

EAST AYRSHIRE COUNCIL

PRINCIPAL PLANNING COMMITTEE - 29 JUNE 2007

DECISION OF THE SOUTHERN LOCAL PLANNING COMMITTEE HELD ON FRIDAY 22 JUNE 2007 RELATING TO PLANNING APPLICATION NO 06/0375/FL: PROPOSED HOUSING DEVELOPMENT OF 8 SEMI-DETACHED HOUSES AND 22 DETACHED HOUSES, ASSOCIATED ROADS, SERVICES AND OPEN SPACE AT SILLYHOLE, ARMOUR WYND, DALMELLINGTON BY EASSDA LIMITED

Report by the Depute Chief Executive/Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform the Committee of the decision of the Southern Local Planning Committee held on 22 June 2007 regarding the above planning application.

2. BACKGROUND

- 2.1 The Southern Local Planning Committee on 22 June 2007 considered a report dated 13 June 2007 (attached as an Appendix) by the Head of Planning and Economic Development, and agreed, that this application be referred to the Parent Planning Committee with a recommendation for refusal, the Local Planning Committee being of the view that vehicular access being taken to the development site from the junction of the B714/Armour Wynd, as proposed, would be unsuitable for this purpose and significantly detrimental to road safety.
- 2.2 Four objections were submitted in respect of this application and, therefore, there is a requirement to hold a Hearing at this meeting.

3. FINANCIAL/LEGAL IMPLICATIONS - Nil.

4. POLICY IMPLICATIONS

- 4.1 The Committee are referred to the report dated 13 June 2007 by the Head of Planning and Economic Development, attached as an Appendix to this report.

5. RECOMMENDATION

- 5.1 It is recommended that this Committee consider the planning application with reference to the report by the Head of Planning and Economic Development dated 13 June 2007, and with consideration to the recommendation by the Southern Local Planning Committee as detailed in Paragraph 2.1 above.

Elizabeth Morton
Depute Chief Executive/Executive Director of Corporate Support

22 June 2007

SN/SR

LIST OF BACKGROUND PAPERS

NIL

Any person wishing further information on this report should contact Bill Walkinshaw, Head of Democratic Services on telephone number (01563) 576135.

Implementation Officer: Stuart Nelson, Administrative Officer.

APPENDIX

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 22 JUNE 2007

**06/0375/FL: PROPOSED HOUSING DEVELOPMENT OF 8 SEMI-DETACHED
HOUSES AND 22 DETACHED HOUSES, ASSOCIATED ROADS, SERVICES
AND OPEN SPACE**

AT SILLYHOLE, ARMOUR WYND, DALMELLINGTON

APPLICATION BY EASSDA LIMITED

Report by Head of Planning and Economic Development

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of 8 semi-detached and 22 detached dwellings on the application site. Four house types are proposed as follows:

- (i) 8 Type DJ5 – semi-detached, two storey, 5 apartment dwelling;
- (ii) 6 Type DJ9 – detached, 1½ storey, 4 apartment dwelling;
- (iii) 3 Type DJ10 – detached, 1½ storey, 6 apartment dwelling; and
- (iv) 13 Type DJ4 – detached, single storey, 4 apartment dwelling.

1.2 All of the dwellings are shown to be finished externally in a combination of white painted cement render with red facing brick base courses, with roof tiles the colour of which is to be agreed with the Planning Authority. The proposed development will be served by an extended access road from Armour Wynd with a long cul-de-sac leading from this new section of residential road.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

3. SUMMARY OF ANALYSIS

3.1 As is indicated in Section 5 of the report, the application is considered to be 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. As is

indicated at Section 6 of the report, there are material considerations relevant to this application which are also generally supportive of the proposed development.

3.2 The site lies within the settlement boundary of Dalmellington and is, in the main, an identified residential development opportunity site. The proposed development in terms of its layout, scale, design and use of finishing materials is considered to be acceptable for this location subject to the imposition of appropriate conditions.

3.3 While having some sympathy with the representations received, these can either be addressed by use of conditions or are not of sufficient weight or merit to justify refusal in this case. Some of the representations made relate to legal matters rather than valid planning grounds of objection.

3.4 The current condition of the site gives cause for concern and it is considered that the development of this site for residential purposes will result in significant improvement to the general amenity of this area.

