

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 23 JANUARY 2004

**03/0994/FL: PROPOSED CHANGE OF USE FROM OPEN SPACE TO
RESIDENTIAL AND ERECTION OF 4 HOUSES
AND FORMATION OF 3 PLOTS
AT CUTSBURN ROAD, STEWARTON
BY C AND G PROPERTIES LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to erect 4 detached 2 storey dwellinghouses within the site and form 3 plots. Each of the proposed dwellinghouses contains 4 bedrooms. It is proposed to form a 2 metre wide footpath along Cutsburn Road along the site frontage. It is proposed to form a low buff facing brick wall at the heel of this footpath along the frontage of the site. Vehicular access to each of these dwellings is proposed from Cutsburn Road by means of footway crossovers. Traffic calming measures in the form of speed tables are also proposed along Cutsburn Road.

1.2 It is proposed to finish the dwellinghouse walls with a mix of white dry dash render and red coloured facing brick. Concrete roof tiles are proposed for the dwellings. It is proposed to form windows and doors with uPVC frames.

1.3 The proposed dwellings are set back between 12 and 14 metres from the edge of Cutsburn Road. In relation to the nearest dwellinghouses at Golf Loan, the nearest of the proposed dwellings is located at a distance of at least 30 metres.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheets, and that the issue of the Decision Notice be withheld until the Solicitor to the Council has concluded a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 dealing with the matters itemised in paragraph 8.3 of the Report.

3. CONCLUSIONS

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 material considerations add weight to the presumption in favour of the development plan.

3.2 Potential impact on the amenity of residents adjacent to the site during construction can be mitigated by the imposition of appropriately worded conditions to any permission granted for the proposed development.

3.3 It is recommended that the proposed development should be approved subject to a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 to include the following obligations on the part of the developer:

Section 75 Agreement

- (i) The provision and maintenance of a landscaping scheme on the higher areas within the site adjacent to Cutstraw Road (shown on the plans in green);
- (ii) The formation of a 2.0 metre wide footway between the site and Cauldhame Rigg to adoptable standards (shown in the plans in orange);
- (iii) The provision of a financial contribution to the Council towards the provision of appropriate leisure and recreational facilities in the area to which the development relates in terms of Policy TLR 5 of the Adopted East Ayrshire Local Plan.

CONTRARY DECISION NOTE

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

Alan Neish
Head of Planning and Building Control

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

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 23 JANUARY 2004

**03/0994/FL: PROPOSED CHANGE OF USE FROM OPEN SPACE TO
RESIDENTIAL AND ERECTION OF 4 HOUSES
AND FORMATION OF 3 PLOTS
AT CUTSBURN ROAD, STEWARTON
BY C AND G PROPERTIES LTD**

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 full planning application which is to be considered by the Local Planning Committee under the scheme of delegation because it is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located between Cutstraw Road and Cutsburn Road, Stewarton, and comprises an area of unkempt open land. The site slopes from south to north with the levels rising towards the eastern end of the site adjacent to Cutstraw Road. The boundary to Cutsburn Road is loosely defined by a stob and wire fence currently in a poor state of repair. The boundary to Cutstraw Road is defined by an established hawthorn hedge. An area of established residential development is located to the north of the site at Golf Loan with a predominance of two storey house types of suburban character. The land directly to the east of the application site contains some coniferous tree cover, with the land to the south beyond Cutstraw Road at a higher level being used as agricultural land.

2.2 **Proposed Development:** It is proposed to erect 4 detached 2 storey dwellinghouses within the site and form 3 plots. Each of the proposed dwellinghouses contains 4 bedrooms. It is proposed to form a 2 metre wide footpath along Cutsburn Road along the site frontage. It is proposed to form a low buff facing brick wall at the heel of this footpath along the frontage of the site. Vehicular access to each of these dwellings is proposed from Cutsburn Road by means of footway crossovers. Traffic calming measures in the form of speed tables are also proposed along Cutsburn Road.

2.3 It is proposed to finish the dwellinghouse walls with a mix of white dry dash render and red coloured facing brick. Concrete roof tiles are proposed for the dwellings. It is proposed to form windows and doors with uPVC frames.

2.4 The proposed dwellings are set back between 12 and 14 metres from the edge of Cutsburn Road. In relation to the nearest dwellinghouses at Golf Loan, the nearest of the proposed dwellings is located at a distance of at least 30 metres.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Stewarton and District Community Council has stated that the area of ground (reference 240H Local Plan – 10 houses) still appears to only be partially developed for housing, particularly large houses (4 number). Again, a new private development with no opportunity for first time buyers.

