

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 18 MARCH 2005

**04/1227/FL: PROPOSED 16 NO. DETACHED STOREY AND A HALF
DWELLINGHOUSES
SITE ADJACENT HALLHOUSE NURSING HOME, KILMAURS ROAD,
FENWICK, KILMARNOCK KA3 6AH
BY ATD DEVELOPMENTS**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of 16 detached dwellinghouses of one and a half storey in height. The proposed dwellinghouses are to be sited along a new access road with a turning circle at the western end of the site. They are of 4 and 5 bedroom accommodation and are of traditional design with use of pitched roof dormers on the first floor which break the eaves level and pitched roof entrance porches. Materials proposed are re-constituted slate roof, wet dash render and the use of traditionally designed windows with centre bars and central mullions between windows.

1.2 Access to the site will be from the existing access from Kilmaurs Road which will be improved with a 5.5 metre carriageway being formed. The existing boundary wall to Kilmaurs Road will be retained with the existing stone gateposts re-sited to allow improvement in the sightlines for access and the formation of a footways.

1.3 A tree survey and landscape strategy have been submitted which show a variety of tree types both conifer and broadleaf, native and exotic, many of which are in a very poor condition. The arboriculturalist identified 125 trees which were recommended for removal due to poor condition and health. Retention of these trees in proximity to people and property would be undesirable on safety grounds. In addition a further 41 trees are required to be removed to allow for the proposed buildings. These will be compensated for with new tree planting of various species and planting size. The total number of new trees is envisaged to be in excess of 100. Four amenity areas are proposed adjacent to Plots 2, 8, 9 and 16. These areas will contain existing mature trees and the beech hedging along the southern boundary will be retained. It is proposed that the visual amenity of the area is maintained by maximising retention of existing trees and planting a mixture of new trees. The amenity area adjacent to Plot 8 will also contain a Sustainable Urban Drainage System (SUDS) lagoon area.

2. RECOMMENDATION

2.1 It is recommended that the application should 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 under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in Sections 5.8 and 7.2 of the report.

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report, the application is in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 of the report there are relevant material considerations. The concerns of the objectors are noted however they are not considered to be of sufficient weight to justify a recommendation of refusal. Their concerns regarding the proposed access and road safety have not been supported by the Roads Division. With regard to the design and siting of the proposed dwellinghouses it is considered that they will complement and add to the amenity of the Laigh Fenwick Conservation Area. The comments of Scottish Civic Trust and Historic Scotland are noted and it is acknowledged that the discharging of conditions will be important in attaining a level of detail and the quality of external materials that will elevate the quality of the end result. These traditional designed houses together with the use of traditional materials will add quality to the Conservation Area in conjunction with a comprehensive landscaping scheme which will help to blend them into their surroundings.

CONTRARY DECISION NOTE

Should Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards the application will not require to be referred to the Development Services Committee because there would be no significant breach of Council policy.

Alan Neish

Head of Planning, Development and Building Standards

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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04/1227/FL: PROPOSED 16 NO. DETACHED STOREY AND A HALF
DWELLINGHOUSES
SITE ADJACENT HALLHOUSE NURSING HOME, KILMAURS ROAD,
FENWICK, KILMARNOCK KA3 6AH
BY ATD DEVELOPMENTS

Report by Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as it is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is 1.10 hectares in area and is a wooded area adjacent to Hallhouse Nursing Home. It is located within the Laigh Fenwick Conservation Area. The application site is surrounded to the north and north-west by agricultural land and the new M77 motorway (currently under construction), to the south by Kilmaurs Road and traditional single and one and a half storey terraced cottages, to the west by vacant land and to the east by Hallhouse Nursing Home.

2.2 **Proposed Development:** Full planning permission is sought for the erection of 16 detached dwellinghouses of one and a half storey in height. The proposed dwellinghouses are to be sited along a new access road with a turning circle at the western end of the site. They are of 4 and 5 bedroom accommodation and are of traditional design with use of pitched roof dormers on the first floor which break the eaves level and pitched roof entrance porches. Materials proposed are re-constituted slate roof, wet dash render and the use of traditionally designed windows with centre bars and central mullions between windows.

