

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 13 AUGUST 2004

**04/0145/FL: PROPOSED ERECTION OF 6 NEW DWELLINGHOUSES AT
MELLING TERRACE, DALMELLINGTON**

APPLICATION BY MR. STUART JACKSON

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of 6 detached dwellings within the application site comprising of five, four apartment 1½ storey units for plots 1,2,3,5 and 6, and one, six apartment 1½ storey unit to be constructed on plot 4. All the house types have traditional style dormers to the front elevations.

1.2 All dwellings will be finished externally in a white dry dash render with smooth cement render on door and window surrounds. All dwellings will have a grey concrete tile roof finish. Access to all the plots will be taken off Melling Terrace itself. The proposal will also result in the felling of some of the trees along the Melling Terrace frontage to allow an appropriate site layout and vehicle access.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet, but that the issue of the 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 matter detailed in Paragraph 7.1 of this report.

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the report, the application is considered to be a minor departure from 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 refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application which are generally supportive of the proposed development.

3.2 Residential development of the bulk of the site is considered acceptable in planning policy terms and there are no objections to the minor

extensions to the settlement boundary as proposed to the south of plots 1, 2, 3 and 4 which make the plots of a more developable size. Plot 1 of the development lies outwith the settlement boundary but represents the only possible remaining developable area on this part of Melling Terrace given the sharp drop in levels towards the Muck Water. Furthermore part of the application site is also affected by the presence of an existing sewer to the west of plot 1. Approval of development on this part of the site would represent a minor departure from policy RES17(iv) of the local plan, but given the circumstances outlined, it is considered to be an acceptable departure in this case.

3.3 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. The development of this site will also greatly improve the visual and general amenity of this area given the present vacant condition of the application site.

3.4 Although Scottish Water has objected to the proposed development, it is considered that the cost criterion on which the objection is based is a matter for the developer to resolve with Scottish Water and SEPA.

3.5 It is further considered that the representations received are either not of sufficient weight to justify refusal of the application or are not valid in respect of the proposed development. It is considered that some of the points raised can be addressed through the imposition of appropriate conditions on any consent granted for the proposed development.

CONTRARY DECISION NOTE

Should the Committee agree to refuse the application contrary to the recommendation of the Head of Planning, Development and Building Standards, the application would not require to be referred to the Development Services Committee as such a decision would not represent a significant departure from the development plan.

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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APPLICATION BY MR. STUART JACKSON

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 the proposed development represents a minor departure from policy and it is subject to letters of objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The site lies on the south west side of Melling Terrace in Dalmellington and lies approximately 30 metres south-east of the junction of Melling Terrace with Church Hill and lies opposite the junction of Melling Terrace with Dalton Avenue. It also lies in part within Dalmellington Conservation Area.

2.2 The application site extends to approximately 0.3 hectare and is presently vacant open space relating to the site of a former mill. The site is linear in nature and extends south and east along Melling Terrace. The site is divided into two areas by the existing private access road leading to Mill Cottage. The site is undulating in nature as it falls from the Church Hill end of the site to a more level plateau along Melling Terrace. The site however falls markedly from north to south as the landform falls towards the lower lying land beside Muck Water.

2.3 The site is bounded to the north by existing two storey local authority housing on Melling Terrace, some of which are now in private ownership, by private residential properties on Church Hill to the west, by Mill Cottage to the south and by vacant unused land also to the south and east. The site is also characterised by the presence of mature trees within the site particularly along the road frontage, some of which are conifers.

2.4 **Proposed Development:** Full planning permission is sought for the erection of 6 detached dwellings within the application site comprising of five, four apartment 1½ storey units for plots 1,2,3,5 and 6, and one, six apartment 1½ storey unit to be constructed on plot 4. All the house types have traditional style dormers to the front elevations.

2.4 All dwellings will be finished externally in a white dry dash render with smooth cement render on door and window surrounds. All dwellings will have a grey concrete tile roof finish. Access to all the plots will be taken off Melling Terrace itself. The proposal will also result in the felling of some of the trees along the Melling Terrace frontage to allow an appropriate site layout and vehicle access.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Dalmellington Community Council has not responded to the consultation letter at the time of writing.