3.5 In relation to the proposed access arrangements provided in the current application, there are no objections from the Roads and Transportation Division either in terms of road safety or in terms of the capacity of the existing adopted public road at Armour Wynd to accommodate the increased level of traffic resulting from the proposed development. The applicant has indicated that, due to the potential significant additional costs of providing an alternative access and the issues of land acquisition, this would be unacceptable in financial terms and as this would involve land that is not within the control of the applicant

CONTRARY DECISION NOTE

Should the Committee agree to refuse the application contrary to the recommendation of the Head of Planning and Economic Development, the application would require to be referred to the Parent Planning Committee as such a decision would represent a significant departure from the development plan for the reason set out in section 6.6 of this report.

Alan Neish
Head of Planning, Development and Building Standards

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

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 22 JUNE 2007

**06/0375/FL: PROPOSED HOUSING DEVELOPMENT OF 8 SEMI-
DETACHED HOUSES AND 22 DETACHED HOUSES, ASSOCIATED
ROADS, SERVICES AND OPEN SPACE
AT SILLYHOLE, ARMOUR WYND, DALMELLINGTON**

APPLICATION BY EASSDA LIMITED

Report by Head of Planning and Economic Development

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 as the application is the subject of objections.

1.2 The application was first presented to the Southern Local Planning Committee on 23 February 2007 and, following a Planning Hearing, it was agreed to continue consideration of the application to allow for a Site Visit and attendance of a representative of the Roads and Transportation Division.

1.3 Following the Site Visit that took place on 22 March 2007, the application was re-presented to the Southern Local Planning Committee at its meeting on 23 March 2007 at which time the Committee agreed, in view of road safety issues with vehicular access to the development being taken along Armour Wynd, to continue consideration of the application to a future meeting in order to enable the Head of Planning and Economic Development to consult with the applicant regarding the possibility of an alternative vehicular access being provided and to report back on the outcome. The outcome of this consultation is referred to in sections 6.5, 6.6 and 8.5 of this report.

2. APPLICATION DETAILS

2.1 **Site Description:** The site lies off the B741 Dalmellington – New Cumnock road at the west end of Armour Drive in Dalmellington. The application site comprises the former sawmill site and the site of a former scrap yard. The site extends to 1.62 hectares and is relatively level. The site is bounded to the east by existing residential properties at Armour Wynd, to the west and south by sloping agricultural land and to the north by the Cumnock Burn.

2.2 The site is presently in an extremely untidy condition with evidence of demolition material, scrap and other waste materials being present on site. The site has clearly been the subject of fly tipping with domestic white goods also having been dumped on site. There are also a number of trees located on the northern and north-western boundaries of the application site.

Proposed Development: Full planning permission is sought for the erection of 8 semi-detached and 22 detached dwellings on the application site. Four house types are proposed as follows:

- (i) 8 Type DJ5 – semi-detached, two storey, 5 apartment dwelling;
- (ii) 6 Type DJ9 – detached, 1½ storey, 4 apartment dwelling;
- (iii) 3 Type DJ10 – detached, 1½ storey, 6 apartment dwelling; and
- (iv) 13 Type DJ4 – detached, single storey, 4 apartment dwelling.

2.3 All of the dwellings are shown to be finished externally in a combination of white painted cement render with red facing brick base courses, with roof tiles the colour of which is to be agreed with the Planning Authority. The proposed development will be served by an extended access road from Armour Wynd with a long cul-de-sac leading from this new section of residential road.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Dalmellington Community Council has not responded to the consultation letter.

Noted.

3.2 Transco has no adverse comments to make on the proposed development.

Noted.

3.3 East Ayrshire Council's Roads and Transportation Division states that it has no objections in principle to the proposed development subject to the following conditions:

1. Junction visibility spays of 2.5m by 35m will require to be formed at all internal road junctions with no object greater than 1m in height allowed within these splay areas.
2. Access to the site will require to be taken via internal roads that comply with the Roads Development Guide 1996 and will require Construction Consent. This consent would cover details such as road widths, footways, road construction, traffic calming, street lighting, drainage etc.
3. No surface water must be allowed to discharge onto the public road.
4. A minimum of two off-road parking spaces will require to be provided for each dwellinghouse.

