

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 13 MAY 2005

**04/1138//FL: PROPOSED NEW BUILD RESIDENTIAL DEVELOPMENT
AT BRIDGEND, STEWARTON
BY JOHN HENRY HOMES**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to develop the site for residential purposes and erect 18 two-bedroom flats, 16 three-bedroom townhouses, 4 four-bedroom linked detached houses, 8 detached four-bedroom dwellinghouses, a total number of residential units on the site of 46 units.

1.2 The site comprises five key elements. There is a 3-storey stepped frontage block located next to the Annick Water at the north of the site containing 6 two-bedroom flats. Moving southwards, the proposal includes two blocks of three storey terraces incorporating 6 three-bedroom town houses and a gable fronted block of 6 two-bedroom flats. Each town house incorporates an integral garage and a driveway.

1.3 The streetscape continues to the south with a terraced block of 4 three-bedroom townhouses which are bound to the south by 4 four-bedroom linked detached two storey houses.

1.4 The site is concluded at the southern end of Bridgend with 8 detached two-storey four-bedroom dwellinghouses. Seven of these are located within a cul-de-sac accessing onto Bridgend.

1.5 In terms of finishes, it is proposed to finish all the proposed buildings with black roof tiles, roughcast render walls with windows in white uPVC. The access along Bridgend has been shown to be widened to 5.5 metres with a 2.0 metre wide footpath. Traffic calming measures have been shown along Bridgend and also at the junctions of Springwell Place with High Street and Bridgend with Holm Street and Barbours Park.

1.6 Planning Permission 03/1030/FL was granted on 04 October 2004 for 56 dwellings at this location. Said consent included a Section 75 Agreement for the upgrading of the adjacent area of open space and the provision of appropriate traffic calming.

This proposal mirrors said application but with variations to house types and building layouts.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheets and that the issuing of the Decision Notice be withheld until the Solicitor to the Council has concluded a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 dealing with the matters itemised in Paragraph 8.5 of the report.

3. CONCLUSIONS

3.1 As indicated in section 5 of the report, the application is considered to be broadly in compliance 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 There are no objections to the use of the site for housing in principle. It is not considered that the proposed residential use of the site would be detrimental to adjacent uses. The site is in a vacant and unsightly state at present and therefore it is considered that the proposed development will improve the visual amenity of the general area. Taking into account the brownfield nature of the site, the siting of the blocks adjacent to the river bank, the mixed nature of surrounding residential development, and the finishes proposed, the development is considered to be acceptable in terms of its design and finishes. The buildings proposed are considered to be visually interesting and distinctive. The development includes a variety of house types of differing sizes suitable for a wide range of households.

3.3 The development is located in close proximity to a large area of open amenity space on the opposite side of the Annick Water and next to another amenity area between the site and Barbours Park at the south end of the site. Given the fact that the developer has indicated a willingness to enter a Section 75 Agreement regarding the upgrading of the Robertland play area, and the extent and location of open space provision in the vicinity, the proposed development is considered satisfactory in terms of open space provision.

3.4 As is indicated in section 6 of the report, there are material considerations relevant to the application which require to be given due weight in arriving at a decision. With regard to the consultations 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.

3.5 It is considered that the proposed development can 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 making of a financial contribution to the Council towards the provision and maintenance of a play area on the existing Robertland site on the east side of the Annick Water in accordance with Policy RES 21 of the East Ayrshire Local Plan.

(ii) The provision and maintenance of all traffic calming measures outwith the application site to the requirements of the Council's Roads and Transportation Division.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning Development and Building Standards and should that decision be taken on the basis of the principle of residential development, then, the application will require to be referred to the Development Services Committee because such a decision would represent a substantial departure from 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.

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 13 MAY 2005

04/1138//FL: PROPOSED NEW BUILD RESIDENTIAL DEVELOPMENT
AT BRIDGEND, STEWARTON
BY JOHN HENRY HOMES

Report by Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation due to the scale of the proposed development and the fact that the proposed development is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The site extends to approximately 1.1 hectares and lies adjacent to the Annick Water. The majority of the site has been cleared of its former industrial buildings and is generally level. Ground conditions comprise the remains of concrete flooring, rubble and scrub vegetation.

2.2 On the western side of Bridgend, opposite the site, from north to south are located a detached 2-storey dwellinghouse of traditional character, and 2 modern industrial premises incorporating car parking provision (TM & Son, and Robert Mackie & Co). To the south of these industrial premises the western road edge at Bridgend is flanked by a random rubble stone wall in a generally poor state of repair. Two single storey dwellinghouses (Kirklea and Longridge) are located near the junction of Bridgend with Vennel Street.