2.3 Access to the site will be from the existing access from Kilmaurs Road which will be improved with a 5.5 metre carriageway being formed. The existing boundary wall to Kilmaurs Road will be retained with the existing stone gateposts re-sited to allow improvement in the sightlines for access and the formation of a footways.

2.4 A tree survey and landscape strategy have been submitted which show a variety of tree types both conifer and broadleaf, native and exotic, many of which are in a very poor condition. The arboriculturalist identified 125 trees which were recommended for removal due to poor condition and health. Retention of these trees in proximity to people and property would be undesirable on safety grounds. In addition a further 41 trees are required to be removed to allow for the proposed buildings. These will be compensated for with new tree planting of various species and planting size. The total number of new trees is envisaged to be in excess of 100. Four amenity areas are proposed adjacent to Plots 2, 8, 9 and 16. These areas will contain existing mature trees and the beech hedging along the southern boundary will be retained. It is proposed that the visual amenity of the area is maintained by maximising retention of existing trees and planting a mixture of new trees. The amenity area adjacent to Plot 8 will also contain a Sustainable Urban Drainage System (SUDS) lagoon area.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have no objections and have advised that the sightline standard for the new road junction can be reduced to $y = 70$ metres for south bound traffic (north bound remaining at 90 metres). This will allow the existing stone wall to remain except at the entrance pillars. The SUDS report provided by the applicant is acceptable and a new 2 metre footway adjacent to the stone wall should be provided and the carriageway width should remain at a minimum of 7.3 metres. This is sufficient for this class of road even with on-street parking.

The requirements of the Roads Division can be met by attaching conditions to any grant of planning consent.

3.2 Scottish Water has no objections and have advised their permission should be sought to connect to the public sewer. A totally separate drainage system of foul and surface water sewers will be required. The applicant should consider the implementation of a Sustainable Urban Drainage System with the proposed drainage design.

The requirements of Scottish Water can be addressed by attaching an advisory note to any grant of planning permission. The applicant has put forward a Drainage Impact Assessment which outlines the design of SUDS to deal with runoff flows from the proposed development.

3.3 Scottish Environment Protection Agency has no objection to the proposed development and recommends that surface water from the site is treated in accordance with SUDS.

Refer to response to 3.2 above.

3.4 Historic Scotland has offered the following informal comments. The present wooded area within the grounds adds much to the immediate area and they note many trees will be lost through this development. They would encourage replacement planting which should ameliorate the effect of the development. It would also help if Plot 1 was omitted and the trees retained at this location to retain screening. They would advise that the wooded country setting is preserved and that hard landscaping is kept to an absolute minimal in order that a suburban feel is not introduced. The design of the new houses is rather predictable but an appropriate palette of colours has been chosen.

The requirements of Historic Scotland with regard to landscaping can be addressed by attaching a condition to any grant of planning permission requiring extensive re-planting and landscaping of the site to avoid a suburban development appearance. It is not considered that there should be no house on Plot 1.

3.5 Scottish Civic Trust has offered the following comments.

- They acknowledge that some attempts have been made to address some of their previous concerns, however they are disappointed with the architectural expression of the houses which appear to be 'clinically' expressed and lacking in architectural character. House Types B and H are particularly meagre in expression. Bolder detailing of the dormer and porch roofs, window cills and bands and the addition of chimneys would make all house types less stilted.
- They recommend that Plot 1 be deleted in order to respect the setting of the nursing home, its entrance and gate piers. This would ensure that the development is well screened from the road.
- The use of manmade materials that attempt to emulate natural materials would result in a pastiche of the worst sort and would undermine the quality of the Conservation Area. They cannot support reconstituted slate, natural Scottish slate, stone cills and timber sliding sash and case windows should be used at the very least.

It is noted that the Civic Trust consider the scheme to be an improvement from before and whilst their concerns are noted with regard to the proposed materials and design features, it is acknowledged that the final quality of the development will be based on the quality of materials and the attention to detail. This can be achieved by attaching suitably worded conditions to any grant of planning consent requiring the submission of further detailed design features and the submission of samples/details of traditional materials. The impact of the dwellinghouse sited within Plot 1 can be reduced by retention of the boundary wall and re-siting of gateposts and extensive landscaping to reduce its visual impact.