Noted. The application site only covers part of the area allocated in the East Ayrshire Local Plan for residential development under the terms of the 240H allocation, therefore the number of units is less than that indicated in the Local Plan. As the site is located on the edge of an urban area, a high density development would not be considered appropriate for the site. Additionally, the development potential of the site is also restricted by means of its shape and topography with vehicular access only feasible to Cutsburn Road. These factors serve to render the site less suitable for affordable housing provision.

3.2 The 4 houses shown in the submission are large with extensive ground attached yet in the proposed layout there are 2 plots of only 11 metres approximate width. At this width development for similar housing to that proposed would be more than difficult to achieve. If these 2 sites were to be amalgamated, a similar sized site to the other 5 number would be possible.

Whilst the proposal on these 2 plots is for just that, two distinct plots, it is considered that Plots 2 and 3 could possibly be proposed for semi-detached dwellinghouses. This could result in a mass of building similar to that proposed on plots 4, 5, 6, and 7. It should however be noted that any proposals to develop Plots 1, 2, or 3, will require to be the subject of a further application for planning permission, and that the layout shown for these Plots need not be prescriptive on any future development at this stage.

3.3 The new submission now includes the removal of hedging along the site's Cutstraw Road boundary and the setting up of a new timber fence to this boundary. This provision should hopefully improve visibility at Cutstraw Road's junction with Cutsburn Road.

It is noted that the visibility requirements of the Roads and Transportation Division will result in the partial loss of an

established hawthorn hedge along Cutstraw Road. Given the location of the site on the urban edge, and the landscaping requirements stated in the East Ayrshire Local Plan (see paragraph 5.3 of the Report) it is considered that appropriate boundary treatment can be achieved without recourse to screen fencing directly along Cutstraw Road. Such treatment would serve to compensate for the loss of the hedging whilst allowing an enhanced standard of visibility along Cutstraw Road when accessed from the mini-roundabout from Cutsburn Road.

3.4 Traffic calming measures are now shown for Cutsburn Road, somewhat excessively it would appear. Positioning of these ramps also seems to interfere with drive accesses.

It has been noted that part of the traffic calming proposed appears to interfere with a proposed driveway access. Should planning permission be granted, an appropriately worded condition can be imposed to ensure that traffic calming meets the requirements of the Councils Roads and Transportation Division.

3.5 Should road improvements be allowed for at the Cutstraw Road/Cutsburn Road junction it might be preferable for the house in Site 1 to be further back from the junction to permit such works to take place comfortably albeit if not now then at some future date, hopefully not too distant.

East Ayrshire Council Roads and Transportation Division have raised no objection to the proposed layout subject to appropriate conditions. It should be noted that any proposal to develop Plot 1 would require to be the subject of a further planning application.

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

Noted. Scottish Water comments are provided in paragraph 3.9 of the Report.

3.7 Any planning permission granted should include a condition requiring the applicant to treat surface water from the site in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland, which was published by CIRIA in March 2000.

Should planning permission be granted for the proposed development, an appropriately worded condition can be imposed to ensure that a SUDS arrangement to SEPA's satisfaction is

implemented within the development to deal with surface water drainage.

3.8 Scottish Water has commented that there is an existing public water main located in the street adjacent to the site which may be suitable to provide a supply to the proposed development. Details of the highest water fitting related to Ordnance Datum and the proposed demands must be forwarded to Scottish Water in order that hydraulic testing can be carried out.

3.9 A separate application will have to be made for the provision of site water mains, if required, and service connections. Consultation should be made with Developer Services regarding compliance with current bylaws and the use of water for building purposes is advised.

3.10 There is a public sewerage system to which a connection may be made from the proposed development. The applicant should satisfy him/herself, by site investigation if necessary, that relative levels are such as will allow the development to be connected at a gradient acceptable to Scottish Water. A totally separate drainage system of foul and surface water sewers will be required. It is recommended by Scottish Water that the applicant must consider the implementation of a Sustainable Urban Drainage System within the proposed drainage design. The applicant must make a separate application to Scottish Water Developer Services for permission to connect to the public sewerage system at the appropriate time.

Noted. Should the application be approved, appropriate notes in respect of the above can be included on the planning permission.

3.11 The Coal Authority and Transco have no objections to the proposed development.

Noted.

3.12 East Ayrshire Council's Roads and Transportation Division has no objections to the proposed development subject to the imposition of appropriately worded conditions. The 2.0 metre wide footway over the frontage of the development must be extended to connect onto the existing public footway on the development side of Cutsburn Road. This location is outwith the application site.

