

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 21 DECEMBER 2001

**01/0262/FL: PROPOSED DEVELOPMENT OF 30 FLATS WITH 12 GARAGES,
PARKING AND AMENITY LANDSCAPED SPACE
AT COCKLEBIE ROAD, STEWARTON
BY BMJ LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to develop the site for residential purposes and locate 30 flatted properties in a phased development. The flats will be formed in three individual buildings facing onto Ravenscraig Road in a semi-circular layout. The flats will be three storey in height and the central building will be the largest, accommodating 12 units. Block 1 which will be located southernmost will accommodate 10 units whilst the northern most block (No 3) will house 8 units. The height of the units rises to meet the centre of block 2 which will be the high point at ridge level, then reducing in size and scale at the northern and southern ends of the site. External materials will comprise concrete roof tiles, re-constituted stone/render and upvc window frames. Windows to the front elevation of all three blocks will comprise a mix of bedroom, lounge and kitchen windows. All 30 flats will comprise two bedroom properties.

1.2 The site will have one vehicle access point at Ravenscraig Road close to the boundary with the residential property at No. 71 and an internal one way system leading to a single egress point at Cocklebie Road. There will be 42 vehicle parking spaces provided within the site which, together with the internal access road, will be constructed in coloured tarmac. New lighting columns will be provided both within the site and to the site boundary with Ravenscraig Road and Cocklebie Road. To the south-eastern boundary the applicants propose 12 garages of single storey design finished in concrete roof tiles, render and pvc doors.

1.3 Detailed landscaping is to be provided throughout the site with maintenance via a residents factoring agreement. The area of existing embankment to the rear of residential properties at Ravenscraig Road will not be re-graded and the existing vegetation will be retained and additional planting formed. The applicants propose to re-grade some areas within the site owing to the rise in levels from the front to the rear at the railway line. The applicants also propose a 1.8 metre high screen fence boundary treatment on all site boundaries except facing directly onto Ravenscraig Road and Cocklebie Road. Located just off the boundary with 71 Ravenscraig Road will be a retaining wall which will vary in height according to the sloping ground level. The maximum height at any

point of this wall will be 1.5 metres and the wall will be constructed from facing brick with a coping stone.

The scheme as detailed above is revised following its initial submission. The original scheme was for 29 flats formed in two blocks and was considered by the Division to be inappropriate in scale. The scheme at that time did not include garages and operated different vehicle access arrangements.

2. RECOMMENDATION

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

3. CONTRARY DECISION

3.1 Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control the application will not require to be referred to the Development Services Committee as it will not be a significant departure in terms of principle from the East Ayrshire Local Plan, Finalised Version with Modifications.

4. SUMMARY OF ANALYSIS

4.1 As indicated in paragraph 5.1 of the report, the application is considered to be contrary to the development plan (in terms of the Adopted Stewarton Local 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 discussed in Section 6 of the report, there are material considerations relevant to this application and it is considered that the weight attached to these material considerations should be greater than that given to the policies of the Adopted Local Plan. This is primarily due to the age of this plan which was adopted in 1987 and is considered to be significantly out of date.

4.2 As indicated in Section 6 of the report, the material considerations are supportive of this application. The proposal is consistent with the Policies of the East Ayrshire Local Plan Finalised Version with Modifications. The site is considered to be more appropriate for residential development than its existing industrial use owing to its location within a residential estate and the associated access difficulties and impact on residential amenity. With the exception of Stewarton and District Community Council none of the consultees have raised any negative comments. The objections received have been addressed in Section 4 and paragraph 3.8 of the report. The issues raised are not considered to be of such significance as would justify the refusal of the application. Any

relevant comments received from consultees or as a result of the neighbour notification process can be addressed through the use of conditions.

4.3 It is considered that the derelict and decaying condition of the industrial building currently has a negative impact on the environmental quality of the surrounding area. The development of the site as proposed will enhance the residential amenity of the area as a whole and will have a positive effect on the neighbourhood.

Alan Neish
Head of Planning and Building Control

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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Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a planning application under the scheme of delegation because it is a larger development of area significance and is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is centrally located within Stewarton. The site is of irregular shape and comprises the former Browning Bakers factory. The factory is now lying vacant and is falling into a state of disrepair. The site is bounded to the north by Cocklebie Road and residential properties on Ravenscraig Road. To the east lies the Kilmarnock to Glasgow railway line and the Stewarton Railway Station and car park, to the south the site is bounded by other residential properties and to the west lies Ravenscraig Road. The site area extends to some 0.76 hectares and the site rises to meet the railway to the east with an embankment rising from the site boundary with the rear gardens of the residential properties on Ravenscraig Road.