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. Melling Terrace would require to be widened to 5.5 metres in width across the full frontage of the site.
2. A 1.5 metres wide footway to East Ayrshire Council standards would require to be provided across the full site frontage. The footway would require to be continued to link to the existing footway adjacent to 29 Church Hill. The details of this require to be agreed but may require to be the subject of a Section 75 Agreement as this is outwith the site boundary.
3. Junction visibility spays of 2.5m by 70m will require to be formed and maintained at the junction of Melling Terrace and the existing site access to Mill Cottage with no object greater than 1m in height allowed within these splay areas.
4. A minimum of 2 number off-road parking spaces will require to be provided for each dwelling.
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. All road infrastructure improvements will require construction consent from East Ayrshire Roads and Transportation Division.

Conditions can be attached to any planning consent granted for the proposed development to meet the requirements of the Roads and Transportation Division. Melling Terrace is now indicated as

being 5.5 metres wide. The provision of the link footpath to Church Hill will require to be secured by means of a Section 75 Agreement.

3.4 Scottish Water objects to the proposed development whereby it drains to the public sewerage system. This is due to the cost of providing infrastructure to serve the proposed development being outwith Scottish Water's 'reasonable cost' obligations in terms of the Sewerage (Scotland) Act 1968. Scottish Water would remove its objections if the applicant:

- (a) bears the cost of the increase in capacity of existing infrastructure and/or:
- (b) promotes a scheme that does not compromise the quality and quantity of discharge from the existing sewerage system and which is in terms satisfactory to Scottish Water.

A note 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 the entire area of the site is taken up by housing and there are no details provided of the drainage arrangements. There are no indications of the use of SUDS or of any land set aside for SUDS. It is therefore unclear from the application as to whether this site can be drained satisfactorily. Accordingly SEPA wishes to object to the proposed development. This objection can be withdrawn if satisfactory drainage proposals are provided by the developer. In principle the developer will require to connect all foul drainage to the existing public sewer to the satisfaction of Scottish Water. The developer will also require to install suitable SUDS to treat and attenuate the surface water leaving the site.

It is understood that the applicant has now provided further information directly to SEPA to address the concerns raised and that consequently SEPA no longer offers any objection to the proposed development.

3.6 East Ayrshire Council Department of Neighbourhood Services (Outdoor Amenity Section) states that at least two trees within the site, north of the mill, are worthy of retention. Any development of the site should allow for this.

The proposed layout for the site promotes the retention of a number of trees including one of the specimens identified by the Parks Section. However, one of the trees will require to be removed to allow for the widening of Melling Terrace and the provision of a new footway. A condition can be attached to any consent granted for the proposed development to require the planting of replacement trees.

3.7 The West of Scotland Archaeology Service has no objections to make on the proposed development.

Noted.

3.8 Power Systems has no objections in principle to the proposed development but advises that it has apparatus within/adjacent to the development site which may require alteration or protection. The cost of such work will be fully rechargeable.

A note can be attached to any consent granted for the proposed development advising the applicant to make early contact with Power Systems regarding this matter.

3.9 The Coal Authority has no objections to the proposed development.

Noted.

3.10 The Architectural Heritage Society of Scotland comment that with their grossly proportioned roof slopes and dormers, these houses are ungainly versions of what it assumes is meant to be structures in a sympathetic vernacular idiom appropriate to the mill and location. The fenestration in upvc and in a variety of non-traditional forms, compounds the unsatisfactory nature of the dwellings stylistically and aesthetically. AHSS would prefer to see an improved and more appropriate design for the mill site. Will there be any management scheme for the existing trees, being protected during building, once they become privately owned in the gardens. Perhaps they should be part of a managed landscape setting in joint ownership. The AHSS objects to the proposal in its current form.

It is considered that, given the nature and topography of the application site and in the context of the adjacent housing forms, the design style and scale of the dwellings are appropriate for this location. Revised plans have been submitted which address an unsatisfactory roof detail on plot 4.

Conditions can be attached to any consent granted for the proposed development to protect the trees being retained both during and after construction works.

4. REPRESENTATIONS

4.1 Apart from the objections received from Scottish Water and the Architectural Heritage Society of Scotland, seven letters of representation have been received regarding the proposed development from ten individuals. One letter has a petition containing 22 signatories of which 5 signatories have also submitted individual letters of representation. Two of the objectors have submitted supplementary letters of objection. One letter of representation does not object to the proposal but raises issues of removal of trees from the development site. The main points of objection are summarised as follows:

4.2 The proposed development will result in increased traffic and would impact on the safety of children. The access for two of the houses would be opposite my house. It is quiet in this area and not too much traffic and that is the way we want to keep it.

