

## **EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 03 NOVEMBER 2006**

**06/0409/FL: ERECTION OF 44 NO. TWO STOREY HOUSING DEVELOPMENT  
(HOUSING ASSOCIATION HOUSING) FOR VARYING NEEDS STANDARDS AT  
VACANT SITE OFF PRIMPTON AVENUE, DALRYMPLE**

**APPLICATION BY BRANDON HOMES**

### **EXECUTIVE SUMMARY SHEET**

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

Full planning permission is sought for the erection of 44 two storey dwellings for allocation by a housing association, (Ayrshire Housing). The proposal includes 26 no. three bedroom terraced villas and 18 no. three bedroom semi-detached villas. The layout follows the same road layout as the previous planning consent with a turning circle to the north west of the site. The proposed finishing materials are noted as grey/red concrete roof tiles with a buff/red facing brick and Essno and Derbyshire Spar render to the external walls.

#### **2. RECOMMENDATION**

**2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet but that the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a Section 75 Agreement, under the Town and Country Planning (Scotland) Act 1997, with the developer in terms of the obligations described in section 8.5 of the report.**

#### **3. SUMMARY OF ANALYSIS**

3.1 As indicated in section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 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, however it is considered that these have been adequately addressed and are not of sufficient weight to merit refusal of the application.

3.2 Full planning permission is being sought for the development of the application site for residential purposes. It is intended to secure full permission for forty four dwellinghouses consisting of twenty six, three bedroom, two storey

terraced dwellings and eighteen, three bedroom, two storey, semi-detached dwellings.

3.3 There is an historic issue of flooding at this site and hence the developer did submit a Flood Risk Assessment report. This report makes several recommendations regarding finished house levels that should be embraced by any planning consent. The formation of a swale along the eastern boundary for on site disposal of surface water and raising ground levels between the Primpton Burn and Forglen Road will actually improve the protection afforded to the existing houses at Forglen Road which are affected by flooding within their rear gardens at times when the watercourse is in spate accompanied by prolonged heavy rainfall.

3.4 The site is one which has been identified for residential development in the Local Plan, albeit at a lower density. In terms of amenity, infrastructure implications and the layout of the site the proposed development is considered to be acceptable.

3.5 Since the last meeting the applicant has confirmed that the design layout comprising 44 dwellings is to be provided in its entirety for Housing Association use. The proposed housing for varying needs standards are space standards compliant with Housing Association rules for funding requirements. In this regard, the developer is willing to enter into a Section 75 Agreement to cover the arrangement with the Housing Association. It is considered that, as the design and layout is acceptable principally on the basis of the proposed Housing Association use, a Section 75 Agreement would be appropriate in this instance to secure the proposed use.

## **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 such decision is in terms of the principle of housing development on this site, the application will require to be referred to the Development Services Committee because it would be 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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### SOUTHERN LOCAL PLANNING COMMITTEE: 03 NOVEMBER 2006

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#### APPLICATION BY BRANDON 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, as it is subject to a number of objections.

1.2 This application was first presented at the Southern Local Planning Committee Meeting at its meeting on 06 November 2006 at which time the Committee continued consideration of the application pending a site visit.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located on the northern edge of the settlement of Dalrymple comprising of an area of rough grassland partially sandwiched between two existing residential developments. There are no significant features on the site which is generally rectangular in shape and relatively level. The application site extends to an area of 4.55 acres.

2.2 The site is enclosed on three sides with housing to the east, south and west at Primpton Avenue, Burnton Road and Forglen Road respectively. Agricultural land lies to the north of the site which is bound by a native hedgerow. The Primpton Burn runs along the eastern boundary of the site in a north westerly direction creating a divide between the application site and Primpton Avenue. The surrounding residential mix is varied with single to two storey dwellings located along Primpton Avenue and larger 2 storey terraced dwellings located along the majority of Forglen Road. However some single storey and one and half storey dwellings are located on the boundary of the northern section of the site directly adjacent to the burn and also a single storey dwelling is located adjacent to the proposed emergency entrance on Burnton Road.