2.3 On the opposite side of the Annick Water to the application site, an extensive area of banked open amenity space is located. Part of this area is overgrown. Opposite the northern end of the site, a former children's play area is located. This play area is no longer equipped. Annick Crescent is situated across the Annick Water to the east of the site at an elevated level and comprises terraced 2-storey residential properties.

2.4 **Proposed Development:** It is proposed to develop the site for residential purposes and erect 18 two-bedroom flats, 16 three-bedroom townhouses,

4 four-bedroom linked detached houses, 8 detached four-bedroom dwellinghouses, a total number of residential units on the site of 46 units.

2.5 The site comprises five key elements. There is a 3-storey stepped frontage block located next to the Annick Water at the north of the site containing 6 two-bedroom flats. Moving southwards, the proposal includes two blocks of three storey terraces incorporating 6 three-bedroom town houses and a gable fronted block of 6 two-bedroom flats. Each town house incorporates an integral garage and a driveway.

2.6 The streetscape continues to the south with a terraced block of 4 three-bedroom townhouses which are bound to the south by 4 four-bedroom linked detached two storey houses.

2.7 The site is concluded at the southern end of Bridgend with 8 detached two-storey four-bedroom dwellinghouses. Seven of these are located within a cul-de-sac accessing onto Bridgend.

2.8 In terms of finishes, it is proposed to finish all the proposed buildings with black roof tiles, roughcast render walls with windows in white uPVC. The access along Bridgend has been shown to be widened to 5.5 metres with a 2.0 metre wide footpath. Traffic calming measures have been shown along Bridgend and also at the junctions of Springwell Place with High Street and Bridgend with Holm Street and Barbours Park.

2.9 Planning Permission 03/1030/FL was granted on 04 October 2004 for 56 dwellings at this location. Said consent included a Section 75 Agreement for the upgrading of the adjacent area of open space and the provision of appropriate traffic calming.

This proposal mirrors said application but with variations to house types and building layouts.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Power has not objected to the proposal.

Noted.

3.2 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 should 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 a 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.

Noted. These matters can be addressed through the use of appropriately worded conditions and notes to the applicant can be attached to any planning permission.

3.3 Some of the now derelict factory buildings still contain materials (and possibly waste). These should be handled and ultimately disposed of to the satisfaction of the regulatory authority (SEPA).

See comments provided in Paragraph 3.2 of the Report.

3.4 Site clearance and subsequent engineering construction activities should be undertaken with due regard to the presence of housing not far distant from the site. The applicant should ensure that no nuisance is created (dust, burning of site materials, noise, etc). With regard to noise, I would recommend that there be some restriction on potentially noisy site activities in order to avoid 'unsociable hours' noise and consequent risk of complaint.

Noted. This Division would agree with the imposition of an appropriately worded condition attached to any planning permission issued in order to protect standards of adjacent residential amenity.

3.5 The developer should take due cognisance of the need to make satisfactory provision for refuse and re-cycling bin storage accommodation in the light of East Ayrshire's impending 3-bin re-cycling scheme. Access arrangements might also require to be clarified as, depending on site layout, suitable uplift points might require to be agreed with Waste Management.

Bin stores have been shown within the application site which, by condition, can be required to be compatible with the impending Council refuse scheme.

3.6 East Ayrshire Council's Roads and Transportation Division have no objection to the proposal providing a section 75 agreement is entered into to ensure the provision of appropriate traffic calming on Bridgend and Holm Street. The flood risk assessment submitted by the applicant has been assessed by the Council's Roads Division Flooding section. They have indicated that they are satisfied with the proposal.

Should planning approval be agreed for the proposal, the planning permission should be withheld until an appropriate Section 75 Agreement has been concluded in respect of traffic calming.

3.7 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.

3.8 Scottish Water has stated that there would appear to be no increased flooding or likelihood of CSO spills as a result of the proposed additional flows. There is no objection to the development connecting to the combined sewer.

It is recommended that the developer makes early contact with Scottish Water to ensure that the drainage arrangements proposed for the development are to Scottish Water's satisfaction prior to the commencement of works on site.

3.9 The Scottish Environment Protection Agency (SEPA) has stated that there is no objection to this proposal on the understanding that the foul drainage is connected to the public sewer. The applicant should consult with Scottish Water in this regard.

See comments provided in Paragraph 3.8 of the Report.

3.10 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.