The Roads and Transportation Division has not offered any objections to the proposed development on road safety grounds. Since the submission of the original plans for the development the number of houses has been reduced from 7 to 6. Furthermore, the proposal will result in the widening of Melling Terrace and the provision of a new footway that will link to the footway on Church Hill. Consequently it is considered that the proposed development will result in improved safety for both road vehicles and pedestrians.

4.3 We bought this house because of the view and it was quiet. When you buy a house the view is very important and there are not many places with a view like ours. Take that away and the value of our property will drop. There is also concern about the height of the houses.

The loss of a view or loss in value of property are not matters which are material to the determination of this application. The site is identified in the East Ayrshire Local Plan as a Development Opportunity Site for residential purposes and the dwellings are considered to be acceptable in terms of height.

4.4 The road is not wide enough. The refuse vehicle currently has to go along the grass to get past the parked cars.

The proposal will result in the widening of Melling Terrace and the provision of a new footway that will link to the footway on Church Hill. Consequently it is considered that the proposed development will result in improved safety for both road vehicles and pedestrians. Each of the dwellings proposed will have appropriate provision for off street parking.

4.5 The land to be developed in front of my house is made up ground; this was done during building work at Dalton Avenue and Melling Terrace. This land is not safe to build on.

The applicant will require to satisfy himself as to the mineral stability of the site. This matter will also require to be addressed through a ground condition report at the stage of application for a building warrant.

4.6 The character of this area has remained untouched for decades and should remain so.

The site is identified in the East Ayrshire Local Plan as a Development Opportunity Site for residential purposes.

4.7 The proximity of the houses will result in a drastic loss of privacy, the distance to the nearest new house being “less than 25 feet”.

It is considered that the layout of the site is such that there will be no significant adverse impact on the privacy of existing dwellings on Melling Terrace, (there being some 14 metres from those existing), and certainly not to the degree as to merit refusal of the application.

4.8 A grave concern is the ability of emergency vehicles to access the street. It would be of greater benefit to the residents of the street if the Council could widen the street and provide parking facilities.

The proposal will result in the widening of Melling Terrace and the provision of a new footway that will link to the footway on Church Hill. Consequently it is considered that the proposed development will result in improved access for all vehicles. Each of the dwellings proposed will have appropriate provision for off street parking.

4.9 I do not wish to endure months of noise, dust and increased heavy vehicular traffic that would obviously occur during the building of these houses.

The construction works would be of a temporary nature.

4.10 The trees bordering Melling Terrace and fronting plots 5 and 6 were planted in memory of my father and the family would like to retain as many of these trees as possible. The trees benefit visual amenity.

The person making the representation is a part owner of the site and clearly would have the legal right to secure retention of the trees as part of any sale of the land to the developer. Notwithstanding this, a number of trees will require to be removed along the site frontage to allow widening of Melling Terrace and the provision of a new footway. It is likely that such works will necessitate removal of the trees or will affect their roots or stability.

4.11 There is a change in level and line of trees between the Mill House and Plot7. The proposed building may be better sited further north.

The proposed house on plot 7 has now been deleted from the proposed development.

4.12 Who owns the site if not the Council, why have they maintained it?

The land is owned by private individuals. The Outdoor Amenity Service confirm that in the interests of general tidiness they

maintain a 2-metre wide section of part of the site immediately adjacent to the road.

- 4.13 Concern about drainage and sewage disposal.

Scottish Water have objection on the basis of reasonable cost; not with respect to the principle of the development. If the developer can secure appropriate arrangements with Scottish Water, then development could proceed.

- 4.14 Provision of open space

The scale of the development is such that it does not require specific public open space provision.

- 4.15 Concern about the erection of footways and street lighting.

The Council's Roads Division do not oppose the development subject to the application of appropriate conditions.

- 4.16 Finished site levels/floor levels to be completed.

Finished floor levels are noted on the submitted plans. The proposed levels are not shown to greatly exceed the existing ground levels.

- 4.17 Boundary walls/fences to be erected.

Details of such features can be addressed by condition.

- 4.18 Being a former small holding, and under Scottish Law, no houses can be built on this ground.

In discussion with the Council's Legal Section, it is confirmed that it is for the applicant, outwith the consideration of this planning application, to resolve any legal constraints that may impact on the development of the site.

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 The site in question essentially comprises a specific housing site (Site No. 202H) in the adopted East Ayrshire Local Plan, which is identified as having a nominal capacity of 5 dwellings. 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.