2.2 **Proposed Development:** It is proposed to develop the site for residential purposes and locate 30 flatted properties in a phased development. The flats will be formed in three individual buildings facing onto Ravenscraig Road in a semi-circular layout. The flats will be three storey in height and the central building will be the largest, accommodating 12 units. Block 1 which will be located southernmost will accommodate 10 units whilst the northern most block (No 3) will house 8 units. The height of the units rises to meet the centre of block 2 which will be the high point at ridge level, then reducing in size and scale at the northern and southern ends of the site. External materials will comprise concrete roof tiles, re-constituted stone/render and upvc window frames. Windows to the front elevation of all three blocks will comprise a mix of bedroom, lounge and kitchen windows. All 30 flats will comprise two bedroom properties.

2.3 The site will have one vehicle access point at Ravenscraig Road close to the boundary with the residential property at No. 71 and an internal one way

system leading to a single egress point at Cocklebie Road. There will be 42 vehicle parking spaces provided within the site which, together with the internal access road, will be constructed in coloured tarmac. New lighting columns will be provided both within the site and to the site boundary with Ravenscraig Road and Cocklebie Road. To the south-eastern boundary the applicants propose 12 garages of single storey design finished in concrete roof tiles, render and pvc doors.

2.4 Detailed landscaping is to be provided throughout the site with maintenance via a residents factoring agreement. The area of existing embankment to the rear of residential properties at Ravenscraig Road will not be re-graded and the existing vegetation will be retained and additional planting formed. The applicants propose to re-grade some areas within the site owing to the rise in levels from the front to the rear at the railway line. The applicants also propose a 1.8 metre high screen fence boundary treatment on all site boundaries except facing directly onto Ravenscraig Road and Cocklebie Road. Located just off the boundary with 71 Ravenscraig Road will be a retaining wall which will vary in height according to the sloping ground level. The maximum height at any point of this wall will be 1.5 metres and the wall will be constructed from facing brick with a coping stone.

2.5 The scheme as detailed above is revised following its initial submission. The original scheme was for 29 flats formed in two blocks and was considered by the Division to be inappropriate in scale. The scheme at that time did not include garages and operated different vehicle access arrangements.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Environmental Health have advised that they have no objection in principle to the proposed erection of housing on the site subject to the following comments:-

- a) The demolition of the existing building should be undertaken in accordance with the relevant Code of Practice and that during demolition no nuisance is created to adjoining householders. The buildings are known to contain asbestos and the developer will require to follow the requisite legal procedures for the safe removal and disposal of this material.
- b) There is a marked difference in ground levels between the front and rear of the site and this is understood to be because the rear portion of the site was originally a rail siding when Stewarton Railway Station was a main line station many years ago. Accordingly, there is a possibility that the area of ground to the rear is made up of ground which would justify some site investigation prior to the commencement of development to assess its suitability for use and freedom from contamination.

- c) Any potentially noisy site engineering activities should be restricted to day time operation for the benefit of existing residents in the area.

Noted. This Division would agree with the imposition of conditions relative to points (b) and (c) should Members choose to grant consent. In respect of point (a) this would be a matter for control under a Building Warrant although the hours of operation for demolition could be controlled in the interests of residential amenity.

- 3.2 Transco have forwarded a copy of their record plan showing the location of their plant and have recommended that the applicant contact their Glasgow operation's office prior to starting work on site.

Noted. Should Members choose to grant permission a copy of the Transco consultation response can be forwarded to the applicant and an advisory note added to the decision notice.

- 3.3 West of Scotland Archaeology Service have advised that although Stewarton Railway Station is of some archaeological interest, the scale of previous disturbance within the site boundary has led the Service to conclude that there is little or no likelihood of the proposed development having any serious detrimental effect on previously unrecorded archaeological remains. It is not therefore considered that any archaeological issue will be raised by this application.

Noted.

- 3.4 The Coal Authority have not identified any instability issues which would affect the determination of this planning application.

Noted.

- 3.5 Railtrack have advised that they have no objection in principle. They have however advised of their statutory obligation to ensure the availability of safe train paths and Railtrack therefore require to take an active interest in any construction/demolition activity adjacent to their property. They have provided guidance details for the developer to follow.

