected number of houses and the level of need in a particular area for particular facilities.

***The developer has been requested to agree to a financial contribution under the terms of Policy TLR5. The applicant has stated that they are willing to provide a sum of £5000 to the Council, citing other benefits of the scheme including the bridge, seating along the river, footpath works, and environmental improvements. This sum requires to be formalised by means of a Section 75 legal agreement under the terms of the Town and Country Planning (Scotland) Act 1997.***

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

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses, the representations received, the planning history of the site, the flood risk assessment submitted by the applicant, and the supporting statement submitted on behalf of the applicant.

### Consultation Responses

6.2 The consultation responses do not indicate that the application should be refused.

### Representations

6.3 It should be noted that some of the points of objection can be addressed by the imposition of appropriately worded conditions should planning permission be granted for the proposed development. Other points of objection are not material to the determination of this application. On balance, it is considered that the outstanding valid points of objection are not of sufficient weight to justify refusal of the application.

### Planning History

6.4 KL/W/79/344: Planning permission was granted on 21 March 1980 for the change of use from an existing factory building to form a dwellinghouse adjacent to the current application site. This dwellinghouse ('Alpine') is located adjacent to the site.

6.5 KL/W/79/344B: Planning permission was granted on 19 December 1988 for the proposed conversion of Robertland Mill into 13 flats, the new building of 15 flats and 100% car parking provision.

6.6 KL/W/LB/344C: Listed Building Consent was granted on 6 February 1989 for the proposed demolition of outbuildings to Robertland Mill and the existing vacant factory.

6.7 KL/W/79/344D: Planning permission was granted on 13 February 1990 for the erection of 5 flats at the Robertland Mill site.

6.8 KL/W/79/344E: An application for Listed Building Consent to demolish a former industrial building within the site was withdrawn on 26 November 1991 due to the fact that the building was not, in fact, listed and therefore Listed Building Consent was not required for its demolition.

6.9 KL/W/LB/79/344F: Listed Building Consent was granted retrospectively on 19 March 1992 for the complete demolition of Robertland Mill. The building in

question was demolished in October/November 1991 following the serving of a Notice under Section 13 of the Building (Scotland) Act 1989 requiring its demolition or repair as a result of the danger posed to the public by the condition of the building.

6.10 KL/W/FL/79/344G: Planning permission was granted on 30 November 1994 for the erection of 14 private dwellinghouse consisting of 10 semi-detached houses and 4 cottage flats at the former Robertland Mill site.

6.11 KL/W/OL/79/344H: Outline planning permission was granted on 9 March 1995 for the erection a dwellinghouse on the part of the application site which corresponds to the location of the proposed single dwellinghouse. This permission was subject to a condition limiting any dwelling on the site to one or one-and-a-half storey only, with not less than 100 square metres of secluded garden area.

### Flood Risk Assessment

6.12 A Flood Risk Assessment Report has been submitted by a suitably qualified chartered civil engineer, the conclusions of which have been summarised as follows :-

6.13 A numerical model of a 240 metre length of the Annick Water where it fronts the brownfield site at Robertland Mill now proposed for residential development has been used to estimate water levels likely in the reach during a flow with a return period of 200 years (0.5% chance of occurrence in any year), including allowance for climate change.

6.14 The results from the model suggest that only a small part of the site upstream of the present access bridge is at any significant risk of flooding, with the greater part of the site being above the design water level. It is suggested that the at risk land be raised by infilling to allow minimum house design levels to be achieved. A minimum freeboard of 0.7 metres above the predicted 70 cumecs water level is suggested. As a guide the following minimum design levels are suggested: upstream end of site, 92.2 metres; middle of site, 91.9 metres; downstream end of site, 91.0 metres. It is suggested that where required existing ground levels be raised by infilling, with house floor levels being 0.3 metres above surrounding ground levels. Surrounding ground should always slope away from buildings and care should be taken to avoid depressions into which water could run or which would result in water ponding against buildings.