5. Any garages must be set back a minimum distance of 6 m from the rear of the footway.
6. The private driveways will require to be paved for a minimum distance of 2 metres from the rear of the footway to avoid overcarry of loose material onto the public road.
7. Any gates will require to open inwards, away from the public road.
8. Drainage details and in particular the use of SUDS will require the approval of East Ayrshire Roads and Transportation Division and SEPA as part of the Construction Consent.
9. The proposed private driveways should not be less than 4.8 metres in length by 2.5 metres in width.
10. Traffic calming is likely to be in the order of three road humps along the existing length of Armour Wynd with appropriate signage and advertising of traffic orders all at the applicant's expense. Therefore the red line should be extended to include the existing road to the B741 and neighbour notification carried out by the applicant.

Conditions can be attached to any planning consent granted for the proposed development to meet the requirements of the Roads and Transportation Division. The red line application site has been amended to incorporate the traffic calming measures on Armour Wynd, with the applicant having carried out neighbour notification in respect of this amendment.

3.4 Scottish Water has no objections to the proposed development, subject to a condition that no development shall commence until evidence is presented to the Planning Authority that an agreement has been reached between the developer and Scottish Water for the provision of a drainage / water scheme to serve the development. A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water supports the principle of a sustainable urban drainage system (SUDS) and the developer should consider utilising this in the surface water drainage design. It is important to note that Scottish Water will not adopt surface water drainage systems that require water to be pumped.

Appropriate conditions and notes can be attached to any consent granted for the development to advise early contact with Scottish Water regarding service provision and drainage of the site.

3.5 The Scottish Environment Protection Agency states that it has no objections in principle to the proposals provided the drainage arrangements are to its satisfaction. All foul drainage from the development site must be connected to the public sewerage system in accordance with Scottish Water requirements. The development must not entail the use of dual manholes for connections to the existing sewage system, either in the public sewers or within the curtilage of the development. SEPA request a condition requiring the applicant to install a surface water treatment system designed and constructed in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual published by CIRIA. All waste materials generated by this development that require to be removed such as

construction, demolition wastes and surplus excavated material, must be removed from the site by licensed waste carriers. Waste must be removed to a site that has either an appropriate waste management licence or is registered with SEPA as exempt from licensing.

A note can be attached to any consent granted for the proposed development advising the applicant to make early contact with SEPA regarding drainage of the site and disposal of waste materials. A condition can be attached to any consent granted in respect of the requirement for a SUD system to serve the development site.

3.6 Power Systems has no objections to the proposed development.

Noted.

3.7 East Ayrshire Environmental Health Division states that given the present condition of the site, and its former uses there may be the potential for soil contamination on site. It has been agreed that the developer will require to remove the extraneous material from the site and suitably dispose of it. Thereafter further investigation will be required prior to development taking place on site to identify any residual contamination and if found, for remedial measures being undertaken as necessary.

Appropriate standard conditions relating to assessment and remediation of potential ground contamination can be attached to any consent granted for the proposed development.

3.8 East Ayrshire Roads and Transportation Division (Flooding Section) commenting on the Flood Risk Assessment provided by the applicant states that the 400 mm freeboard between the 200 year return period and the bank levels should be maintained across the site as stipulated in the FRA. The developer should clearly identify those areas of banking that are to be raised to provide the 400 mm freeboard. Details for the disposal of surface water from the site must be submitted for consideration. Any proposals must demonstrate that properties will be unaffected during the 200 year rainfall event and clearly show flow paths through the site. A 2 metres wide access along the entire length of the river through the development site must be provided for inspection and maintenance purposes. The applicant will require to confirm the arrangements for the future maintenance of the watercourse through the development site. Confirmation of SEPA and Scottish Water approval of the proposals must be submitted.

Conditions can be attached to any consent granted for the proposed development to meet the requirements of the Flooding Section.

4. REPRESENTATIONS

4.1 Four letters of representation have been received regarding the proposed development. The points of representation are summarised as follows:

4.2 I do not object to this application but I would like the Council to consider a condition of consent whereby the developer is to be attentive to the regular clearing up of waste building materials, packaging etc from the site. From past experience I know that building sites generate a lot of waste materials and I am concerned that such materials do not become wind blown, or pilfered by children and abandoned on my property. Plastic packaging products in particular can be hazardous to livestock.