Noted. Should Members choose to grant consent it is recommended that a copy of Railtrack's correspondence be forwarded to the developer together with an advisory note bringing the matter to the applicant's attention.

- 3.6 The Scottish Environment Protection Agency (SEPA) have advised that they have no objections providing the drainage arrangements are to the public sewer. They also advise that if the surface water from hardstanding areas is to be discharged into the combined sewer invested in West of Scotland Water, then SEPA would seek a written assurance that this will not cause an additional

burden on the system and consequently cause premature operation of the existing storm overflows. If the surface water is to be separated, surface water from the site should be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual of Scotland and Northern Ireland published by CIRIA in March 2000 to ensure there is no downgrading of the water quality in the local watercourses.

Noted. In respect of the first point, it is recommended that an advisory note be attached to any grant of planning permission. In respect of SEPA's comments regarding SUDS, an advisory note can be attached to advise them of the implications of SUDS and SEPA's request to obtain clarification from WOSWA. To fully address these issues it is further recommended that a condition be attached to any grant of consent requiring submission of details of any Sustainable Urban Drainage System.

3.7 West of Scotland Water have advised that:-

There is a public sewerage system to which a connection may be made. The developer should satisfy himself, by site investigation if necessary, that relative levels are such as will allow the development to be connected at a reasonable gradient. In addition, Sustainable Urban Drainage Systems should be employed on the surface water drainage system.

Noted. Should Members choose to grant planning permission it is recommended that use be made of an appropriate advisory note bringing these comments to the applicant's attention. In respect of West of Scotland Water Authority's comments regarding SUDS, it is proposed that advisory notes bring this matter to the developer's attention.

3.8 The Stewarton and District Community Council record their strongest objection to the proposed development. The site is designated as a commercial site and it is considered that it should remain so in a town which is being apparently swamped with domestic residential development units with no regard to the generation of in-town employment opportunities and possible accompanying in-town revenue.

Noted. Members are referred to the comments under Sections 5 and 6 of this report which address the zoning of the site under the Stewarton Local Plan and the East Ayrshire Local Plan (Finalised Version with Modifications).

3.9 The Roads and Transportation Division initially advised that the plans would require amendment to address issues such as upgrading of the street lighting to take account of the new access and egress points, a different

coloured tarmacadam on the internal access road (to highlight its non-adopted status) and the re-construction of a footpath from Ravenscraig Road to the steps at Cocklebie Road. The revised consultation has detailed that the above issues have been clarified and the Roads Division has reaffirmed that the developer will require to obtain a Roads Construction Consent.

Noted. Should Members choose to grant consent, an advisory note can be attached drawing attention to the requirement for a Roads Construction Consent (with the reconstruction of this footpath included).

4. REPRESENTATIONS

Four letters of objection have been received together with one letter of objection from Stewarton and District Community Council; (the points raised by the Community Council have been noted in paragraph 3.8 of this report). The objections can be detailed as follows:-

4.1 Residents at Lamberton Road strongly object to the position and angle of the building (Block 3) which has been moved and entails the three storey flats looking directly onto the rear of the houses invading privacy. These flats will look directly into the rear gardens and also directly into the windows of the houses comprising kitchen, lounge and rear bedroom. The site was historically zoned for industrial development although there are no objections to residential properties. Strong objection is however offered when the style of development proposed invades privacy as the flats will only be some 18 metres from the properties and will severely infringe on privacy.

It is noted that there are no objections to the residential use of the site. The site has been designed such that the buildings are positioned in a semi-circular setting in order to limit their effect on neighbouring properties. Block 3 which is closest to these properties will be 17 metres from the rear gardens and some 30 plus metres from the rear elevations of the neighbouring houses. The recognised minimum standard window to window distance is 18 metres. It is considered that the new residential development will not significantly adversely affect neighbouring properties in terms of amenity and privacy.

4.2 The overall height of the units will tower above houses in the immediate vicinity (including bungalows) and the flats will greatly restrict the outlook from the properties at Lamberton Road.

There is no right to a view and whilst the flats will be higher than the surrounding dwellinghouses they will only be 2m higher than the existing industrial building. The scheme has been designed to take cognisance of surrounding properties and the heights of the

buildings at either ends of the site are lower in height in order to form a better relationship with surrounding properties.

4.3 Concern has been expressed as to how residents will be affected during the demolition process as regards the presence of vermin.