6.15 As an additional factor of safety, it is suggested that a small mound or bank be formed along the river frontage upstream of the access bridge. This could have a crest level about 1 metre above the 70 cumecs water level. The mound is not the method of flood defence, and is suggested only to increase the

factor of safety above the 200 year (0.5% chance in any year) extreme event water level.

6.16 It is considered that for all practical purposes the Robertland Mill site does not form part of the functional floodplain of the Annick Water and that as such its redevelopment for housing will not increase the flood risk to other property.

***The development is proposed such that these recommended levels are adhered to.***

#### Design statement

6.17 In support of the application, the applicant has submitted comments within a Design Statement, as an attempt to illustrate the design principals used by the applicant's architect:-

*"The site is a 'brownfield' site which originally housed 'Russell's Works' and David Sim & Co, industrial units of the once flourishing bonnet industry of Stewarton. The scale of the units were 3 industrial storeys 14 metres in height and the site coverage intense. It is approximately 12 years since their demolition leaving the site vacant. The main obstacle in development was the requirement for a new access bridge, a cost constraint which has only been lessened by the present day housing demand which can withstand a major on cost. Hopefully this market continues to permit the project.*

*At an initial meeting with the Roads Department it was indicated that a new bridge was imperative and to be erected adjacent to the existing. Although the road from the bridge would primarily serve the proposed housing it had to include three existing houses which to date only have access over rough land. The road network will be to adoptable standard. In general terms, with the creation of a new bridge the whole road network around the new junction will be upgraded and traffic calming introduced on Dean Street which will benefit the whole area.*

*The pedestrian requirements other than to the houses indicated the necessity of a link from the new bridge to the river walkway to the Springwell Place bridge. This will be provided along the riverbank and includes two seating areas for the public.*

*The Annick Water provides a major feature for the new housing. Consequently the river will be returned to its natural state with all rubbish and debris removed and the riverbanks upgraded. The local angling club will be consulted on this matter.*

*Historically the building scale was large and to that extent it is essential that an urban rather than suburban scale be employed to relate to Stewarton itself. The creation of a 'plotted' or 'two storey' spec development must be avoided. Market research has indicated a demand for flats which permits a 3/4 storey development. A 3 storey unit would create a 12 metre building height which would achieve the desired scale, relating to the original Mill buildings. The concept of three storey housing is obtained by 'Town House' design. Although primarily a city concept it has been indicated as being potentially successful in this Stewarton location.*

*The low lying nature of the site permits a development scale of 3/4 storey in relation to the townscape outwith the site as the backdrop of Robertland Hill prevents the creation of a silhouette. Even within the site, the increased elevation of the three existing houses gives a satisfactory relationship to the proposals. In general the site is well screened by the existing trees and its position creates a somewhat exclusive area.*

*There is a slight departure from the design guide of the Council's 'Greenfield Policy' on amenity space but the benefits produced by the sites surroundings compensates for a shortfall. In particular the town-houses do not demand garden space, however the garden patios are acceptable and together with the Annick Water does provide a pleasant amenity.*

*The architecture of the development incorporates features from the Stewarton and Scottish character with the balconies and garage features reflecting an industrial respect in sympathy with the sites origin.*

*In conclusion, I believe that the development offers a high standard of design and use of quality materials which will result in a positive contribution to the townscape of Stewarton. Springfield Homes are the owners of the adjacent Riverford Mill site and it is their intention to submit proposals in the near future. The completion of both sites should enhance an area of Stewarton that has required attention for a number of years".*

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

7.1 Financial implications will arise for the Council given that an area of land required to facilitate road-widening near the junction with Dean Street is within the ownership of the Council.

7.2 Legal implications will arise through the requirement for a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997, with regard to the requirements contained within Section 8.7 of this report.

## **8. CONCLUSIONS**

8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that, in considering and determining planning applications, regard is to be had to the provisions of the development plan and the determination shall be in accordance with that plan unless material considerations indicate otherwise.