2.3 **Proposed Development:** Full planning permission is sought for the erection of 44 two storey dwellings for allocation by a housing association, (Ayrshire Housing). The proposal includes 26 no. three bedroom terraced villas and 18 no. three bedroom semi-detached villas. The layout follows the same road layout as the previous planning consent with a turning circle to the north west of the site. The

proposed finishing materials are noted as grey/red concrete roof tiles with a buff/red facing brick and Essno and Derbyshire Spar render to the external walls.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Dalrymple Community Council has objected to the proposed development for the following reasons:

- We feel that the original application for 24 houses on this site is adequate for the sewerage system. Also the original application gave consideration to the height of the houses adjacent to Forglen Road and made them 1.5 storeys instead of now wanting two storeys. We felt that the original application is going to be a flood risk but upping the houses to 44 is going to make it an even higher risk.

***The Community Council is correct in stating that the previous planning approval was conditioned that the proposed dwellings backing onto Forglen Road be reduced in height to 1.5 storeys. However as all the dwellings along Forglen Road are two storeys and in excess of the Council's minimum window to window distance of 18m it is therefore not considered to be of significant detriment for the proposal to include two storey properties along this section of the site.***

***The Flood Risk Assessment advises that the proposed development will actually provide an increased level of flood protection for the houses on Forglen Road from flooding due to the ground level being raised.***

3.2 East Ayrshire Roads and Transportation Division has no objection to the proposed development subject to the following conditions:

- (i) All Roads conditions as applied to planning application 03/0829/FL will apply to this site.
- (ii) Parking as indicated on drawing RMDL/031 Rev E is acceptable to the Division.
- (iii) The parking court will not be eligible for adoption and the developer should make provision for factoring of the maintenance of this area with the owners.

***All of the above conditions can be imposed on the consent if the Committee is minded to approve the application.***

3.3 East Ayrshire Council's Flooding Engineer has no objection to the proposed development in principle. It is confirmed that the flooding issues relating to this development site were addressed under the previous planning application (ref: 03/0829/FL) and providing the housing is for general residential use and is not specifically for residents with special needs there are no further comments on the

proposal. Furthermore it was recommended within the previous approved application that the developer is required to confirm in writing the future maintenance responsibility for the swale which acts as an overflow for the Primpton Burn. This should also include for possible structural maintenance associated with the central bund between the two channels.

***Although the application form states that the proposal is housing for varying needs standards it is not perceived that this will include residents with special needs as all of the proposed dwellings have an upstairs and are therefore not on the one level. With regard to the future maintenance of the swale this can be addressed through the imposition of a suspensive condition.***

3.4 East Ayrshire Department of Neighbourhood Services has no objection to the proposed development subject to the trees adjacent to the site being protected. This should be carried out by erecting a fence to protect the root plate area during construction, in compliance with (BS5837 (2005) Part 5 and 9).

***If the Committee is minded to approve this application conditions can be attached in order to safeguard the adjacent trees during construction.***

3.5 The Scottish Environment Protection Agency has advised that it has no objection in principle to the proposed development stating that SEPA, East Ayrshire Council, Brandon Homes and various consultants have discussed and agreed that the flooding issues associated with the site could be managed. It is therefore imperative that the recommendations of the Flood Risk Assessment undertaken for the site are fully adhered to and that all detailed drawings submitted for the site take due cognisance of these previous studies. SEPA acknowledges that some engineering works have already been carried out at the site including modifications to the Primpton Burn channel and that these works were only completed after agreement with SEPA. Any alteration to the development footprint, site levels etc could have a significant impact on flooding/flood risk. SEPA further states that the applicant and Scottish Water have been attempting to ensure that all foul drainage from the site can be connected into the existing foul sewerage network. SEPA is satisfied in principle that the construction of a swale and a filter trench which both outfall to the Primpton Burn will provide adequate treatment for the surface water runoff from the hard standing areas of the site. The new road access bridge has been discussed and assessed by SEPA who are satisfied that the design and construction methodology of the structure in terms of flood risk and environmental impact should not detrimentally affect SEPA's interest. Any waste material imported to the site during construction must be stored and used only in accordance with the waste management license or exemption under the Waste Management Licence Regulations 1994. Similarly any waste materials removed from the site must be disposed of at a suitably licensed or exempt waste management facility in accordance with the regulations.