Noted. However this is not a material planning consideration and is a matter for Environmental Health to address in consultation with the applicant.

4.4 The developers proposal to erect a fence along the base of the embankment will deprive residents of the dwellinghouses at Ravenscraig Road of an enjoyable green outlook which in any case will not be visible to the occupiers of the flats. The fence would only serve to delineate the boundaries of the site and to disadvantage those who overlook it. It would also encourage rubbish to be disposed of in an area screened from public view.

If Members choose to grant consent, it is recommended that a condition be attached which would require the developer to lodge formal details of boundary fencing for this Division's approval. Such action would allow for a solution that achieves a comprehensive solution securing the residential amenity of neighbouring properties.

4.5 The area of existing planting provides winter shelter for many birds and insects. If the ecology of the bank is altered it would contribute to further decline in available food.

The developer does not intend to remove the existing vegetation from the embankment and intends to supplement it with additional planting. This would only serve ultimately to improve the area in terms of its environmental quality.

4.6 Residents at Ravenscraig Road experience problems with wind turbulence. The topography of the site dictates a south-westerly wind travelling at 80 mph which increases its velocity when reaching the narrow gap between 53 and 55 Ravenscraig Road and the banking, breaking plants and tossing garden items around. This turbulence will be increased with a solid fence at the base of the embankment. A fence at the top of the embankment erected as an alternative, would allow accumulated rubbish to be removed, vegetation to be controlled and render the site and neighbouring properties private and secure without the need to alter the existing ecology.

As advised in the response to paragraph 4.4 above, if Members choose to grant consent, it is recommended that a condition be incorporated advising that fencing details be required to obtain further approval. This would allow consideration be given to the siting of a fence at the top of the embankment.

4.7 Who will be responsible for the maintenance of fences and planting once the developer has finished on site?

As advised in paragraph 2.2 above, if granted planning permission, the maintenance of planting and fencing etc would be the responsibility of the residents of the development.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) the Town and Country Planning (Scotland) Act 1997, require that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the purposes of this application, the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted Stewarton Local Plan. The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Ayrshire Joint Structure Plan

The Structure Plan states that in terms of housing land supply, there will be a preference for allocating new housing areas to brown field land and housing policy should allow for choice in terms of location, size and types of development.

The application site lies within the urban envelope of Stewarton and if approved would result in the development of a brown field site which means land lying within a settlement which has previously been developed for purposes other than agriculture and which has the potential for future redevelopment. The proposal can be assessed against Policy ADS 3 which states that new development shall be directed to and located within settlements delivered by Local Plans. The proposal can also be considered against Policy G1 which states that in providing for new development, priority shall be given to the use of land within existing settlements.

The development site is situated within the settlement boundary of Stewarton and the site can be defined as being “brown field”. The proposal can be seen to be in compliance with the relevant policies detailed above owing to its location within Stewarton.

5.3 Adopted Stewarton Local Plan

The applicable policies under the Adopted Stewarton Local Plan are Policies 4.2.3, 4.2.5 and 4.1.2.

5.4 Policy 4.2.3 encourages the re-use of vacant industrial premises for industrial use although Policy 4.2.5 refines this policy to indicate that industrial proposals within areas which are primarily residential, will only be permitted if they are for light industrial uses. Policy 4.1.2 permits housing development within the urban envelope of Stewarton on sites of not more than 0.5 hectares up to a maximum of 10 dwellinghouses.

The Stewarton Local Plan was adopted by the former Kilmarnock and Loudoun District Council in May 1987 and its policies are now substantially out-of-date. The proposal is however technically contrary to Policy 4.1.2 as it is for a site of 0.76 hectares in area and will accommodate 30 residential units. Owing to the age of the Adopted Local Plan, the Council has however resolved to consider the East Ayrshire Local Plan (Finalised Version with Modifications) as a prime material consideration. The provisions of this document are detailed in Section 6 of this report.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to this application are the East Ayrshire Local Plan (Finalised Version with Modifications), and the statutory consultation responses and representations received above.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of Policy. The Council has agreed that the East Ayrshire Local Plan Finalised Version with Modifications (EALP) should be considered a prime material consideration.