3.6 The Architectural Heritage Society of Scotland find this amendment less of an improvement on the previous submission. The entrance to the development seems less inviting and visually appears to detach itself from the village. They see no reason to have the house on Plot 1 present a gable to Kilmaurs Road. They are concerned that the essential tree screening of the development is vulnerable to individual responses to having trees in a garden. This may be less necessary if the layout and house design was less familiar and suburban.

As discussed in Section 3.5 the visual impact of the dwellinghouse within Plot 1 can be reduced by extensive landscaping in order that the impact of the gable wall is reduced. The retention of the existing boundary treatment also will help to reduce its visual impact. Conditions can be attached to any grant of planning consent to protect all remaining existing trees and if required the re-planting of new trees.

3.7 Transco have indicated there is a 63 mm Medium Pressure Gas Main and Governor Compound located to the south of the proposed site and there should be a building proximity distance of 3 metres from this gas main and 5 metres from the Governor Compound fence.

The Gas Main and Governor Compound are located outwith the application site. The closest house (Plot 1) is more than 15 metres away from the Gas Main and Governor Compound.

Given these separations, there is no requirement for any regulation of this through any planning consent.

3.8 West of Scotland Archaeology Service have advised that an archaeological evaluation by trial trenching should be undertaken prior to the grant of planning permission or a condition attached to any grant of planning permission requiring the implementation of a programme of archaeological works to be submitted and fully implemented and all recording and recovery of archaeological resources within the development site.

The requirements of West of Scotland Archaeology Service can be addressed by attaching a suitably worded archaeological condition to any grant of planning permission.

3.9 Fenwick Community Council have objected to the development on the following grounds:-

- (a) If the site is regarded as a gap site it should be suitable for a maximum of only up to 3 units reflecting the policy followed by the Planning Division.

The application site is considered to be a gap site in terms of Policy RES 4 of EALP and is considered to be acceptable in terms

of this policy. This policy does not limit the number of dwellings to be erected.

- (b) The present site access is totally unsuitable from Main Road with limited access from a very busy Main Road. The creation of a 2 metres wide pavement along the north side of Main Road is even more dangerous proposal especially now in relation to a total development of in excess of 50 units. The Main Road between B751 up to 40 Main Road is already narrow and the loss of 2 metres would create a single-track road particularly at and around the top of Waterslap. This road is used for the main bus route together with the size of vehicles from the local haulage yard located in Laih Fenwick would render narrowing of Main Road totally unrealistic and dangerous.

The Roads Division have no objections to the proposed development and have recommended that a 2 metre pavement be constructed so residents and visitors to the proposed dwellinghouses can access the village. The reduction in the width of Main Road to a minimum of 7.3 metres is considered acceptable. The proposed development is for 16 dwellinghouses and has been assessed on this basis. Any aspirations the applicant may have for adjacent sites would be subject of a separate planning application and assessed separately at that time.

- (c) The entry/exit position to the site is already very busy, providing access to Hallhouse Nursing Home and the two private houses located to the north.

The proposed access is considered acceptable by the Roads Division subject to the required sightlines.

- (d) Any significant development in the village should only be considered in a sympathetic way and not detract from the unique ambience of the conservation status of Laih Fenwick. Access to the site should be taken from B751 - Kilmaurs Road which will become a cul-de-sac when the new M77 opens. They urge that the applicant liaise with the owners of the neighbouring site to form a joint access from B751.

The present application requires to be assessed as it stands. The access proposed is considered acceptable in road safety terms.

- (e) Hallhouse is listed and it is assumed that the stone wall is listed and should not be altered or partially demolished to suit an unacceptable development. The existing wall and Hallhouse reflects the established ambience of Laih Fenwick. The style of high density or volume builder design would destroy the unique characteristics of the area.

The applicant is proposing to retain the existing stone wall and re-site the gateposts. The design of the proposed development is

considered complimentary to the Conservation Area and adjacent listed building.