***Noted. SEPA has advised that it is satisfied with the flood prevention measures which are the same as those required under the previous***

***planning consent (ref: 03/0829/FL). However they state that there should be no alteration to the footprint and site levels which could have a significant impact on flooding/flood risk. This issue can be conditioned to ensure the site levels remain the same as those approved under the existing planning consent 03/0829/FL.***

3.6 Power Systems has no objection to the proposed development.

***Noted.***

3.7 Scottish Water has no objections to the proposed development subject to a separate application being made to Scottish Water Planning and Development Services for permission to connect to the public wastewater system and water network.

***Noted. If the Committee is minded to grant approval of this application, this can be attached as a suspensive condition.***

#### **4. REPRESENTATIONS**

4.1 This application has attracted 25 third party letters of representation in addition to the objection by the Community Council. The main points of objection are summarised as follows:

4.2 We are objecting very strongly to the plans to build 44 two storey houses on the land behind our homes. This along with the predicted nasty weather from global warming will only make the flooding problem we already have much worse.

***The Flood Risk Assessment report advises that the development will actually protect the houses on Forglan Road from flooding due to the ground level being raised. The mitigation measures are designed to protect the surrounding area as well as the site. The Flood Risk Assessment, (Page 7), comments that “while an area of land which at present floods will be raised, with a small loss of storage, new storage will be created by the formation of the low level flood flow channel. Thus the net loss of storage resulting from the development will be small”. It is therefore not considered that the flood risk associated with the property known as Glebe Cottage will be exacerbated by the proposed development.***

4.3 We notice the plans now include a foul pumping station. Could this be to pump away flood water? The Council should seriously consider existing tenants rights before granting planning permission to build anything in this field.

***The use of a foul pumping station as noted to the north west of the site layout drawing (ref:RMDL/031) is to pump foul waste from the development to the existing mains sewer which is at a higher level, as***

***the level will not allow for a gravity fed system. This pumping station is not detailed as a method of flood prevention.***

4.4 We just can't believe you have given planning permission to build on this known flood area. I think the so-called "learned people" should rethink their decision about granting permission to build anything in this field.

***Currently the site in question has full planning consent for the formation of a 24 no. private plotted residential development therefore the principle of residential development on this site has been already approved. Furthermore it is noted in the approved East Ayrshire Local Plan 2003 that this site is a residential development opportunity site. As long as the flooding mitigation measures are adhered to, in respect of which conditions will be attached to any consent granted, SEPA, East Ayrshire Council and an independent flood risk consultant are satisfied that flood risk will be eliminated.***

4.5 We have heard these houses will be for renting; this could mean undesirables who will have no respect for either property themselves or neighbours. We already have one of these and don't wish to be plagued with any more.

***The application does state that the proposed dwellings will be developed for a housing association. It is not for the Planning Authority to comment on the type of tenants that may occupy such homes, and therefore this point is not considered to be a valid planning ground of objection.***

4.6 The amount of houses being built in Dalrymple at the moment is absolutely ridiculous. These greedy money grabbing developers only see pound signs whenever they find a green field and can't wait until they tear it to bits and build houses. These houses will probably be allocated to DHS layabouts who couldn't care less about the property or surroundings.

***Again as mentioned above this issue is not considered a valid planning ground of objection.***

4.7 They were supposed to be bungalows and are now two storeys high. With the field being built up are they going to be like skyscrapers behind us?

***The flood risk assessment details that the design level for the new houses will be 0.9m above existing ground levels. This ultimately will increase the overall building height by 0.9m to an overall finished height above the original ground level of 9.0m to the top of the roof ridge line. This will be the same height for the entire proposal. It is intended to impose a condition requiring a cross section of the site to be submitted prior to any works commencing on site to ensure that the infill is kept to a minimum and at a level consistent with the recommendations of the Flood Risk Assessment.***

4.8 What about the new legislation the government are bringing out re building on land that floods?

***Outlined in the Scottish Executive's SPP7 is the requirement that if a site has been identified as having possible flooding issue then the applicant is required to submit a detailed flood risk assessment. In this case a flood risk assessment has been submitted to the Planning Authority in which the flooding potential has been examined and mitigation measures proposed to alleviate such.***

4.9 I have lived in this house since 1962 and this field is always flooding. There has been times when the water has been running through the back garden and around to the front of the house.