Residential development on housing site 202H is acceptable in principle.

5.4 Policy RES17 states that residential development in the countryside will not be permitted in nine stated circumstances. One of those circumstances are pertinent to the application, those being:

- (iv) where the development would constitute an inappropriate extension of development into the countryside from existing settlement boundaries;

The easternmost part of the proposed development site comprising Plot 1, together with the southernmost sections of plots 1, 2, 3 and 4, does, however, project outwith the Dalmellington settlement boundary. The majority of the site, with the exception of plots 1 and 2, also lies within the Dalmellington Conservation Area boundary. Residential development of the bulk of the site is therefore considered acceptable in planning policy terms and there are no objections to the minor extensions to the settlement boundary as proposed to the south of plots 1, 2, 3 and 4 which make the plots of a more developable size. Plot 1 of the development lies outwith the settlement boundary but represents the only possible remaining developable area on this part of Melling Terrace given the sharp drop in levels towards the Muck Water. Furthermore part of the application site is also affected by the presence of an existing sewer to the west of plot 1. Approval of development on this part of the site would represent a minor departure from policy RES17(iv) of the local plan, but given the circumstances outlined, it is considered to be an acceptable departure in this case.

5.5 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 policy also allows those standards quoted to be relaxed in respect of the conversion of existing properties to flats where this can be fully

justified by the developer and where considered appropriate by the Planning Authority.

The development meets the private open space standards as detailed in the local plan.

5.6 Policy ENV4 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.

Reservations about the roof design of plot 4 have been addressed by amended plans. A wet dash render, as opposed to a dry dash finish would also be more in keeping with the character and appearance of the conservation area.

5.7 Under Policy ENV 1 the Council will seek to protect, preserve and enhance all heritage resources including Conservation Areas. Under Policy ENV 15 the Council will actively seek to preserve and supplement existing broadleaf and native tree species throughout East Ayrshire and protect those trees significant to the local landscape quality through serving Tree Preservation Orders.

The western part of the proposed development site is within the Dalmellington Conservation Area and contains mature trees which may have potential for designation under a Tree Preservation Order. In particular there is a large spreading ash tree which is clearly of amenity value. The coniferous trees and a sycamore along part of the northern boundary of the site are also an important tree grouping and may fulfil some function as a windbreak for the otherwise exposed properties on the north side of Melling Terrace. Where existing trees are to be retained, a condition can be imposed to protect these trees both during and after construction works. Trees however will require to be removed to accommodate road widening and footway provision works.

5.8 Policy TLR5 requests that all developers of residential sites comprising four or more houses enter into a Section 75 Agreement with the Planning Authority for contributions towards the provision of appropriate leisure and recreational facilities within the area to which the development relates.

The developer has indicated that given the extent of road widening and footway works, he is not prepared to contribute at the appropriate rate to the SLR Fund.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultation Replies

6.2 The consultation replies would generally indicate that approval of the application would be appropriate. The issue of drainage is a matter for the developer to resolve with Scottish Water and SEPA. It is considered that in respect of the comments of the Architectural Heritage Society, the design, scale and finish of the dwellings are acceptable subject to the imposition of appropriate conditions.

Representations

6.3 The representations received do raise points of material consideration in the determination of this report. It is considered that some of the points raised can be satisfactorily addressed by the imposition of appropriate conditions. Issues regarding loss of view and loss of property value are not material to the determination of the application.

Planning History

6.4 An outline planning permission for the erection of new dwellings on the current application site was approved on 05 March 1999 (Ref. No: 98/0639/OL). This consent was never implemented and has since expired.

6.5 A Conservation Area Consent application for the part demolition of outbuildings on the current application site was approved on 12 April 1999 (Ref. No: 99/0023/CA).

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. Legal implications would arise in the concluding of a Section 75 Agreement regarding the provision of the link footpath as described in Section 3.3 of this report.

8. CONCLUSIONS

8.1 As is indicated in Section 5 of the report, the application is considered to be a minor departure from 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 refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application which are generally supportive of the proposed development.

8.2 Residential development of the bulk of the site is considered acceptable in planning policy terms and there are no objections to the minor extensions to the settlement boundary as proposed to the south of plots 1, 2, 3 and 4 which make the plots of a more developable size. Plot 1 of the development lies outwith the settlement boundary but represents the only possible remaining developable area on this part of Melling Terrace given the sharp drop in levels towards the Muck Water. Furthermore part of the application site is also affected by the presence of an existing sewer to the west of plot 1. Approval of development on this part of the site would represent a minor departure from policy RES17(iv) of the local plan, but given the circumstances outlined, it is considered to be an acceptable departure in this case.