East Ayrshire Local Plan Finalised Version with Modifications

6.3 The EALP does not safeguard the site for industrial purposes, nor does it identify the site as a development opportunity for industry. Policy IND 8 of the EALP, is the relevant policy and indicates that other than sites specifically safeguarded, proposals for alternative uses of land and premises formerly used for industry, will be considered acceptable provided that it is not detrimental to the surrounding established uses, meets other relevant Local Plan Policies, and there is acceptable alternative industrial land or premises available within Stewarton.

6.4 Policy RES 4 of the EALP encourages the sympathetic residential development of gap, infill and redevelopment sites within settlement boundaries. Development in these cases will be assessed against its impact on the surrounding built environment and adjacent uses and the transportation and infrastructure implications.

6.5 Schedules 3 and 4 of the EALP are also relevant and relate to the provision of public and private open space. The development provides 1500 square metres of open space which meets the Council's requirements.

The site for the housing is located on land which was previously occupied as a bakery, but is now vacant. None of the existing buildings are of obvious architectural merit and it is also worth noting that the site is located centrally within an existing housing estate. Stewarton is short of industrial land and whilst this site is not safeguarded for industrial purposes in the local plan, there is only one other small site identified but no sites safeguarded. It is however considered that the location of the site within a predominantly residential area, with difficult access from the main routes taken through residential areas with little expansion opportunity due to physical constraints, together make the site unsuitable for a modern industrial operation. The site is therefore considered suitable for housing purposes.

In terms of the relationship of the proposed scheme to neighbouring uses, this Division has no objections to either the layout or elevations. Car parking is predominantly provided to the rear with amenity open space to the front and rear. Whilst the proposal is predominantly 3-storey units the 2-storey element relates visually to the existing 2-storey housing at the southern and northern ends of the site and the overall scheme is acceptable.

In this regard, the applicant has reduced the storey height at appropriate points and, taking into account the setback of the buildings from the road and their "semi-circular" positions together with the splitting of the total number of flats into three blocks, the visual effect of the three storey element is considered acceptable. The proposed external materials of the buildings are concrete tiles reconstituted stone and render. These materials are prevalent in surrounding properties.

Statutory Consultations and Representations

6.6 The issues raised by statutory consultees and as a result of the representation process have been detailed and addressed in Sections 3 and 4 of this report. It is not considered that any of the issues raised would warrant refusal of this application.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As indicated in paragraph 5.1 above, the application is considered to be contrary to the development plan (in terms of the Adopted Stewarton Local 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 discussed in Section 6 of this report, there are material considerations relevant to this application and it is considered that the weight attached to these material considerations should be greater than that given to the policies of the Adopted Local Plan. This is primarily due to the age of this plan which was adopted in 1987 and is considered to be significantly out of date.

8.2 As indicated in Section 6 of this report, the material considerations are supportive of this application. The proposal is consistent with the Policies of the East Ayrshire Local Plan Finalised Version with Modifications. The site is considered to be more appropriate for residential development than its existing industrial use owing to its location within a residential estate and the associated access difficulties and impact on residential amenity. With the exception of Stewarton and District Community Council none of the consultees have raised any negative comments. The objections received have been addressed in Section 4 and paragraph 3.8. The issues raised are not considered to be of such significance as would justify the refusal of the application. Any relevant comments received from consultees or as a result of the neighbour notification process can be addressed through the use of conditions.

8.3 It is considered that the derelict and decaying condition of the industrial building currently has a negative impact on the environmental quality of the surrounding area. The development of the site as proposed will enhance the residential amenity of the area as a whole and will have a positive effect on the neighbourhood.

9. RECOMMENDATION

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

Alan Neish
Head of Planning and Building Control

15 November 2001
(FMF/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form.
2. Application Plans.
3. Public Advertisement.
4. Statutory consultation Responses.
5. Representations.
6. Approved Ayrshire Joint Structure Plan.
7. Adopted Stewarton Local Plan (1985).
8. East Ayrshire Local Plan (Finalised Version with Modifications).
9. Approved Strathclyde Structure Plan.

Anyone wishing to inspect the above papers please contact Fiona Finlay on 01563 576768.