***Again the Council are aware that the site as existing does have the potential of flooding in certain weather conditions however the applicant has provided a flood risk assessment in which it is detailed that if preventative investment measures are taken, the existing houses along Forglen Road will be protected from flooding from the Primpton Burn by the proposed development.***

4.10 I am concerned that if the gardens of the new development are sloping in anyway towards my garden then this could cause flooding issues as the field is already very wet.

***As explained the land level of the site will be increased by some 0.9m in compliance with the recommendations of the flood risk assessment, however this will create a ground level higher than that existing on Forglen Road. Therefore there will have to be a method of ensuring that no surface water is allowed to run from the proposal onto land belonging to properties of Forglen Road. This can simply be through the imposition of a suspensive condition, should the Committee be minded to grant approval of the application, which would require the applicant to submit details and cross sections of drainage arrangement and land levels along the boundary of the site with the properties of Forglen Road.***

4.11 The builders Brandon Homes had advised me that they would be using the access lane between 17 and 19 Burnton Road for 10 weeks until the bridge was built over the burn and then access would be from Primpton Avenue into the site. The lane was then meant to be used as an emergency access only. This access has been used since May until December 2005. This is causing myself and my family concern as when the vehicles are arriving and departing this site they are travelling too fast.

***This issue of access to the site during construction is not noted in any condition of the existing application and therefore is not something in respect of which the Planning Authority can implement enforcement***

**action. However the issue regarding speeding vehicles would be a Police matter.**

4.12 The proposed site has been left unattended with diesel spillages from their diesel drums and they are depositing waste from their vehicles i.e. old kitchens and televisions and food waste and either leaving them or burning them on site one meter from my boundary, I am deeply concerned about these actions as I have young children and animals.

**During a site visit there was very little sign of the dumping of rubbish. A condition can be attached to any consent granted preventing the developer from burning any rubbish on site and that all construction debris should be disposed of via a licensed landfill site in accordance with SEPA's requirements.**

4.13 I am concerned that if the emergency access lane is left open or even blocked up I feel this could become a drinking den and for misuse of drugs by youngsters.

**This access lane is noted in the proposal as a route for emergency access and it is up to the developer if the route is to be adopted by the Council. If it is not adopted, the Council will request details of a programme for its future maintenance. However in addition it is considered appropriate to request a detail for a lighting scheme for this lane to allow for a level of security at night time.**

4.14 Also the flood swale that they have dug out is not working as we have already had water running through the field and gardens in our street.

**The developer has started the construction of some flood mitigation measures including the swale; however the Council is of the understanding that this is yet to be fully completed. All flood mitigation works will have to be in compliance with the requirements as detailed in the Flood Risk Assessment and to the satisfaction of the Council's flooding engineer and SEPA.**

4.15 Our concerns are the increase in vehicular and pedestrian traffic. The road traffic will increase by an estimated 100 cars which is significant. Having very young children this increase in traffic would present a danger to old and young alike in the immediate and surrounding area.

**The Council's Roads and Transportation Division has advised that traffic calming measures are required along Primpton Avenue and these have been secured through a Section 75 legal agreement with the approval of the planning application 03/0829/FL. Therefore if the Committee is minded to grant approval of this application the developer will require to carry out traffic calming to the satisfaction of the Council's Road and Transportation Division along Primpton Avenue.**

4.16 I find it invasive that the proposal is for a Housing Association. This will have a severe detrimental effect to the value of property currently on Primpton Avenue and adjacent roads.

***The Council is aware of the objector's concern regarding housing value but this is not a valid planning ground of objection.***

4.17 The layout of the burn and adjacent channel under the bridge would appear to have possibly altered and may be too narrow.

***Any further development of the site would require a detailed assessment by SEPA and the Council's Flooding Engineer to ensure the works being undertaken are in compliance with the requirements of the flood risk assessment. As not all of the mitigation works have been completed on site it is not possible to comment on the accuracy of this alteration so far.***

## **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 policies contained within the structure plan which are especially relevant to this application. The site has been identified for housing in the Local Plan consistent with the terms of Policy G8 which draws together the principles that should guide the release of new development land.