- (f) In summary they suggest that any houses (up to a maximum of 3) be set back towards the rear of the site and given the potential of existing tree screening would reflect limited visibility from Main Road and minimal increase of traffic utilising the entrance from Main Road.

The proposed development is considered to meet the above concerns in terms of tree screening, access and it is considered to be a gap site.

3.10 East Ayrshire Council's Outdoor Amenities have advised that one mature tree (Chestnut within the row adjacent to Plot 16) can be removed provided it is replaced with a suitable semi-mature tree (20-25 cm girth). However care should be taken not to disturb the root plate of the adjacent tree. The road layout is acceptable providing the existing car park tarmac base is used to form the pavement adjacent to Plot 16 so no tree roots are disturbed. The house in Plot 1 will need to be reduced in size to leave clearance between it and the trees adjacent to Kilmaurs Road. Even with these alterations several of the proposed houses will still be within falling distances of trees.

It is noted that the Council's Outdoor Amenities Section have no objections to the proposed development provided the above matters are addressed. Conditions can be attached to any grant of planning consent requiring a semi-mature tree to replace the additional tree felled and the use of the tarmac base to form the pavement adjacent to Plot 16. It is proposed to delete the single storey garage and utility room along the eastern boundary of the dwellinghouse which will allow adequate clearance between the dwellinghouse and the mature trees along the frontage of the site. This will meet the requirements of Outdoor Amenities.

4. REPRESENTATIONS

4.1 There are 5 objections to the proposed development (including one from Fenwick Community Council which is detailed in Section 3.9 of the report).

4.2 The application site is currently a greenfield site and there has been no previous development on the land. It is a natural mature woodland which is the nesting habitat for a barn owl and a large 'rookery'. The area is irreplaceable and should not be destroyed for housing.

The application site is a wooded area associated with Hallhouse Nursing Home. It is located within the settlement boundary of Laigh Fenwick and is considered to be a gap site.

4.3 The development of 16 dwellinghouses will have a large detrimental impact on a conservation village. It would double the number of houses in Laigh Fenwick.

It is considered that the development has been designed to complement the conservation village.

4.4 The development does not conform, complement or harmonise with the landscape character of the area. The design of the houses is more suited to Southcraigs than Laigh Fenwick where the average age of the house is 200 years only.

The proposed dwellinghouses have been traditionally designed with the use of traditional design features such as pitched roof dormers and porches, the use of traditional designed windows with central mullions and a steep roof pitch.

4.5 This proposal goes against the local plan. The identified housing site is Skernieland Road.

The proposed development is acceptable in terms of Policy RES 4 of EALP as it is considered to be a gap site. See Section 5 of the report.

4.6 The development does not confirm with EALP for open space provision, there are no toddler and children's play areas, no active or passive recreation or amenity use.

A development of this scale would not require to provide a children's play area. Four amenity areas are proposed within the site which will contain existing mature trees and be planted with new trees.

4.7 The development would constitute over-development on a sensitive site within/adjacent to the Laigh Fenwick Conservation Area. To develop 16 houses in what is wholly a wood would result in very few trees remaining, trees which are important to the setting of the Conservation Area and to Hallhouse itself. Plans are required to indicate type, height and location of existing trees and those trees to be felled and affected.

The applicant has submitted a comprehensive tree survey and landscape strategy which has indicated that due to the lack of tree management and maintenance a significant number of trees are in any case in a poor condition and require to be felled. The submitted plans indicate the number of trees to be retained and this is acceptable to East Ayrshire Council's Outdoor Amenities Section.

4.8 The houses are described as one and a half storey but at 8.4 metres high with a first floor area over 50% of that on ground floor, this description is

incorrect particularly when some of the proposed houses have first floor windows with the wall head of the roof.

It is considered that the description of the development is correct. Detailed plans accompanying the application to confirm the design proposed.

4.9 The effect of the increase in the volume of traffic accessing the widened entrance onto a busy traffic/bus route needs further consideration. There is likely to be conflict from visiting traffic accessing the nursing home.