8.2 As indicated in Section 5 of the Report, the proposed development does not fully accord with the provisions of the development plan in terms of the numbers of residential units proposed and public and private open space provision. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated in Section 6 of the Report, there are material considerations relevant to this application. In arriving at a decision, an assessment requires to be made of whether these material considerations are of sufficient weight to justify a departure from the development plan in this instance.

8.3 On the issue of the number of residential units proposed, the indicative capacity of the site (14) has been exceeded by 9 residential units. However, an examination of the planning history of the site shows that previously approved applications have varied in terms of the number of units proposed (see Section 6 of the Report). Amongst these previous applications, 28 flats were given permission in 1988. It has been noted that the site has remained vacant for a number of years despite previous permissions being issued. The brownfield nature of the site, its constrained location, and the requirement to upgrade the bridge into the site all serve to marginalise the site in terms of viability. Given the levels of the site, the height, form and mass of the buildings proposed, the separation distance from adjacent properties, the brownfield nature of the site and its attendant constraints, it is not considered that the proposal represents an over-development of the site in this instance, and that development in excess of the indicative site capacity can be justified.

8.4 In terms of public and private open space provision, the development is located in close proximity to a large area of open amenity space adjacent to Dean Street and also contains an established footpath route along the Annick Water which the developer proposes to upgrade. Given the extent and location of open space provision in the vicinity of the site, the proposed development is considered satisfactory in terms of public open space provision. The Council's Design Guidance on New Residential Developments states that if it can be demonstrated that the provision of private open space is not reasonably possible and may prejudice an otherwise acceptable development then the Council may consider waiving this requirement particularly in town centre or brownfield locations. It is noted that the developer has stated that the deficiency in private open space provision is compensated for by the position of the gardens adjacent

to the Annick Water, thereby providing a high level of amenity. It is accepted in this case that an exception to private open space can be made on the grounds that this would otherwise prejudice an otherwise broadly acceptable development of the site.

8.5 In terms of design, the buildings proposed are generally considered to be visually interesting and offer a distinctive solution to this brownfield site.

8.6 As is indicated in Section 6 of the Report, there are other material considerations relevant to the application which require to be given due weight in arriving at a decision. With regard to the consultation responses received, it is considered that the matters raised can be dealt with by means of appropriately worded conditions. The representations against the development require to be taken into account in arriving at a decision. It is considered that, on balance, these representations are not of sufficient weight to justify refusal of the application. On balance, it is recommended that the proposed development should be approved subject to the imposition of appropriately worded conditions.

8.7 It is recommended that the proposed development should be approved subject to a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 to include the following obligations on the part of the developer:

### **Section 75 Agreement**

- (i) The provision of a financial contribution of £5000 towards the Council's sports, leisure, and recreation fund; and
- (ii) The provision and ongoing maintenance of a surfaced footpath, street furniture, and landscaping within the application site.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet, and that the issue of the decision notice be withheld until the Solicitor to the Council has concluded an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 dealing with the matters itemised in paragraph 8.7 of the Report.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application

will not require to be referred to the Development Services Committee because such a decision would not represent a substantial departure from Council policy.

**Alan Neish**  
**Head of Planning and Building Control**

10 March 2004  
(RD/MMM)

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).
7. Planning Application Reference No: KL/W/79/344.
8. Planning Application Reference No: KL/W/79/344B.
9. Listed Building Consent Reference No: KL/W/LB/344C.
10. Planning Application Reference No: KL/W/79/344D.
11. Listed Building Consent Reference No: KL/W/79/344E.
12. Listed Building Consent Reference No: KL/W/79/344F.
13. Planning Application Reference No: KL/W/FL/79/344G.
14. Outline Planning Application Reference No: KL/W/OL/79/344H.
15. Tree Preservation Order Reference No: TPO 18/1985.

Anyone wishing to inspect the above background papers should contact Robert Duncan on 01563 576 790.