### 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.

***This site is identified as residential development opportunity site 067H in the East Ayrshire Local Plan therefore housing development on this site is acceptable in principle.***

5.4 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.

***An area of open space is proposed at the site entrance which meets with the Council's minimum public open space standards.***

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.

***Most of the plots meet 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 consultation responses, third party representations, Scottish Planning Policy 7 "Planning and Flooding", the planning history of the site and the Finalised Draft Ayrshire Joint Structure Plan 2006.

### Consultations Responses

6.2 None of the consultation responses have raised any issues which would indicate that the application should be refused other than Dalrymple Community Council in which valid objections were noted in Section 3 of the report. Subject to the application of conditions, it is considered that the objections raised by the consultees can be sufficiently addressed and are not of such significant weight as to indicate that the application should be refused.

### Representations

6.3 The third party letters of representation in the main raised concern regarding the risk of flooding of the site and the surrounding land. This is a material planning issue which has been given detailed consideration in a report by an appropriately qualified flooding engineer. This has been checked by the appropriate officer of the Council and it can be concluded that subject to the appropriate mitigation measures, the risk of flooding on the site can be satisfactorily addressed.

### Scottish Planning Policy 7 "Planning and Flooding"

6.4 SPP7 confirms that flood risk is a material planning consideration in the determination of applications and states that Planning Authorities must be satisfied that alleviation measures such as land raising have been implemented before the development is occupied.

***These requirements are all addressed by conditions proposed in respect of any consent granted.***

## Planning History

6.5 The application site has been the subject of two planning applications, details of this are provided below:

- 00/0836/FL A full planning application for the erection of sixty one dwellinghouses was never progressed to a determination and was subsequently withdrawn on 11 October 2002.
- 03/0829/FL A full planning application for the formation of 24 no. private plotted development was approved by the Southern Local Planning Committee on 30<sup>th</sup> April 2004 subject to a Section 75 Legal Agreement.

## Finalised Ayrshire Joint Structure Plan 2006

6.6 There are no policies especially relevant to this development contained within the new finalised draft structure plan.

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

7.1 There are no financial implications for the Council in the determination of this application. Legal implications may arise through the requirement of a Section 75 Agreement to secure the development of the site for Housing Association purposes as indicated in Section 8.5 below.

## **8. CONCLUSIONS**

8.1 As indicated in section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 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, however it is considered that these have been adequately addressed and are not of sufficient weight to merit refusal of the application.

8.2 Full planning permission is being sought for the development of the application site for residential purposes. It is intended to secure full permission for forty four dwellinghouses consisting of twenty six, three bedroom, two storey terraced dwellings and eighteen, three bedroom, two storey, semi-detached dwellings.

8.3 There is an historic issue of flooding at this site and hence the developer did submit a Flood Risk Assessment report. This report makes several recommendations regarding finished house levels that should be embraced by any planning consent. The formation of a swale along the eastern boundary for on site disposal of surface water and raising ground levels between the Primpton Burn and Forglen Road will actually improve the protection afforded to the existing houses at

Forglen Road which are affected by flooding within their rear gardens at times when the watercourse is in spate accompanied by prolonged heavy rainfall.

8.4 The site is one which has been identified for residential development in the Local Plan, albeit at a lower density. In terms of amenity, infrastructure implications and the layout of the site the proposed development is considered to be acceptable.

8.5 Since the last meeting the applicant has confirmed that the design layout comprising 44 dwellings is to be provided in its entirety for Housing Association use. The proposed housing for varying needs standards are space standards compliant with Housing Association rules for funding requirements. In this regard, the developer is willing to enter into a Section 75 Agreement to cover the arrangement with the Housing Association. It is considered that, as the design and layout is acceptable principally on the basis of the proposed Housing Association use, a Section 75 Agreement would be appropriate in this instance to secure the proposed use.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet but that the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a Section 75 Agreement, under the Town and Country Planning (Scotland) Act 1997, with the developer in terms of the obligations described in section 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 such decision is in terms of the principle of housing development on this site, the application will require to be referred to the Development Services Committee because it would be a significant departure from the development plan.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

RG/RG/HM  
25 October 2006

FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).
7. Flood Risk Assessment Prepared by Dr J Riddell (2004).
8. SPP7: Planning and Flooding.
9. Finalised Draft Ayrshire Joint Structure Plan (2006).