The Roads Division have undertaken a traffic survey of Main Road, Fenwick in close proximity to the proposed access and are happy that the required sightlines are acceptable.

4.10 If the entrance is to be widened, listed building consent would be required for re-location of the gateposts of a listed building. If the entrance is indeed to the south, at least 3 trees will be affected. Sightlines northwards up Main Street are obscured by the main gatepost and the wall and beech hedge which are 2 metres above road level.

The existing stone boundary wall is to be retained. The stone gateposts are to be re-located. It is not considered that listed building consent will be required for their re-siting as they are not mentioned in the listing.

4.11 The house beside the entrance displays a side elevation a mere 5 metres from the boundary with Main Street and is particularly out of character in a Conservation Area which is characterised by houses facing the street. This house should be omitted. It is also too close to existing trees. There are 6 trees along this eastern boundary, most of which have roots extending well into the proposed plot. There are crows nesting in these near the entrance.

The visual impact of the proposed dwellinghouse can be reduced by landscaping and re-planting along the boundary with Main Street. Three existing trees are to be retained along the boundary. This is acceptable to the Outdoor Amenities Section.

4.12 The trees are protected by a Tree Preservation Order and have all trees been surveyed and those to be felled identified on a submitted plan.

A comprehensive tree survey and plans have been submitted indicating the trees to be felled and those to be retained, with the proposed layout superimposed.

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 (AJSP) and the Adopted East Ayrshire Local Plan (EALP).

Approved Ayrshire Joint Structure Plan (AJSP)

5.2 The proposed development is located within the settlement boundary of Fenwick and it is considered that there are no strategic issues in terms of the determination of this application.

Adopted East Ayrshire Local Plan (EALP)

5.3 Policy RES 4, ENV 4 and ENV 7 are the relevant policies in the determination of this application.

5.4 Policy RES 4 encourages the sympathetic residential development of gap, infill or other re-development sites which are to be assessed against the adjacent uses.

- i) Impact on the surrounding natural and built environment and adjacent uses;
- ii) Transportation and infrastructure implications;
- iii) Compatibility with surrounding densities and housing types; and
- iv) Compliance with the Council's Development Promotion and Design Guidance.

The proposed development is considered to accord with Policy RES 4 as it involves the redevelopment of a gap site. It is compatible with the surrounding uses and housing as Laigh Fenwick Conservation village is typified by traditional single and one and a half storey cottages. The Roads Division and other consultees have not raised any adverse comments regarding the proposed development. The development has been assessed against the Design Guidance in Section 5.6 below and it is considered to be consistent with this Guidance.

5.5 Policy ENV 4 seeks to ensure that all development within or affecting the setting of a Conservation Area or affecting the appearance or setting of a Listed Building is sympathetic to the area or building concerned in terms of its layout, size, scale, design, siting, materials and colour of finish. The policy also states that development proposals should seek to preserve, enhance or incorporate features which contribute positively to the character or

appearance of the area and have due regard to the architectural and historic qualities of the area or building concerned.

The proposed development complies with Policy ENV 4 as the development has been sited to be compatible with the historic properties in the Laigh Fenwick Conservation Area and the adjacent listing building. The layout of the proposed houses is simple. The one and a half storey houses are of traditional design and it is intended that the proposed materials are traditional as it is the quality of materials and the attention to detail which will determine the final quality of the development which will enhance and complement the surrounding buildings and the Conservation Area.

5.6 Policy ENV 7 expects all developers to fully comply with the Council's Design Guidance. The Design Guidance requires that all development is based on good design practice and incorporates sensitive design features in keeping with good design principles. It advises for new residential development that house types for small-scale residential development reflect and respect the built form of the surrounding area by reflecting the existing buildings in terms of design, storey height, scale, density and external finishes.

It is considered that the proposed development reflects the scale and size of the adjacent historic properties in the Laigh Fenwick Conservation Area. The proposed development accords with Policy ENV 7 and the Design Guidance as the use of traditional materials and external finishes will have a positive affect on the visual quality and setting of the Conservation Area.

5.7 Policy ENV 15 seeks to preserve and supplement existing broadleaf and native tree species. Criteria (ii) is particularly relevant.