A condition can be attached to any consent granted, in line with the requirements of SEPA regarding the appropriate disposal of waste materials from the site. Clearly the development of the site for residential purposes will in itself result in waste currently present on site being removed and appropriately disposed of.

4.3 We are concerned that without certain safeguards we would be severely disadvantaged during and after development of the site takes place. Access to the site is by a poorly maintained private road which has public right of way. My concern is that during the clean up phase of the development this road will deteriorate due to the volume of heavy traffic that would be required in the cleaning up of the site. Although we only have right of way and do not own the road, we do carry out basic repairs and feel that should the development go ahead, the developer should make sure the road is brought up to and maintained at an acceptable level due to the increase in heavy traffic.

The issue of use and maintenance of the private road is essentially a legal matter. While sympathising with the comments of the objector, the existing private access road does not form part of the application site and therefore the Planning Authority is unable to require that the road is made up to a particular standards. This private road will not be used as the formal access to the residential development; this will be taken from the existing adopted road at Armour Wynd.

4.4 The former scrap yard building has now been demolished, which I believe was undertaken without the appropriate building warrant and this resulted in losing our mains water supply for over 24 hours. Our services run through the application site and would therefore ask that unless our water, electricity and drainage can be guaranteed, the application should be denied. I am particularly concerned about the sewerage / drainage infrastructure as this currently passes through the proposed site and will inevitably be damaged

by any development. I have already asked that we should be connected by the developer to any new sewerage infrastructure put in place.

It is considered that this is essentially a legal matter between the objector and the developer. There are issues of wayleave in respect of the objector's services that pass through the development site and it is incumbent on the developer to ensure that appropriate legal permissions have been acquired in order to implement the proposed development. The developer is aware of the issue regarding these services and it is understood that appropriate accommodation of these within the servicing of the new residential development will take place. However, it is not possible for the Planning Authority to guarantee non-disruption of the objector's services, as it may be necessary for temporary interruption of service by statutory undertakers in providing services to the new development

4.5 The proposed development would result in increased traffic on Armour Wynd resulting in increased risk of accidents involving both pedestrians and vehicles.

The proposed residential development will incorporate traffic calming measures as required by the Roads and Transportation Division. With the incorporation of these road safety measures, there are no objections from the Roads and Transportation Division regarding the proposed development.

4.6 There is a question of suitability of the junction of Armour Wynd with the B741 Road to deal with the increased traffic the development would bring.

The Roads and Transportation Division has not raised any objections to the development with regard to the existing road junction serving the existing and proposed residential developments at this location.

4.7 Objection is made due to the environmental issues that would arise from increased noise from additional traffic and noise associated with acceleration deceleration at traffic calming points including the night time period.

While there may be additional traffic access along Armour Wynd, it is not considered that there would be any significant impact on residential amenity in terms of noise nuisance arising from this increase or with the introduction of traffic calming on Armour Wynd.

4.8 Objection is made on the basis of noise and dust arising from construction works, site traffic and road dirt and hazards to existing residents from building site traffic.

Conditions can be attached to any consent granted to confine construction works to appropriate working hours to assist in minimising these temporary impacts.

4.9 The inappropriate use of the private road between Glebe House Nursing Home and the existing Armour Wynd as access to the development site.

The existing access road has been constructed to adoptable standards and is capable of accommodating traffic arising from the proposed development. The private road is not to adoptable standards but there is no indication from the applicant on the intention to use this road during the construction period and does not form part of the proposed residential layout.

4.10 There is an increased possibility that future westward expansion could result in the construction of a through route joining Broomknowe Road through to the B741 Via an expanded housing development.

A new link road and future residential development as described by the developer would require to be the subject of future applications and is not for consideration as part of the determination of this application.

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 (1999) and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 There are no structure plan policies directly relevant to this application.

Noted.

East Ayrshire Local Plan

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

Most of the site lies within an area identified as residential development opportunity site 224H therefore the principle of housing at this location is acceptable.

5.4 The southern part of the site is not identified for any particular purposes and must therefore be assessed against policy RES 4. Policy RES4 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. Developments will be assessed against a set of four stated criteria, as follows:

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

Housing development at this location is unlikely to have any detrimental impact on the surrounding environment as the site lies adjacent to existing residential areas.

(ii) transportation and infrastructure implications;

There are no significant infrastructure issues arising from the proposed development.