3.13 The traffic calming features on Cutsburn Road will require to be located away from private driveways. The traffic calming features will be speed tables which will require the road humps consultation procedure to be undertaken. No development should commence until this consultation has been completed to the satisfaction of the Roads Division.

3.14 The construction of a direct access for each dwelling onto Cutsburn Road and the installation of traffic calming will require the existing street lighting to be improved.

3.15 The rear treatment of the plots to Cutstraw Road requires the provision of a 2.0 metre wide grass verge behind the boundary fencing, continuing past the mini-roundabout into Cutsburn Road as indicated on the submitted layout plan. There will be an overlap with the 2.0 metre wide footway required at the mini-roundabout resulting in the boundary of plot 1 being set back 4.0 metres from the mini-roundabout.

3.16 The boundary fencing onto Cutstraw Road can be 1.8 metres in height but must be lowered to 0.6 metres in height at the junction with the mini-roundabout and at the frontage of the dwellings on Cutsburn Road.

3.17 The road surface water on Cutstraw Road currently discharges into the application site from offlets. However, this cannot be allowed to continue when the adjoining land becomes residential. It will therefore be necessary to provide a drainage system in the grass verge to intercept road surface water. A French drain and several gulleys would be appropriate for this situation. A discharge point will have to be found, probably at the new mini-roundabout. The submitted drawing indicates an existing surface water drain crossing Cutstraw Road and passing through Plot 2. This drain should be disconnected and redirected into the new surface water drain proposed in the grass verge.

3.18 The applicant should be informed that the construction of the footway, grass verge, surface water drain, street lighting and traffic calming measures will require a Road Construction Consent to be obtained prior to commencement of the development and that a road bond security must be lodged prior to commencement of any building or construction. The applicant should be informed that the Road Construction Consent procedure can take 3 months to obtain, subject to the appropriate submission standard having been made.

Conditions and appropriately worded notes can be attached to any planning permission granted for the proposed development to meet these requirements of the Roads and Transportation Division. The construction of the 2.0 metre wide footpath required between the northern extremity of the application site however, involves land outwith the control of the applicant. Consequently, this matter requires to be secured by means of a Section 75 Agreement under The Town and Country Planning (Scotland) Act 1997.

3.19 East Ayrshire Council Education Department: No reply at the time of writing.

Noted.

4. REPRESENTATIONS

In addition to the comments made by Stewarton and District Community Council reproduced in Section 3 of this Report, two letters of representation have been received which are summarised below :-

4.1 The proposed development will adversely affect the quality of life of people residing in the local area. We are already experiencing increased noise and vehicle pollution because of other developments in this area. Further development will exacerbate these problems.

The Council Roads and Transportation Division have not objected to the proposed development. Whilst it is acknowledged that there will be some disturbance to neighbouring properties during the period of construction, the relatively small scale of the development should be borne in mind. With regard to construction work and the proximity of the site to an established residential area, it would be appropriate to impose a condition on any planning permission granted to limit construction works on the site taking place at inappropriate times of the day, in the interests of residential amenity.

4.2 The proposed development is designed so that 3 plots will be left vacant. This suggests that development in this area will be ongoing for some time which will lead to further disruption in the future.

See response comments provided in paragraph 4.1 of the Report.

4.3 Residents treasure the open outlook across Cutsburn Road from the Annick Brae Estate – various wildlife can be seen in this area including Herons.

Whilst the proposed development will result in the loss of an area of open space, the site occupies part of an area identified within the Local Plan for residential development. With regard to outlook, it is considered that the degree of separation between the proposed development and adjacent residential development is such that outlook will not be significantly affected to a degree which would compromise reasonable standards of residential amenity. Additionally, the right to a view is not a material consideration in the determination of an application for planning permission.

4.4 This area is too close to our property and will impinge on our privacy as the proposed development is directly opposite our property. We purchased our home for countryside outlooks and the privacy this afforded.

The proposed dwellings are all located at least 30 metres from the existing residences on Golf Loan to the north of the site. It is

considered that the degree of separation between the proposed development and adjacent residential development is such that privacy will not be prejudiced to a degree which would materially affect existing standards of residential amenity.

4.5 The proposed development will increase the level of traffic and make this road more dangerous due to residents accessing their homes on and off an already extremely busy road.

It is considered that the increase in traffic levels as a consequence of this development will be insignificant in relation to current traffic levels on Cutsburn Road. Traffic calming measures and a new footpath are proposed as part of the development. As a consequence, it is the opinion of this Division that the proposed development will result in improved safety standards on this road for motorists and pedestrians. The Council Roads and Transportation Division have not objected to the proposed development.