Anyone wishing to inspect the above background papers should contact Mr Ghosh on 01563 555483.

**Implementation Officer: Dave Morris**

Application No: 06/0409/FL

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Location VACANT SITE OFF PRIMPTON AVENUE  
DALRYMPLE  
KA6 6DS

Nature of Proposal:

Name and Address of Applicant: BRANDON HOMES  
BRANDON HOUSE  
81 HAMILTON ROAD  
MOTHERWELL  
ML1 3DQ

Name and Address of Agent ROY MITCHELL DESIGN LIMITED  
1 GLENBERVIE  
GLENBERVIE BUSINESS PARK  
LARBERT  
FK5 4RB

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DPO's Ref: Robin Ghosh  
PPO's Ref: 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 application form and plans received by the Planning Authority on 14th June 2006, the amended site layout received by the Planning Authority on 12 September 2006 and original flood risk assessment prepared by Dr J Riddell received by the Planning Authority on 25 September 2006.

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

2. Notwithstanding the submitted plans, the external finishing materials are not hereby approved. Details/samples of the external roof coverings and external wall coverings shall be submitted to and approved by the Planning Authority prior to the commencement of any development work on site.

REASON - In the interests of visual amenity.

3. Prior to the commencement of any development works on site the developer shall submit details to the Planning Authority of the proposed area of ground hatched as wayleave for land drainage as shown on the site plan. This shall include a cross sectional plan indicating the relative heights, at several points, of the ground level on either side and a future maintenance scheme for this area to ensure no surface water drains into the neighbouring properties.

REASON: In the interests of the adjacent residential amenity and visual amenity.

4. Notwithstanding the details on the plans hereby approved a 2metre high vertically boarded screen fence shall be erected along the boundary marked in green prior to the occupation of any of the units where the fence is to be erected. The fence shall be stained in a suitable dark colour and maintained in a neat and tidy condition in perpetuity to the satisfaction of the Planning Authority.

REASON – In the interests of safeguarding residential amenity.

5. Prior to the commencement of development on site, the developer shall submit a landscaping plan for the areas of public open space as shown on the approved plans. This shall incorporate an appropriate mix of native trees, hedges and shrubs which shall be planted no later than the first planting season following completion of development to the satisfaction of the Planning Authority.

REASON – In the interests of visual amenity.

6. Prior to the commencement of development on site, the developer shall submit a programme for the future management and maintenance of the area of public open space as shown hatched in green on the plans hereby approved for the further written approval of the Planning Authority. The programme shall thereafter be implemented as agreed.

REASON – To ensure the area of public open space has sufficient provision for future maintenance.

7. Prior to the commencement of development on site, the developer shall submit details and plans showing the type of trees and their location within the curtilage of the proposed units and along the rear boundary of the properties backing onto Forglen Road.

REASON – In the interests of visual amenity.

8. Prior to the commencement of development on site, the developer shall submit to, and have agreed by the Planning Authority, written confirmation that suitable arrangements regarding foul drainage have been made to the complete satisfaction of SEPA and Scottish Water.

REASON – In the interests of public health and safety.

9. Prior to the commencement of development on site, full engineering details of the swale as shown on the plans hereby approved shall be submitted to and approved by the Planning Authority

REASON – In the interests of public health and safety.

10. Prior to the commencement of development on site, the developer shall submit a programme for the future management and maintenance of the swale hereby approved for the further written approval of the Planning Authority. The swale shall thereafter be maintained at all times as approved.

REASON – To ensure the SUD system is maintained in perpetuity.

11. Notwithstanding the details on the plans hereby approved, the minimum design level for the new houses shall be 0.9 metres above the existing ground levels and no lower than 56.1m AOD. House floor levels should be no less than 0.3 metres above surrounding ground levels. These levels shall be illustrated within cross sectional drawings to be submitted to and approved by the Planning Authority, before the commencement of development which shall also indicate the overall extent of infill across the site. The site shall be developed in accordance with these levels as approved.

REASON – In the interests of protecting the occupants of the dwellings from flood risk.