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. Whilst a SUDS arrangement has been shown within the application site, such a condition would require the use of a SUDS arrangement to deal with surface water run-off, and the submission of full details to the satisfaction of SEPA/Planning Authority.

3.11 It should be noted that there is an increased risk of pollution to watercourses during the construction phase. The principles in Pollution Prevention Guideline 5, which gives details on the prevention of pollution at works in, near or liable to affect watercourses, should be followed. A copy of PPG 5 has been forwarded to the agent as part of the consultation process.

Noted.

3.12 SEPA holds no records of flooding at this location. However, the site lies adjacent to the Annick Water and may, therefore, be at some risk of flooding. Furthermore, the Centre for Ecology and Hydrology's indicative '100 year flood plain' would appear to indicate that at least part of the site may be at risk of flooding from a '100 year' (1% risk of occurrence in any one year) flood event. SEPA would therefore recommend that a flood risk assessment is carried out to determine the risk of flooding to the property and/or evidence provided that the site lies sufficiently above the level of the Annick Water so as to pose no realistic threat.

The flood risk assessment submitted by the applicant has been assessed by the Council's Roads Division Flooding section. They have indicated that they are satisfied with the proposal.

3.13 Stewarton and District Community Council has not replied at the time of writing this report.

Noted.

4. REPRESENTATIONS

One letter of representation have been received objecting to the proposed development. The points of objection are summarised as follows:-

4.1 When leaving Springwell Place to Main Street vision is impaired by parked cars on the left and right hand sides, and when leaving Bridgend to Vennel Street the road narrows and passage can be difficult due to a high wall on one side and parked cars on the other. At the road junction vision is impaired by trees to the right.

Alterations to improve visibility at the junctions of Springwell Place with Main Street and Bridgend with Vennel Street are proposed. It is proposed to maintain a road width of 5.5 metres along Bridgend. There are no objections from the Roads Division.

4.2 Although parking spaces are to be provided, this will prevent parking on the street. At present passage through Springwell Place can be difficult, as the residents have a car park yet understandably park on Springwell Place thus reducing the road to single track. If the residents of the new development park on the road then this would reduce the road to single track road down into Bridgend.

East Ayrshire Council's Roads and Transportation Division have raised no objection with regard to car parking at the development.

4.3 The amount of traffic the proposal will bring combined with the existing traffic from the Masonic hall and the factory will only lead to more congestion in the area.

East Ayrshire Council's Roads and Transportation Division have raised no objection to the proposal.

4.4 The majority of children use Springwell Place to gain access to the High School. This proposal will lead to more accidents.

East Ayrshire Council's Roads and Transportation Division have raised no objection. It is considered that the proposed traffic calming will improve road safety in the area.

4.5 Our house is the tallest and oldest in the street. There was a single storey building used as a store opposite our house. The new development proposes a three storey building. How will this affect the view and light to our property?

Given the degree of separation and the limited impact on sunlight levels, it is not considered that levels of daylighting enjoyed will be significantly affected. The right to a view is not a material consideration in the determination of an application for planning permission.

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 stated purpose and function of the Approved Ayrshire Joint Structure Plan is to set out the strategic framework for the use of land.

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. Consequently, the proposed development falls to be considered in terms of Policies IND 8, RES 4, RES 19, RES 21, RES 22, ENV 17 and ENV 18 contained within the East Ayrshire Local Plan.

East Ayrshire Local Plan

5.3 This proposal is for residential development (46 units) on land formerly used for industrial purposes. The development includes the demolition of four vacant industrial nest units and a derelict former factory unit.

5.4 The majority of the site is designated in the East Ayrshire Local Plan as a Miscellaneous Development Opportunity site (Ref 199M) suitable for industrial, residential or recreational uses. Residential development on this part of the site is therefore compatible, in principle, with the provisions of the Local Plan.

5.5 The remaining portion of the application site comprises the four vacant industrial nest units and the neighbouring derelict former factory unit. Policy IND 8 states that proposals for the alternative use of land or premises currently or formerly used for industrial purposes shall be considered acceptable subject to a set of three criteria being met:-

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

It is considered that residential development would not be detrimental to surrounding established uses.

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

It is considered that, in principle, the proposal meets all other relevant Local Plan policies.

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

There is a limited amount of industrial land in Stewarton. At the time of granting the previous planning permission it was shown that the marketing process carried out for the existing industrial units at Bridgend had been unsuccessful. It was shown that the property has been marketed since June 2000 without success. It is accepted that there is no market interest and that residential use is therefore acceptable in principle at this location.