4.6 The Dickie development between Loudon Street and Cutstraw Road, Stewarton, has been under way since the summer and has meant a huge increase in traffic, pollution, and noise levels. This development is not due for completion until March and has caused a great deal of disruption which we feel would be compounded by this proposal. This proposal will cause greater volumes of residential traffic.

See response comments provided in paragraphs 4.1 and 4.3 of the Report.

4.7 Cutsburn Road is a main route for children attending Nether Robertland Primary School and Stewarton Academy. The increase in residential traffic will have a knock-on effect for their safety in arrival and departure from school.

See response comments provided in paragraph 4.5 of the Report.

4.8 This proposal will place an increased pressure on all local facilities, especially the aforementioned schools.

The site has been allocated for residential development purposes in the East Ayrshire Local Plan, adopted in 2003.

4.9 The proposal will result in a loss of amenity for the area.

Whilst the proposed development will result in the loss of an area of open space, the site occupies part of an area identified within the Local Plan for residential development. Whilst the site is 'greenfield', it is not considered to be of significant amenity value in its current

state. It is also not considered that the proposed development will detract from adjacent standards of residential amenity.

4.10 It will put extra pressure on an already dated sewerage system and any resulting problems from this increased strain could be catastrophic. What will the effects be on the water flow and water pressures?

Scottish Water have raised no objection to the proposed development. Nevertheless, the applicant will require to agree water supply and drainage arrangements to the satisfaction of Scottish Water should planning permission be agreed.

4.11 Planning permission for a similar proposal was rejected several years ago when Stewarton did not even have as many new developments in progress.

The planning history of the site has been summarised in Section 6 of the Report. Whilst the history of the site is a material consideration in the determination of this application for planning permission, it should be noted that the current application requires to be considered in the light of the recently adopted East Ayrshire Local Plan.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (2003).

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 application site is located within a part of Stewarton identified as a development opportunity for residential purposes. The identified area (240H) extends to the east of the application site, covers a total area of 1.6 hectares with an indicative capacity of 10 houses. Within the East Ayrshire Local Plan it is stated that a Section 75 Agreement will be required for Site 240H to establish that only the lower part of the site fronting along Cutsburn Road will be developed for housing. The agreement will also request arrangements to be

made for trees to be planted and thereafter maintained in the upper part of the site, in order to provide a positive boundary to the urban area of Stewarton.

Noted. The proposal before Committee is only for housing development on the lower part of the site. The upper areas are shown as being within the rear curtilages of the 4 proposed houses. Consequently it is not considered in the context of this application that a clause in a Legal Agreement would be required to regulate the siting of these units.

5.4 Policy RES 1 states that the Council will encourage and support the residential development of those Development Opportunity Sites identified for housing purposes on the individual Local Plan maps. The sites identified will be reserved for residential and associated recreational and amenity open space development.

The principle of residential development at this location is acceptable. In his Report on the East Ayrshire Local Plan Public Local Inquiry, the Reporter stated that, in allocating the site for residential purposes, housing should be located on the lower lying land to Cutsburn Road. The proposal accords with the terms of this Policy.

5.5 Policy RES 19 states that the Council will require all housing developers to provide areas of recreational and amenity open space as an integral part of their development proposals and to make provision for the future maintenance of these areas, once formed, to the satisfaction of the Council. Developers will be expected to pay due regard to the indicative basic standards set out in Schedule 3 of the Local Plan in preparing their proposals, although the precise type, size, location and design of the open space will be dependent on the extent of existing open space provision in the vicinity and the recreational and amenity needs of the wider area.

Open space provision for developments of less than 30 houses is at the discretion of the Council and developers may not be required to provide any element of active recreational open space. The requirement for landscaping within the site under the terms of a Section 75 Legal Agreement and the proximity of open space in the locality are considered sufficient to enable the development to accord with the terms of this Policy.

5.6 Policy RES 22 states that all developers will require to observe the minimum private open space criteria and standards detailed in Schedule 4 of the Local Plan.

The proposed development meets the private open space standards specified in Schedule 4 of the Local Plan.

5.7 Policy TLR 5 states that the Council will request all potential developers of residential sites comprising four or more houses, to enter into a Section 75 Agreement with the Authority for contributions towards the provision of appropriate leisure and recreational facilities within the area to which the development relates. Contributions will be at a level to be agreed by the Council, based on the expected number of houses and the level of need in a particular area for particular facilities.