8.3 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. The development of this site will also greatly improve the visual and general amenity of this area given the present vacant condition of the application site.

8.4 Although Scottish Water has objected to the proposed development, it is considered that the cost criterion on which the objection is based is a matter for the developer to resolve with Scottish Water and SEPA.

8.5 It is further considered that the representations received are either not of sufficient weight to justify refusal of the application or are not valid in respect of the proposed development. It is considered that some of the points raised can be addressed through the imposition of appropriate conditions on any consent granted for the proposed development.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet, but that the issue of the 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 matter detailed in Paragraph 7.1 of this report.

CONTRARY DECISION NOTE

Should the Committee agree to refuse the application contrary to the recommendation of the Head of Planning, Development and Building Standards, the application would not require to be referred to the

Development Services Committee as such a decision would not represent a significant departure from the development plan.

Alan Neish
Head of Planning Development and Building Standards

18 July 2004
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. Previous applications 98/0639/OL and 99/0023/CA.

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

Implementation Officer: Dave Morris

Site of Proposal:	Vacant ground adjacent to the Mill Melling Terrace, DALMELLINGTON
Nature of Proposal:	Proposed erection of 6 new dwellinghouses
Name & Address of Applicant:	Mr. Stuart Jackson Flat 12, No. 30 Braeside Street KILMARNOCK
Name & Address of Agent:	Fleming Muir Architects 20 St. Quivox Road PRESTWICK 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 06 February 2004 as amended by the site layout plan (Drawing. No. 03-51-04 (Revision A – 5 August 2004), the amended planning application form received by the Planning Authority on 15 July 2004 and the amended house type drawing received on 05 August 2004.

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. Any future garages shall be set back a minimum of 6 metres from the rear of the footway.

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

7. Prior to the occupation of any of the houses hereby approved, visibility splays of 2.5m by 70m will require to be formed and maintained at the junction of Melling Terrace and the existing site access to Mill Cottage with no object greater than 1m in height allowed within these splay areas.

REASON – In the interests of road safety.

8. The Melling Terrace public road shall be widened to 5.5 metres in width across the full frontage of the site and a 1.5 metres wide footway to East Ayrshire Council standards shall also be provided across the full site frontage.

REASON – In the interests of public road safety.

9. Notwithstanding the plans hereby approved, and the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, any domestic garages associated with the development shall be of a permanent construction and finished in the same materials as the dwellinghouse to which it relates.

REASON – To ensure that any future domestic garages within the site are an appropriate match with the approved dwellinghouses in the interests of visual amenity.

10. 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.

11. Prior to the commencement of development on site, the developer shall submit to, and have approved by the Planning Authority details of boundary fencing or walls to be constructed within the development. These details shall be implemented prior to the occupation of the specific houses to which they relate.

REASON – In the interests of residential and visual amenity.

12. Prior to the commencement of development, the developer shall submit to and have approved by the Planning Authority, details of the proposed roof tile to be used in the roof finish of the proposed dwellinghouses. The tile to be used shall be a good quality slate substitute.

REASON – In the interests of visual amenity.

13. Notwithstanding the plans hereby approved the external walls of the proposed dwellings shall be finished in a wet dash render

REASON – In the interests of visual amenity.

14. Notwithstanding the plans hereby approved, smooth cement bands shall be introduced around door and window openings of all dwellinghouses within the development site.

REASON – In the interests of visual amenity.

15. Notwithstanding the plans hereby approved, and the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no front boundary walls 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.

16. Prior to the commencement of development on site, the applicant shall submit to and have approved by the Planning Authority a plan indicating those trees which require to be removed to allow the development to proceed. The plan shall also provide details of replacement species to be planted within the development site. The replacement trees shall be planted in the first available planting season following completion of the development. No trees shall thereafter be lopped, topped or felled without the prior written consent of the Planning Authority.

REASON – In the interests of visual amenity.

17. Prior to the commencement of development on site, those trees to be retained within the development site shall be protected by chestnut pale fencing not less than 1.2 metres in height, such fencing to enclose, as far as practicable, a minimum of 5 metres radius from the trunk of the trees and shall be maintained during the course of the development. No storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed.

REASON – In order to ensure protection and retention of trees within the development site.

18. 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.

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, (including capacity issues), 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.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
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