5.6 Policy RES 4 states that, within settlement boundaries, the Council will positively encourage the sympathetic residential development of gap, infill, or other redevelopment sites, including those sites created through the large scale demolition of existing housing, not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Development proposals will be assessed against a set of four stated criteria:-

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

In principle residential development at this location is acceptable and would not impact detrimentally on the natural and built environment or on surrounding uses. The site is vacant and unsightly at present and the development represents an improvement to the visual amenity of the area.

- (ii) Transportation and infrastructure implications;

See Section 3 of the report which provides the comments of East Ayrshire Council Roads and Transportation Division and other infrastructure consultees.

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

It is considered that the proposed density is appropriate for this brownfield site. The buildings proposed are broadly compatible with surrounding housing types in terms of their design.

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

Taking into account the brownfield nature of the site, the siting of the blocks adjacent to the river bank, the mixed nature of surrounding residential development, and the finishes proposed, the development is considered to be acceptable in terms of its design and finishes. The buildings proposed are considered to be visually interesting and distinctive. The development includes a variety of house types of differing sizes suitable for a wide range of households.

5.7 Policy RES 19 states that all housing developers will be required 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.

Due to the linear nature of the site the developer has proposed that no public open space be provided within the development site. However they do agree to entering into a Section 75 Legal Agreement with the Council to secure the provision of play equipment in the adjacent area of Council owned public open space. Said agreement will be based on a contribution of 1% of the construction costs being provided to the Council for the purposes of, as an alternative to open space, securing an improvement of an adjacent existing facility.

5.8 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.

The development is located in close proximity to a large area of open amenity space on the opposite side of the Annick Water and next to another amenity area between the site and Barbour's Park at the south end of the site. Given the fact that the developer has indicated a willingness to enter into a Section 75 Agreement regarding the upgrading of the Robertland play area, and the extent and location of open space provision in the vicinity, the proposed development is considered satisfactory in terms of open space provision.

5.9 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.

A proportion of the proposed development fails to meet the minimum private open space standards required. Whilst the proposed development fails to meet these standards, it should be borne in mind that the site is brownfield in nature.

5.10 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 which 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.

A flood risk assessment has been appraised by the Council's Roads Division who have concluded that they have no objection to the proposal.

5.11 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 and the taking if necessary of appropriate measures, prior to the commencement of development.

5.12 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 applicant has declined to make this voluntary contribution because of the considerable contribution already being made in respect of the new play equipment proposed, the upgrading of the riverbank, and environmental improvements.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultation Responses

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

Representations Received

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. On balance, it is considered that the points of objection are not of sufficient weight to justify refusal of the application.

Planning History

6.4 Planning Permission 03/1030/FL was granted on 04 October 2004 for 56 houses at this location. Said consent included a Section 75 Agreement for the upgrading of the adjacent area of open space and the provision of appropriate traffic calming.

This proposal mirrors said application significantly with variations to house types and building layouts.

6.5 03/0783/FL: An application for full planning permission for proposed new build private development at Bridgend, Stewarton was withdrawn on 20 November 2003.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. 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 8.5 of the report.

8. CONCLUSIONS

8.1 As indicated in section 5 of the report, the application is considered to be broadly in compliance 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 There are no objections to the use of the site for housing in principle. It is not considered that the proposed residential use of the site would be detrimental to adjacent uses. The site is in a vacant and unsightly state at present and therefore it is considered that the proposed development will improve the visual amenity of the general area. Taking into account the brownfield nature of the site, the siting of the blocks adjacent to the river bank, the mixed nature of surrounding residential development, and the finishes proposed, the development is considered to be acceptable in terms of its design and finishes. The buildings proposed are considered to be visually interesting and distinctive.

The development includes a variety of house types of differing sizes suitable for a wide range of households.

8.3 The development is located in close proximity to a large area of open amenity space on the opposite side of the Annick Water and next to another amenity area between the site and Barbours Park at the south end of the site. Given the fact that the developer has indicated a willingness to enter a Section 75 Agreement regarding the upgrading of the Robertland play area, and the extent and location of open space provision in the vicinity, the proposed development is considered satisfactory in terms of open space provision.

8.4 As is indicated in section 6 of the report, there are material considerations relevant to the application which require to be given due weight in arriving at a decision. With regard to the consultations 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.

8.5 It is considered that the proposed development can 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 making of a financial contribution to the Council towards the provision and maintenance of a play area on the existing Robertland site on the east side of the Annick Water in accordance with Policy RES 21 of the East Ayrshire Local Plan.