Implementation Officer: Dave Morris

010262FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0262/FL

Site of Proposal:	Cocklebie Road STEWARTON KA3 5BE
Nature of Proposal:	Proposed Development of 30 Flats with 12 Garages, Parking and Amenity Landscaped Space
Name & Address of Applicant:	BMJ Ltd C/o CRGP Architects 26 Herbert Street GLASGOW G20 6NB
Name & Address of Agent:	CRGP Architects 26 Herbert Street GLASGOW G20 6NB

DPOs Reference: FMF/MMM

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

1. The proposed development shall be carried out in accordance with the application form received on 30 August 2001 and the amended plans received by the Planning Authority on 22 and 30 August and 19 September 2001, comprising of CRGP 6110-301 Rev D; 6110-302 Rev E; 6110-PL-105 Rev E; 6110-PL-106 Rev C; 6110-PL-101 Rev B; 6110-402; 6110-PL-102 Rev B; 6110-PL-103 Rev C; 6110-PL-107 and 6110-PL-401 and the David Wilson Associates plan Ref: 121.06.01a.

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

2. Notwithstanding the plans hereby approved the external materials for the proposed development are not approved. Details and samples of all materials to be used as external finishes on the proposed development shall be submitted to and approved by the Planning Authority prior to commencing work on site.

REASON In order to ensure a visually acceptable development which maintains the visual quality of the surrounding area.

3. Vehicle parking spaces shown on the approved plans shall be laid out and constructed in accordance with the plans approved under the terms of Condition 1 above, prior to the occupation of any of the flats to which they relate.

REASON In order to ensure the provision of parking facilities within the application site for residents.

4. Prior to the commencement of any development on site, three copies of details of the proposed external lighting scheme (including elevations of the lighting columns) as shown on the approved proposed site layout plan for the development, shall be submitted to and approved by the Planning Authority. Prior to the occupation of any flats within the development the external lighting scheme shall be fully operational as approved and shall operate without causing a light spillage nuisance to the flatted properties within the development or to neighbouring properties

REASON In order to ensure that the external lighting scheme for the development is in-keeping with that of the surrounding area and in the interests of residential amenity.

5. Prior to the commencement of any work on site, three copies of details of the location of bin stores within the application site for the storage of refuse bins shall be submitted to and approved by the Planning Authority. All bin store details shall be formed on site as approved, prior to the occupation of the residential units to which they relate and maintained as approved to the satisfaction of the Planning Authority.

REASON In order to ensure appropriate provision for the storage and collection of refuse from the residential units.

6. Prior to the commencement of any development on site, a report from a professionally qualified source shall be submitted to the Planning Authority describing the soil and ground conditions prevailing over the application site (including details of the nature, concentration and distribution of any contaminants). The development shall not be commenced until the report has been agreed in writing by the Planning Authority and such action as is recommended by this report, in order to remove or render harmless any contaminants, has been implemented and completed. The Developer shall give the Council's Environmental Health and Waste Management Service, a minimum of 7 days notice prior to the commencement of any decontamination works on site.

REASON In order to ensure that the ground is stable and suitable for development and free from contamination.

7. Prior to the commencement of any works on site, details of all security and safety fencing to be erected for the entire duration of the construction period shall

be submitted to and approved in writing by the Planning Authority and thereafter shall be erected as approved for the duration of works on site.

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

8. All site servicing and workers vehicles shall be accommodated within the development site at all times during the entire period of construction unless otherwise agreed in advance and in writing with the Planning Authority.

REASON In the interests of residential amenity.

9. All public roads used for access to the development site shall be kept clear of mud or other deposited materials at all times by means of mechanical brushing as appropriate during the period of works on site.

REASON In the interests of road safety.

10. External construction works shall not be undertaken on site unless within the hours of 08:00 hours to 18:00 hours Monday to Friday and 09:00 hours to 17:00 hours Saturday. There shall be no such works at any time on Sunday.

REASON In the interests of residential amenity.

11. The use of all garages shown on the approved plans within the application site, shall be restricted to private use incidental to the enjoyment of the residential units and no commercial activity shall be carried out in or from any of the garages.

REASON In the interests of residential amenity.

12. Prior to the commencement of any work of site, details of the external finishes to the internal access road and vehicle parking bays shall be submitted to and approved in writing by the Planning Authority.

REASON In the interests of visual amenity.

13. Before any work commences on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to, and approved by the Planning Authority. The Sustainable Urban Drainage system shall thereafter be installed on site, prior to the erection of any of the dwellinghouses in the development site.

REASON To ensure that adequate drainage is provided.