12. Prior to the commencement of any development works on site the developer shall submit a series of detailed cross sections showing the proposed relationship between the new raised ground levels of the site and the existing rear garden levels of those properties located along Forglen Road. These details should also include and demonstrate an effective method of dealing with additional surface water runoff and in addition shall ensure no surface water will drain from the site into the rear gardens of the properties along Forglen Road.

REASON - To safeguard the existing residential amenity of Forglen Road.

13. Prior to the occupation of any of the dwellinghouses hereby approved the flood mitigation measures as prescribed in the Flood Risk Assessment report under “Flood Risk Management” (pages 5-7 inclusive), and under “Effect on Other Areas” (pages 7 & 8) and as submitted to the Planning Authority on 25 September, shall be implemented to the satisfaction of the Planning Authority and SEPA.

REASON – To ensure that the appropriate mitigation measures are implemented timeously in the interests of public health and safety.

14. The developer shall provide a detailed specification for the construction of the bridge which shall include the use of natural materials to control erosion and which shall reduce seepage from Primpton Burn to the swale to a minimum to the satisfaction of SEPA. This shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall thereafter be implemented as approved.

REASON – In the interests of public health and safety.

15. Any publicly maintained or Community Service Account held land which is damaged by the development hereby approved shall be reinstated to the satisfaction of the Senior Client Officer or his nominee of the Council’s Community Services.

REASON – To ensure that any public open space is left undamaged by the development hereby approved.

16. All trees directly adjacent to the site shall be protected during construction works. This should be carried out by erecting a fence to protect the root plate area during construction, in compliance with (BS5837 (2005) Part 5 and 9).

REASON - In the interests of protecting the existing trees bounding the site.

17. Access to the site shall be taken via internal roads which comply with the Roads Development Guide 1996.

REASON – In the interests of road safety.

18. Prior to the occupation of any of the dwellinghouses hereby approved the developer shall form junction visibility splay areas of 2.5m by 35m at all internal road junctions with no object greater than one metre in height being allowed within these areas. The developer shall include this in title deeds of any plots so affected or alternatively the plots should be set back outwith these splay areas.

REASON – In the interests of road safety.

19. Prior to the commencement of development on site, the developer shall have liaised with East Ayrshire Council's Roads Division regarding the funding of the traffic calming measures which are required along the length of the existing Primpton Avenue along with the provision of appropriate signage/drainage/lighting. The traffic calming measures shall have been agreed by the Planning Authority prior to the commencement of development and shall be installed prior to the occupation of the first house.

REASON – In the interests of road safety.

20. Any garages must be set back a minimum distance of 6m from the rear of the footway.

REASON – In the interests of pedestrian safety.

21. Prior to the occupation of any of the dwellinghouses hereby approved the private driveways shall be paved for a minimum distance of 2m over their full width from the rear of the footway.

REASON – To avoid overcarry of loose material onto the public road to ensure a secure road surface.

22. No surface water shall be allowed to egress onto the public road.

REASON – To ensure a safe road surface in the interests of road safety.

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

REASON – In the interests of pedestrian and road safety.

24. Prior to the occupation of any of the dwellinghouses hereby approved the developer shall surface the emergency access/flow path between Nos. 17 and 19 Burnton Road for a minimum width of 3.5m which should be lit and have bollards at either end if it is to be considered for future adoption. If this is not to be considered for future adoption the developer shall submit details of the future maintenance intentions for this access to the Council's Roads and Transportation Division as part of the application for Road Construction Consent.

REASON – In the interests of road safety.

25. Prior to the occupation of any of the dwellinghouses hereby approved the developer shall provide a lit footpath link to Forglen Road between Plots 2 and 3 which shall have a pedestrian barrier at either end. Details of this path and barrier shall be submitted to and approved by the Planning Authority prior to the commencement of development.

REASON – In the interests of pedestrian safety.

26. Prior to the commencement of development on site the developer shall submit details to the Planning Authority of an appropriate scheme of contemporary street lighting to be located along the emergency access between property nos. 17 and 19 Burnton Road and the link footpath to Forglen Road in compliance with the above conditions no. 24 and no.25.

REASON - In the interest of visual 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.

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