(iii) compatibility with surrounding densities and housing types; and

The proposed housing is compatible with surrounding densities and house types.

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

The proposal meets with the Council's Design Guidance relating to New Residential Development.

5.5 Policy RES19 requires all housing developers to provide areas of recreational and amenity open space in their developments to the indicative basic standards set out in Schedule 3 of the Local Plan. The policy states also that the precise type, size, location and design of the open space required is dependent on the extent of existing open space provision in the vicinity and the recreational and amenity needs of the wider area.

The amount and location of public open space proposed meets the Council's standards following submission of amended plans.

5.6 Policy RES22 requires all developers to observe the minimum standards for the provision of private open space detailed in Schedule 4 of the Local Plan.

The development meets with the Council's minimum private open space standards.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the Finalised Ayrshire Joint Structure Plan, the consultation replies and the representations received.

Finalised Ayrshire Joint Structure Plan

6.2 There are no finalised structure plan policies directly relevant to this application.

Noted.

Consultation Replies

6.3 The consultation replies would generally indicate that approval of the application would be appropriate.

Representations

6.4 It is considered that the representations received can either be addressed by conditions or are not of sufficient weight or merit to justify refusal of the application.

Alternative Vehicular Access

6.5 In response to the request by the Committee on 23 March 2007 to explore the possibility of alternative vehicular access to the proposed development site taken from Broomknowe, Dalmellington, the applicant's agent has responded as follows:

- Our client does not own the land on which the alternative access road would be constructed and has no assurance that the land is indeed available for purchase. The land required could easily become a "ransom strip" and the cost of obtaining this ground may not be economically viable for our client, should it be available.

The proposed alternative access would indeed involve land outwith the control of the applicant and would involve the acquisition of this land at the expense of the applicant, provided that the land is available for purchase.

- The access road would require to negotiate a fall of about 8 metres from Broomknowe to meet the existing / proposed site levels. At the maximum permitted gradient of 8%, this would require the construction

of an extra road, complete with pavements, drainage, etc. of 100 metres and requiring considerable cut and fill to achieve the adoptable standard. Further, considerable landscaping to either side of the road would presumably be required, all constituting a major civil engineering undertaking. The costs of these works would be prohibitive to our client.

While it is technically possible to provide the proposed alternative access road, the implementation of this would require additional civil engineering works which, together with the costs of providing a new section of road, would represent significant additional costs to the developer when compared to the current proposal to connect directly to the adopted public road at Armour Wynd.

- The construction of such a road would render the building on plots 11 and 12 impossible, due to the alignment of the road with the existing proposal. Also, the houses on plots 9, 10, 13 and 14 would require substantially extra underbuilding and ground works to bring them up to the level of the road. This is a further considerable negative consideration for our client.

Noted.

- The width of the proposed access road along Broomknowe is similar to the width of Armour Wynd (approximately 5.5 metres) and it is difficult to understand why this would prove more advantageous to either the Council or local residents as exactly the same conditions of extra traffic and presumably traffic calming measures would apply.

Noted.

- Consideration should also be given to the sightlines to the access junction to Broomknowe / Gateside Road where the double bend to Cumnock Road obscures oncoming traffic, and is further complicated by the junction with Knowehead. The Armour Wynd / Cumnock Road junction appears to offer considerably safer sightlines.

Noted.

- There would be further delay to our client due to re-design, consultations, neighbour notification etc., all with the attendant costs, assuming the above issues can be clarified.

The proposal for the alternative access road to serve this development would necessitate the withdrawal of the current application and the submission of a fresh planning application.

6.6 The applicant's agent submits that the suggestion of an alternative road to the proposed development site from Broomknowe is not tenable, and that the proposal of a route via Armour Wynd is indeed the only viable solution to

access the site. The agent further states that protracted discussions have been undertaken with the Council on this matter and registers surprise and dismay at this particular issue being raised at such a late stage in this application.

It should be noted that there are no objections to the current access arrangements from the Roads and Transportation Division either on road safety grounds or in relation to the capacity of the existing adopted public road at Armour Wynd. Further that in respect of the points raised in section 6.5, the Roads and Transportation Division would not dispute these points.