14. Notwithstanding the terms of Condition 1 above, no approval is granted for the David Wilson Associates "Landscape Proposals" drawing ref. 121.06.01. Prior to any work commencing on site, a revised landscaping scheme (including

maintenance schedule) shall be submitted to and approved in writing by the Planning Authority. The approved scheme shall thereafter be implemented as approved no later than the end of the first planting season following the completion of the development hereby approved. This revised scheme shall include provision for the following:-

- a) To the west side of the embankment a lower growing mix shall be incorporated in order to reduce shading near the adjacent houses. The mix of trees shall include *Betula* (Birch), *Crataegus* (Hawthorn) and *Sorbus* (Rowan Whitebeam) in order to give a lower canopy of native species;
- b) A smaller upright tree proposed for the car park to the south of the building (such as *Sorbus aucuparia* "sheerwater seedling") would be more appropriate than the *Quercus petraea* (Sessie Oak) which would become too large for its location through time;
- c) Details of the location of the Beech hedge indicated on the specification which is not currently indicated on the plan and is not mentioned in the maintenance schedule;
- d) All trees to be planted on the grass areas shall be included in the landscaping scheme as being of heavy standard size as feathered trees have low branches, which are often damaged by mowers;
- e) The maintenance schedule shall include provision for grass areas to be cut a minimum of 16 times per year in order to give it the same frequency as Council maintained areas.

REASON In the interests of visual amenity and in order to protect the amenity of neighbouring properties.

15. Notwithstanding the approved plans, no approval is given for any boundary treatment unless approved under the terms of Condition 7 above. Prior to any work commencing on site, details of the location and format of all boundary treatment shall be submitted to and approved in writing by the Planning Authority and shall include details for the boundary treatment along the base of the embankment at the boundary with the residential properties of 53-71 Ravenscraig Road and details of treatment to the top of the embankment as shaded purple on the proposed site plan.

REASON In the interests of the residential amenity of neighbouring properties.

16. Prior to any works commencing on site, the developer shall submit to and have approved in writing by the Planning Authority a phasing plan which confirms the order and timing of construction of the individual phases of the development.

REASON In order to retain planning control and in the interests of amenity of the surrounding residential area.

Notes

1. A copy of the consultation responses received from Transco, Railtrack and The Coal Authority are attached. The developer is strongly advised to note same and take any appropriate recommended action.
2. SEPA have advised that all drainage arrangements should be to the public sewer and consideration given to the use of Sustainable Urban Drainage (SUDs) techniques for the disposal of surface water. The developer is advised to contact SEPA at 2 Alloway Place, Ayr KA7 2AA, Tel. 01292 294000, particularly with regard to confirming the consequences , if any, of surface water drainage connection to the public sewer.
3. West of Scotland Water have advised the following. Early contact with West of Scotland Water is advised at their office at 35 Glenburn Road, Prestwick KA9 2NS, Tel: 0808 100 5333:-
 - a) There is a public sewerage system to which a connection may be made. The developer should satisfy himself, by site investigation if necessary, that relative levels are such as will allow the development to be connected at a reasonable gradient;
 - b) The developer must make a separate application to West of Scotland Water for permission to connect to the public sewerage system;
 - c) A totally separate drainage system will be required;
 - d) Sustainable Urban Drainage Systems should be employed on the surface water drainage system;
 - e) Separate application will have to be made for the provision of site water mains if required, and service connections. Consultation should be made with this office regarding compliance with current byelaws and use of water for building purposes is advised;
 - f) Contact should be made with this office to discuss how the proposed development would be best served with a public water supply.
4. Following the advice in Notes 2 and 3 above, the Developer is strongly advised to make early contact with the Scottish Environment Protection Agency and West of Scotland Water to confirm their 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.
5. Following the advice in Note 4 above, the developer is advised that the Council does not currently have a general agreement with WOSWA 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. The developer should not assume that that East Ayrshire Council will undertake maintenance unless there is a site specific agreement to that effect. Where the developer makes his own maintenance arrangements, the Council will require to be convinced that these will work without impact on Council interests.

6. The developer is advised that demolition of the existing building shall be undertaken in accordance with the relevant Code of Practice and during demolition, no nuisance is to be created to adjoining householders. The buildings are known to contain asbestos and the developer will require to follow the requisite legal procedures for the safe removal and disposal of this material. The applicant/developer is strongly advised to make early contact with the Council's Environmental Health Service at Western Road, Kilmarnock (Tel No: 01563 554022) in this connection.
7. The applicants will require to secure the necessary Roads Construction Consent, details of which should be discussed with the Roads and Transportation Division of East Ayrshire Council.

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**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.**

AGENDA