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

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

Ref No: 03/0869/FL

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Site of Proposal:	Robertland Mill Dean Street STEWARTON
Nature of Proposal:	Proposed Erection of New Housing Development Comprising 9 Town houses, 13 Flats and One Detached House
Name & Address of Applicant:	Springfield Homes (Scotland) Ltd c/o R L Dunlop The Gables 6 Symington Road South Symington KILMARNOCK KA1 5PY
Name & Address of Agent:	R L Dunlop The Gables 6 Symington Road South Symington KILMARNOCK KA1 5PY

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DPOs Reference: RD/MMM

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

1. Apart from where the conditions listed below require otherwise, the proposed development shall be carried out in accordance with the application form received on 30 September 2003 and the stamped approved and amended plans.

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

2. Notwithstanding the terms of Condition 1 above, prior to the commencement of works on site, samples of all materials to be used for the external finishes of the buildings and surfaces of the internal access road and car parking spaces shall be submitted to and approved in writing by the Council as Planning Authority and thereafter implemented as approved.

REASON To ensure that full details of all the external finishes of the buildings and internal road and car parking spaces including colours, are agreed.

3. Notwithstanding the terms of condition 1 above, prior to the commencement of works on site, a Report describing soil and ground conditions throughout the site shall be submitted to and approved in writing by the Planning Authority. This Report shall include details of the nature, concentration and distribution of any contaminants and indicate how any such contaminants will be treated to render the site safe for development.

REASON To ensure that the ground is stable, suitable for development and free from contamination.

4. Notwithstanding the terms of condition 1 above, prior to the commencement of works on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved in writing by the Council as Planning Authority. Prior to the occupation of any flats or dwellinghouses within the site, the SUDS arrangement approved under the terms of this condition shall be installed and fully operational.

REASON To ensure for the provision of adequate surface water drainage within the site.

5. External construction works shall take place only between the hours of 8.00 am and 6.00 pm, Monday to Friday, and between the hours of 9.00 am and 5.00 pm on Saturday. No such works shall be undertaken at any time on Sunday.

REASON In the interests of the residential amenity of the surrounding area.

6. Notwithstanding the terms of condition 1 above, a high quality landscaping scheme shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any development, and shall be implemented as approved not later than the next appropriate planting season after the development has been carried out. The scheme shall include details of the means by which the landscaping is to be maintained thereafter.

REASON To ensure that adequate landscaping is provided within the site and that it is subsequently maintained, in the interests of residential and visual amenity.

7. Notwithstanding the terms of condition 1 above, prior to the occupation of any of the dwellings or flats to which they relate, the internal road layout and vehicle car parking spaces shall be provided and operational, in accordance with the approved plans to the satisfaction of the Council as Planning Authority.

REASON To ensure appropriate car parking facilities are available within the site for incoming residents.

8. Notwithstanding the terms of condition 1 above, details of the location, design, and finishes of all bin stores to be erected on the site shall be submitted to and approved in writing by the Council as Planning Authority before any development commences on the site. These details shall take cognisance of the Councils intention to utilise separated bins in the interests of recycling and shall be implemented prior to the occupation of any flats to which they relate.

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

9. Notwithstanding the terms of condition 1 above, prior to the start of any decontamination works required under the terms of condition 3, the Planning Authority shall be given a minimum of 7 days notice.

REASON To provide the Planning Authority with adequate notice to arrange the monitoring of any decontamination works.

10. Notwithstanding the terms of condition 1 above, prior to the commencement of works on site, a scheme of traffic calming both on Dean Street and as required within the site shall be submitted to and agreed in writing by the Council as Planning Authority. Thereafter, the proposed scheme of traffic calming shall be completed to the satisfaction of the Planning Authority prior to the occupation of any of the flats or dwellinghouses.

REASON In the interests of road safety.

11. Notwithstanding the terms of condition 1 above, details of the location, design and construction of all fences and walls to be erected on the site shall be submitted to and approved in writing by the Planning Authority before any development commences on site.

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

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order or enactment replacing this, no extensions or garages (unless forming part of the

approved layout plan) shall be erected on the site unless a further specific planning application is submitted to and approved by the Planning Authority.