(ii) protect those individual, groups and areas of trees which contribute significantly to the landscape quality of both the built and rural through the serving of Tree Preservation Order.

The trees within the application site are protected by Tree Preservation Order. The applicant has submitted a comprehensive tree survey which indicates that a significant number of trees within the application site require to be felled due to their poor and diseased condition. This has been agreed with the Council Outdoor Amenities Section. Many of the trees along the southern boundary of the site and two wooded areas will be retained adjacent to Plots 9 and 16. The applicant will be required to undertake extensive re-planting within the new development in order that the new development enhances and complements the surrounding Laigh Fenwick Conservation Area and townscape.

5.8 The applicant has agreed to contribute to the Sports, Leisure and Recreation Fund in terms of Policy TLR 5 of the EALP. They have indicated that they would be prepared to contribute £8500 and not the standard 1% of construction costs subject to the money being safeguarded for Fenwick and the immediate surrounding rural area.

This contribution will be over and above the costs associated with providing a new footpath link to the village and this is their justification for providing a reduced contribution.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation replies and representations detailed in Sections 3 and 4 of the report and the site's planning history.

Consultations and Representations Received

6.2 The consultations and representations received have been fully addressed in Sections 3 and 4 of the report. It is not considered that these highlight issues or are of such weight as to merit refusal of the application; rather where there are concerns these have been satisfactorily addressed in the submission or can be dealt with by condition. The concerns regarding the proposed access have not been echoed by the Roads Division. With regard to the appropriateness and design of the proposed development, it is considered that the final quality of the development will be based on the quality of materials and the attention to detail which will enhance and complement the surrounding buildings and the townscape.

Planning History

6.3 04/0400/FL: Proposed 18 Traditional Dwellinghouses on Site Adjacent to Hallhouse Nursing Home. This application was withdrawn by the applicant on 29 November 2004 following discussions with the Planning Division and has resulted in the submission of the present application under consideration.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

7.2 Legal Implications would arise from the Council entering into a Legal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant. The Section 75 would facilitate a contribution being made into the Sports, Leisure and Recreation Fund in order to address identified deficiencies in the provision of leisure and recreational facilities in the area.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report, the application is in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6 of the report there are relevant material considerations. The concerns of the objectors are noted however they are not considered to be of sufficient weight to justify a recommendation of refusal. Their concerns regarding the proposed access and road safety have not been supported by the Roads Division. With regard to the design and siting of the proposed dwellinghouses it is considered that they will complement and add to the amenity of the Laigh Fenwick Conservation Area. The comments of Scottish Civic Trust and Historic Scotland are noted and it is acknowledged that the discharging of conditions will be important in attaining a level of detail and the quality of external materials that will elevate the quality of the end result. These traditional designed houses together with the use of traditional materials will add quality to the Conservation Area in conjunction with a comprehensive landscaping scheme which will help to blend them into their surroundings.

9. RECOMMENDATION

9.1 It is recommended that the application should 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 under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in Sections 5.8 and 7.2 of the report.

CONTRARY DECISION NOTE

Should Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards the application will not require to be referred to the Development Services Committee because there would be no significant breach of Council policy.

Alan Neish
Head of Planning, Development and Building Standards

11 March 2005
(PC/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Letters of Objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. Planning Application No: 04/0400/FL.

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

Implementation Officer: Dave Morris

041227FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/1227/FL

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|------------------------------|---|
| Site of Proposal: | Site Adjacent to Hallhouse Nursing Home Kilmaurs Road Fenwick KILMARNOCK KA3 6AH |
| Nature of Proposal: | Proposed 16 No. Detached Storey and a Half Dwellinghouses |
| Name & Address of Applicant: | ATD Developments Clark House High Glencairn Street KILMARNOCK KA1 4AB |
| Name & Address of Agent: | G B Fitzsimon LLP 26B Renfield Street GLASGOW G2 1LU |

DPOs Reference: PC/MMM

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

1. The proposed development shall be carried out in accordance with the application form and the submitted plans dated 29 November 2004 and the proposed tree removal plan (drawing no. 1163 AL(0) 031) dated 10 February 2005, the SUDS report dated October 2004 and the Tree Survey (Survey no. 2/1839) carried out 05, 06, 07 June 2004.