(ii) The provision and maintenance of all traffic calming measures outwith the application site to the requirements of the Council's Roads and Transportation Division.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheets and that the issuing of the Decision Notice be withheld until the Solicitor to the Council has concluded a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 dealing with the matters itemised in Paragraph 8.5 of the report.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning Development and Building Standards and should that decision be taken on the basis of the principle of residential development, then, the application will require to be referred to the Development Services Committee because such a decision would represent a substantial departure from Council Policy.

Alan Neish
Head of Planning and Building Control

06 May 2005
(CSI/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certifications.
3. Letters of Representation.
4. Consultation Responses.
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan (1999).
7. Planning Application Reference No: 03/0783/FL.& 03/1030/FL.

Anyone wishing to inspect the above papers please contact Craig Iles on 01563 576772.

Implementation Officer: Dave Morris

041138FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/1138/FL

Site of Proposal:	Bridgend STEWARTON
Nature of Proposal:	Proposed New Build Residential Development
Name & Address of Applicant:	John Henry Homes (Stewarton) Ltd 73 Union Street GREENOCK PA16 8BG

DPOs Reference: CSI/MMM

The above FULL 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 15/11/04 and the stamped approved plans.

REASON To ensure that the development is carried out in accordance with 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 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 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 should 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 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 be fully operational.

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

5. Notwithstanding the terms of condition 1 above, prior to the commencement of works on site, details of any security and safety fencing required during the period of site development shall be submitted to and approved in writing by the Planning Authority.

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

6. Site clearance and external construction works shall take place only between 8 am and 6pm, Monday to Friday, and between 9.00 am and 1.00 pm on Saturdays. No such works shall be undertaken at any time on Sundays.

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

7. Notwithstanding the terms of condition 1 above, a 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 not later than the next appropriate planting season after the development has been carried out, and shall be maintained thereafter to the satisfaction of the Council as Planning Authority.

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

8. Notwithstanding the terms of condition 1 above, prior to the occupation of any of the residential units to which they relate, vehicle car parking spaces shall be provided in accordance with the approved plans.

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

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 development works on site, a joint inspection of Bridgend shall be undertaken in conjunction with the Councils Roads and Transportation Division in order to ascertain the condition of the adjacent public road prior to the commencement of development works. The re-shaping of the existing road, alterations to surface water drainage, and alterations to street lighting shall all be carried out to the satisfaction of the Council as Planning Authority.

REASON To ensure the provision and maintenance of a secure road surface in the interests of road and public safety.

11. Notwithstanding the terms of Condition 1 above, the private car parking shown within the site shall be accessed by footway crossings, and the industrial units on the western side of Bridgend accessed by means of commercial access crossings, all to the satisfaction of East Ayrshire Council Roads and Transportation Division. These shall be implemented prior to the occupation of any of the dwellings or flats.

REASON In the interests of road and public safety.

12. Notwithstanding the terms of condition 1 above, details of the intended treatment to the bank of the Annick Water and of all retaining works, shall be submitted to, and agreed in writing by the Council as Planning Authority prior to the commencement of works on site. Following agreement, any works shall be completed to the satisfaction of the Planning Authority prior to occupation of any of the dwellings or flats.

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

13. 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.

14. Notwithstanding the terms of condition 1 above, details of the location, design and construction of all permanent 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 the site.

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

15. Notwithstanding the terms of Condition 1 above, prior to the occupation of the first dwellinghouse the requirements of the flood risk assessment and details received on 06 May 2005 shall have been fully implemented to the satisfaction of the Planning Authority.

REASON In order to ensure that the proposed development is not at significant risk of flooding.

16. Prior to the commencement of development on site the applicant shall submit either written confirmation of the suitability of the proposed bin storage arrangements to accommodate the Council's three-bin re-cycling scheme, or revised drawings indicating appropriate revisions to the submitted bin store details. Thereafter, the bin storage shall be provided as agreed by the Planning Authority.

REASON In the interests of visual and residential amenity.

17. Notwithstanding the provision 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, other than within the curtilage of Plots 1 - 8, unless a further specific planning application is submitted to and approved in writing 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.

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 response received from Transco is attached. The developer is strongly advised to note same and take any appropriate recommended action.
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 agreement 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. 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.

7. The applicant should contact Scottish Power to discuss alteration/protection of their apparatus within the site.

8. East Ayrshire Councils 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.

9. This site is known/suspected to be contaminated. You should be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. The Local Planning Authority has determined the application on the basis of the information available to it. This does not necessarily mean that the land is free from contamination.

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.**