Should the Committee agree to refuse the application on the grounds of road safety or vehicular accessibility of the development site, then this would imply that a site which, in the main, is an area identified as a residential development opportunity site in the East Ayrshire Local Plan, is essentially ineffective contrary to its local plan designation.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As is indicated in Section 5 of the report, the application is considered to be 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. As is indicated at Section 6 of the report, there are material considerations relevant to this application which are also generally supportive of the proposed development.

8.2 The site lies within the settlement boundary of Dalmellington and is, in the main, an identified residential development opportunity site. The proposed development in terms of its layout, scale, design and use of finishing materials is considered to be acceptable for this location subject to the imposition of appropriate conditions.

8.3 While having some sympathy with the representations received, these can either be addressed by use of conditions or are not of sufficient weight or merit to justify refusal in this case. Some of the representations made relate to legal matters rather than valid planning grounds of objection.

8.4 The current condition of the site gives cause for concern and it is considered that the development of this site for residential purposes will result in significant improvement to the general amenity of this area.

8.5 In relation to the proposed access arrangements provided in the current application, there are no objections from the Roads and Transportation Division either in terms of road safety or in terms of the capacity of the existing adopted public road at Armour Wynd to accommodate the increased level of traffic resulting from the proposed development. The applicant has indicated that, due to the potential significant additional costs of providing an alternative access and the issues of land acquisition, this would be unacceptable in financial terms and as this would involve land that is not within the control of the applicant.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree to refuse the application contrary to the recommendation of the Head of Planning and Economic Development, the application would require to be referred to the Parent Planning Committee as such a decision would represent a significant departure from the development plan for the reason set out in section 6.6 of this report.

Alan Neish
Head of Planning and Economic Development

13 June 2007
HM/HM
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses.
4. Letters of Representation
5. Adopted East Ayrshire Local Plan (1993).
6. Approved Ayrshire Joint Structure Plan (1999).
7. Finalised Ayrshire Joint Structure Plan (2006)

Any person wishing to inspect the background papers listed above, should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

TP24
EAST AYRSHIRE COUNCIL
TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0375/FL

Site of Proposal:	Sillyhole Armour Wynd Dalmellington
Nature of Proposal:	PROPOSED HOUSING DEVELOPMENT 6 SEMI DETACHED HOUSES AND 24 DETACHED HOUSE, ASSOCIATED ROADS AND SERVICES AND OPEN SPACE.
Name & Address of Applicant:	EASSDA Ltd 745 Antrim Road Templepatrick BT39 OAP
Name & Address of Agent:	Fleming Muir Architects 20 St Quivox Street Ayr KA9 1LJ

PPOs Reference: Hugh Melvin

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

1. The proposed development shall be carried out in accordance with the plans received by the Planning Authority on 24 April 2006 as amended by the site plan (Drawing. No.04-58-10) received on 02 February 2007 and the amended site layout plan (Drawing No. 04-58-02 Rev. E)) and amended application form received by the Planning Authority on 30 November 2006.

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

2. A minimum of two off-road parking spaces shall be provided internally for each dwelling.

REASON – In the interests of public road safety.

3. The private driveways shall be paved for a minimum distance of 2 metres from the rear of the footway/edge of the public road carriageway.

REASON – To avoid overcarry of loose material onto the public highway in the interests of maintaining a secure road surface.

4. Any gates shall open inwards away from the public road.

REASON – To prevent obstruction of the public highway in the interests of pedestrian and road safety.

5. No surface water shall be allowed to egress onto the public highway.

REASON – In the interests of maintaining a secure road surface.

6. The developer shall provide for junction visibility splays of 2.5m by 35m to be formed and maintained at all internal junctions with no object greater than 1m in height allowed within these splay areas.

REASON – In the interests of road safety.

7. The proposed driveways shall be not less than 4.8 metres in length and 2.5 metres in width.

REASON – In the interests of public road safety and residential amenity.

8. Construction works on site shall not be carried out prior to 0800 hours and after 1700 hours on Mondays to Saturdays, and not at any time on Sundays.

REASON – To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity.

9. A minimum of 10 visitor parking spaces shall be provided within the development site.

REASON – In the interests of public road safety and residential amenity.

10. Prior to the commencement of development, the developer shall submit to and have had approved by the Planning Authority, details of the proposed roof tiles to be used in the roof finish of the proposed dwellinghouses.

REASON – In the interests of visual amenity.