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

2. Notwithstanding the plans hereby approved, details and samples of all external materials shall be submitted to and approved by the Planning Authority before the development commences on site and shall thereafter be implemented on site as approved.

REASON In the interests of achieving a quality development to the benefit of visual amenity.

3. Notwithstanding the plans hereby approved, details and samples of the materials of all external ground surfaces including traffic calming measures and boundary treatments within the development site shall be submitted to and approved by the Planning Authority before development commences on site and shall be thereafter implemented on site as approved.

REASON In the interests of achieving a quality development to the benefit of visual amenity.

4. Notwithstanding the plans hereby approved, the proposed dwellinghouses shall have chimney features, details of their design and siting shall be submitted to and approved by the Planning Authority prior to the commencement of development. Thereafter these features shall be provided prior to the occupation of any of the dwellings on which they are located.

REASON In the interests of achieving a quality development to the benefit of visual amenity.

5. Notwithstanding the details hereby approved plans to a minimum scale of 1:50 shall be submitted to and approved by the Planning Authority before development commences on site of the following details and design features:-

- i) The dormers;
- ii) Pitched roof porches;
- iii) Ridge details, gutters, downpipes, barge boards;
- iv) The interface between window frames, window cills and window surrounds.
- v) The chimney details.

The above details shall be implemented as approved.

REASON In the interests of achieving a quality development to the benefit of visual amenity.

6. Notwithstanding the submitted plans, a landscaping scheme including the treatment of the boundary of the site/amenity areas/centre of the turning area and including details of the proposed phasing of the new planting and amenity areas shall be submitted to and approved by the Planning Authority prior to commencement of any development on site. The scheme shall be implemented not later than the next appropriate planting season after the development has been carried out. Any trees removed without consent of the Planning Authority or seriously damaged at any time thereafter shall be replaced by trees of similar size or species as may be agreed in writing with the Planning Authority. The landscaping scheme shall include the retention of as many of the existing trees on site as possible and the beech hedging along the southern boundary of the site and shall include tree re-planting to replace the trees felled as a result of the development.

REASON In the interests of achieving a quality development to the benefit of visual amenity.

7. The details to be submitted under the terms of Condition 6 above shall include the provision of a structural tree planting scheme hedging details and maintenance scheme to supplement and enhance the existing planting along the northern southern and eastern boundaries of the site. Any boundary planting shall be implemented prior to the occupation of dwellinghouses adjacent to the boundaries to which it relates.

REASON In order to ensure the visual amenity and environmental quality of the surrounding area.

8. In respect of the existing mature trees shown retained on site layout as proposed (drawing no. 1163 AL(0) 004); none of these trees shall be felled, lopped or have roots cut or be the subject of other works without the written consent of the Planning Authority. Prior to any preparation or construction works on site, these trees shall be surrounded by chestnut pale fencing of a height not less than 1.2 metres at a radius of 5 metres from the trunk of the tree or an area described by the limit of the spread of the branches of the tree to be agreed by the Planning Authority. Such fencing shall be maintained during the course of development and no storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed.

REASON To maintain the existing visual contribution of the trees to the amenity of the area.

9. Any works to trees including felling shall commence after not less than 14 days notice has been given to the Planning Authority and arrangements made for the supervision of works by a representative of the Planning Authority.

REASON To ensure the proper supervision of the works in the interest of visual amenity.

10. Notwithstanding the approved plans, details of the design and construction of all fences and walls to be erected on site shall be submitted to and approved by the Planning Authority before any development commences on site and shall thereafter be implemented on site as approved.

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

11. No materials other than top soil shall be brought onto the site for purposes of infilling or upraising ground levels without the prior written consent of the Planning Authority.

REASON In order to control the development of the site and materials used in making up of ground levels.

12. Notwithstanding the approved plans, full details of proposed ground levels of the site shall be submitted to and approved in writing by the Planning Authority and shall thereafter be implemented on site as approved.