REASON To enable the Planning Authority to ensure that such structures are provided in a manner compatible with the visual amenity of the area.

13. Notwithstanding the terms of condition 1 above, the proposed bridge shall implemented to the satisfaction of the Council as Planning Authority and shall be to an adoptable standard.

REASON In the interests of road and public safety.

14. The development shall be undertaken without there occurring any pollution to the Annick Water during construction works on site.

REASON To prevent the contamination of the watercourse in the interest of amenity.

15. Notwithstanding the terms of condition 1 above, prior to the commencement of works on site, details of the footpath and all works proposed to the Annick Water riverbank and the phasing of provision thereof shall be submitted to and approved by the Council as Planning Authority. These details shall thereafter be implemented as approved.

REASON To enable the Planning Authority to ensure that such matters are provided in a manner compatible with the visual amenity of the area.

16. The developer of the site shall at all times maintain unrestricted vehicular and pedestrian access to the existing properties to the south of, and accessed through, the site. The details of this access shall be submitted to and approved by the Planning Authority prior to the commencement of development. In addition, these details shall include confirmation in the form of a method and engineer's statement from a suitably qualified professional that the existing or proposed bridge (whichever is to be used) is capable of carrying all construction vehicles associated with the development of the site.

REASON In the interests of residential amenity and road safety.

17. The details to be submitted further to Condition 6 above shall indicate the measures to be taken to safeguard, by fencing, adjacent TPO protected and other substantial trees, their canopies and root systems.

REASON In the interest of visual and residential amenity.

## Notes to Applicant

1. Prior to the commencement of development on the site, the applicant should satisfy himself as to the suitability of the site for construction purposes.
2. A copy of the consultation responses received from Scottish Power, Transco and The Coal Authority are attached. The developer is strongly advised to note the location of all apparatus within the site and to make contact with each relevant body as soon as possible.
3. SEPA have advised that all drainage arrangements should be to the public sewer and consideration given to the use of Sustainable Urban Drainage (SUDS) techniques for the disposal of surface water. SEPA have further advised that any waste arising should be disposed of at a suitably authorised site. The developer is advised to contact SEPA at 2 Alloway Place, Ayr, KA7 2AA, Tel 01292 294 000, particularly with regard to confirming the consequences, if any, of surface water drainage connection to the public sewer.
4. The applicant should make early contact with Scottish Water at their Office at 35 Glenburn Road, Prestwick, KA9 2NS, Tel 0845 601 8855.
5. Following the advice in Note 3 above, the developer is advised that the Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific arrangements 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. The developer should not assume that East Ayrshire Council will undertake maintenance unless there is a site specific arrangement to that effect. Where the developer makes his own maintenance arrangements, the Council will require to be convinced that these will work without impact on Council interests.
6. Should bats or other species protected under the terms of the Wildlife and Countryside Act (1981) be detected during construction works, the developer should consult SNH immediately. SNH can be contacted at 10 Wellington Square, Ayr, KA7 1EZ, Tel 01292 261 392. The developer should take full account in the progression of the consent of any potential protected species located on the site, including bats.
7. In developing the site, the developer should pay due regard to the maintenance of all current utilities crossing the site to adjacent properties.

8. The applicant will require to secure the necessary Roads Construction Consent, details of which should be discussed with the Roads and Transportation Division of East Ayrshire Council.
9. East Ayrshire Council's Environmental Health and Waste Management Division has commented that the overall development site is a mixture of vacant ground, former factory sites now demolished, and vacant factory units. Any demolition works will require a suitable method statement and be subsequently undertaken in accordance with the relevant Code of Practice and Health and Safety legislation. Any asbestos on site will require to be dealt with appropriately and disposed of to suitably licensed landfill. On some parts of the site where factory buildings have been demolished, there is still evidence of underground services: again, the removal of these services should have regard to the possibility of asbestos (in the form of lagging) in the ducting.
10. The applicant should contact Scottish Environment Protection Agency prior to construction commencing on site in order to agree a method statement in respect of pollution prevention when working across/next to the Annick Water.

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