11. Prior to the commencement of development, the developer shall submit to and have had approved by the Planning Authority, details of the proposed external wall finishing materials of the proposed dwellinghouses.

REASON – In the interests of visual amenity.

12. Notwithstanding the plans hereby approved, and the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no front boundary walls or fences shall be constructed along the frontage of each plot without the prior written approval of the Planning Authority.

REASON – In the interests of visual amenity and to ensure continuity and uniformity of boundary treatment.

13. Prior to the commencement of development on site, the applicant shall submit to and have had approved by the Planning Authority a landscaping plan for the development site. The plan shall provide details of the numbers, species and sizes of trees and shrubs to be planted in all areas of open space within the development site. The details shall also indicate the proposed future maintenance arrangement for the open space areas and timing of implementation of the landscaping scheme.

REASON – In the interests of visual and residential amenity

14. Prior to the commencement of development the developer shall submit details of the Sustainable Urban Drainage system (SUDs) to be installed and shall specify a programme for the future management and maintenance of the scheme.

REASON – To ensure an appropriate means of surface water runoff in the interests of public health and safety.

15. No development shall begin on site (with the exception of site investigative works), until a comprehensive contaminated land investigation has been submitted to, and approved in writing by the Planning Authority. The investigation shall be conducted in line with BS 10175: 2001 code of practice for “The investigation of potentially contaminated sites” and will contain details of proposals to deal with contamination (if present) to include:

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

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

16. Under the terms of Condition 15 above, and prior to any further site development, the developer shall submit a report, confirming that any remedial works have been carried out in accordance with the remediation plan.

REASON: To provide verification that remediation of has been carried out in accordance with the remediation plan.

17. No trees shall be lopped topped or felled without the prior written consent of the Planning Authority. No site clearance or building operations shall be commenced on site until chestnut pale fencing of a height not less than 1.2 metres has been erected around the trees shown on the approve plans as being retained on site. The fencing shall enclose the greater of either:

- (i) the area described by the limit of the spread of the branches of the tree: or
- (ii) a radius of 5 metres from the trunk of the tree

Such fencing shall be maintained during the course of the development, and no storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed.

REASON: To ensure the retention of the maximum number of trees on site and their protection from damage in the interests of visual amenity.

18. Prior to the commencement of development on site, the applicant shall submit to and have approved by the Planning Authority in consultation with Scottish Water and the Scottish Environment Protection Agency, details of the following matters in respect of flood risk related to the application site:

- (i) the maintenance of the 400 mm freeboard between the 200 year return period and the bank levels across the site as stipulated in the Flood Risk Assessment with the identification of those areas of banking that are to be raised to provide the 400 mm freeboard.
- (ii) Details of the disposal of surface water from the site to demonstrate that properties will be unaffected during the 200 year rainfall event and clearly show flow paths through the site.
- (iii) The provision of a 2 metres wide access along the entire length of the river through the development site to allow for inspection and maintenance

purposes, and confirmation of the arrangements for the future maintenance of the watercourse through the development site. Rear boundary fences shall be located so as to accommodate this requirement.

REASON: To minimise the risk of flooding of the site.

19. At all times during the development of the site, the developer shall ensure that access roads leading to the site and passing through the adjacent residential area shall be maintained free of mud and other materials carried from the site. This should involve the prompt sweeping up of deposited materials when required; or the use of alternative measures to be agreed by the Planning Authority. In addition, the developer shall ensure that waste materials generated within the development site are stored/collected so as to prevent their dispersal outwith the site.

REASON – In the interests of road safety and residential amenity.

NOTES TO APPLICANT

1. East Ayrshire Council Roads and Transportation Division has advised that Construction Consent will be required for the construction of the residential roads and footpaths, street lighting etc. The Division can be contacted on Tel 01563 555330. The internal roads must comply with the Roads Development Guide 1996. This consent would cover details such as road widths, footways, road construction, street lighting, drainage, traffic calming, internal junction visibilities etc.
2. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency regarding drainage of the site and to confirm the request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.
3. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.
4. The applicant should make early contact with Power Systems and Transco with regard to the protection or diversion of apparatus that may be affected by the proposed development.
5. All waste to be removed from the site (construction waste etc.) shall be removed by a licensed waste carrier to an appropriately licensed or exempted site.

**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.**