REASON In order to ensure the implementation of the development is in accordance with the approved details.

13. No construction works, site clearance or preparation works shall take place before 08:00 am and after 5:00 pm Monday to Friday, before 08:00 am and after 13:00 on Saturday or at any time on a Sunday.

REASON In the interests of the amenity of the area.

14. The developer of this site shall ensure that during the development phase, adequate and continuing measures are taken to ensure that roads and footpaths adjoining the site are maintained free from mud and other materials carried from the site.

REASON In the interests of the amenity of the area.

15. Prior to any work commencing on site, full details of all proposed windows, including the design, materials and specifications of all window frames, the thickness of the horizontal glazing bars and the method of opening shall be submitted to and approved in writing by the Planning Authority and thereafter implemented as approved.

REASON In the interests of achieving a quality development to the benefit of visual amenity.

REASON In the interests of public safety.

16. No development shall take place within the application site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant to the Planning Authority, agreed by the West of Scotland Archaeology Service and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeological Service.

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

17. Before any development 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 any dwellinghouses.

REASON To ensure that adequate drainage is provided.

18. Notwithstanding the approved plans there shall be no development on site comprising the construction of dwellinghouses or the provision of infrastructure intended to service dwellinghouses until sightlines of 90 metres by 70 metres have been provided at the access to Main Street. Sightlines once formed shall be maintained at all times thereafter free from any structures greater than 1 metre in height.

REASON In the interests of road safety.

19. No dwellinghouses shall be occupied until a 2 metre wide footway from the site access running northwards and connecting into the existing footpaths and southwards to the road junction has been provided. Details of its construction and finish shall be submitted to and approved by the Planning Authority. The carriageway width shall remain at a minimum of 7.3 metres at all times.

REASON In the interests of road safety.

20. Notwithstanding the approved plans, a methodology statement addressing the dismantling of the gateposts and their re-construction and re-siting shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented on site prior to the occupation of any dwellinghouses.

REASON In the interests of road safety and the amenity of the area.

21. Notwithstanding the submitted plans, the single storey garage and utility room attached to the dwellinghouse on Plot 1 along the eastern boundary are not hereby approved as part of this consent and the further express permission of the Planning Authority shall be required for any development along the eastern boundary of the Plot adjacent to Main Street.

REASON In order to protect and retain trees along the frontage of the site.

22. Notwithstanding the submitted plans, the finished floor level and associated ground levels in relation to Plot 1 and the levels of the footway adjacent to rear of Plot 16 are not hereby approved. Full details of the finished floor levels and associated ground levels in relation to Plot 1 and the footway adjacent to rear to Plot 16 shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented as approved. The existing car park tarmac base shall be used to form the pavement adjacent of Plot 16 and at no time shall the tree roots of the remaining trees be disturbed.

REASON To enable the Planning Authority control over the future development of the site in the interests of safeguarding the mature trees on site.

23. Notwithstanding the approved tree survey, tree no. 7098 as identified in the tree removal plan (drawing no. 1163 - AL(0)031) shall be felled; details of the location, tree species and height of a suitable semi-mature (20-25 cm girth) tree replacement shall be submitted to and approved by the Planning Authority and implemented not later than the next appropriate planting season after the occupation of the dwellinghouse on Plot 16.

REASON In the interests of amenity of the area.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or of any Act or Order replacing it) Permitted Development Classes 1, 3, 4 and 7 of Schedule 1 of the said Order are hereby removed in relation to the dwellings hereby approved.

REASON To enable the Planning Authority to retain control over future development on the site in the interests of residential amenity and safeguard the mature trees.

NOTES:-

1. 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.
2. The SUDS shall be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.
3. Early contact is advised with Transco on 0141 418 4093 or at 95 Kilbirnie Street, Glasgow G5 8JD.
4. The applicant should ensure that prior to development commencing on site, they have secured agreement from Scottish Water regarding the suitability of all proposed drainage connections and the suitability of the existing infrastructure to accommodate such connection.
5. Prior to the commencement of any works on site for the development hereby approved, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**