The applicant has been requested to enter into a Section 75 in this respect and has stated a willingness to provide a contribution.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

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

Consultation Responses

6.2 The Consultation responses do not indicate that the application should be refused. Appropriately worded conditions and notes to the applicant can address the issues raised, should planning permission be granted. The comments received from Stewarton and District Community Council require to be considered as representations.

Representations

6.3 It should be noted that the points of objection relating to noise and disturbance during construction can be addressed by the imposition of an appropriately worded condition should planning permission be granted. It is not considered that the other points of objection are of sufficient cumulative weight to justify refusal of the application contrary to the terms of the East Ayrshire Local Plan.

Planning History

6.4 W/76/540 AB: Outline planning permission was refused on 17 February 1977 for the erection of 2 dwellinghouses at Cutsburn Road / Cutstraw Road, Stewarton.

6.5 KL/W/85/174: Planning permission was granted on 23 September 1985 for the change of use from agricultural land to garden ground at Cutsburn Road / Cutstraw Road, Stewarton.

6.6 KL/W/87/147: Planning permission was granted on 27 August 1987 for the proposed landscaping of garden ground at Cutsburn Road / Cutstraw Road, Stewarton.

6.7 KL/W/87/147A: Outline planning permission was refused on 29 December 1989 for the erection of a dwellinghouse at Cutsburn Road / Cutstraw Road, Stewarton.

6.8 In his Report on the East Ayrshire Local Plan public local inquiry, the Reporter stated that, in allocating the site for residential development purposes, housing should be located on the lower lying land to Cutsburn Road. The application site was included in an area zoned for residential development in the East Ayrshire Local Plan, adopted on 11 April 2003.

6.9 03/0576/FL: An application for full planning permission for the proposed change of use from open space to residential and erection of 5 houses and formation of 2 plots was withdrawn on 10 November 2003. The application was withdrawn in order to facilitate a revised proposal (the current application) which is materially different to this application.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 Legal implications will arise through the requirement for a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997, with regard to the requirements contained within Section 8.3 of this report.

7.2 There are no financial implications for the Council.

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 material considerations add weight to the presumption in favour of the development plan.

8.2 Potential impact on the amenity of residents adjacent to the site during

construction can be mitigated by the imposition of appropriately worded conditions to any permission granted for the proposed development.

8.3 It is recommended that the proposed development should be approved subject to a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 to include the following obligations on the part of the developer:

Section 75 Agreement

- (iii) The provision and maintenance of a landscaping scheme on the higher areas within the site adjacent to Cutstraw Road (shown on the plans in green);
- (iv) The formation of a 2.0 metre wide footway between the site and Cauldhame Rigg to adoptable standards (shown in the plans in orange);
- (iii) The provision of a financial contribution to the Council towards the provision of appropriate leisure and recreational facilities in the area to which the development relates, in terms of Policy TLR 5 of the Adopted East Ayrshire Local Plan.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheets, and that the issue of the Decision Notice be withheld until the Solicitor to the Council has concluded a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 dealing with the matters itemised in paragraph 8.3 of the Report.

CONTRARY DECISION NOTE

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

Alan Neish
Head of Planning and Building Control

15 January 2004
(RD/MMM)

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. Planning application reference W/76/540 AB.
8. Planning application reference KL/W/85/174.
9. Planning application reference KL/W/87/147.
10. Planning application reference KL/W/87/147A.
11. Planning application reference 03/0576/FL.

Anyone wishing to inspect the above background papers should contact Robert Duncan on 01563 576 771.

Implementation Officer: Dave Morris

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No. 03/0994/FL

Location	Cutsburn Road STEWARTON
Nature of Proposal:	Proposed change of use from open space to residential and erection of 4 houses and formation of 3 plots
Name and Address of Applicant:	C & G Properties Ltd 54A High Street STEWARTON KA3 5DB
Name and Address of Agent	Robert G Lang 25 Bellevue Crescent AYR KA7 2DP

DPO's Ref: Robert Duncan (RD/MMM)

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

1. Apart from where the conditions listed below require otherwise, the proposed development shall be carried out in accordance with the application form received on 10 November 2003 and the plans received by the Planning Authority on 10 November 2003.

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

2. Notwithstanding the plans hereby approved, and the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, any domestic garage(s) associated with the development shall be set back at least 6 metres from the nearer edge of Cutsburn Road, shall be of a permanent construction and finished in the same materials as the dwellinghouse to which it/they relate.

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.

3. A sample of the brick proposed in the front boundary wall along Cutsburn Road shall be submitted to, and approved by, the Council as Planning Authority prior to the commencement of works on site. This wall shall be constructed in the position shown on the plan prior to the occupation of any of the dwellinghouses.

REASON In the interests of visual amenity and road safety.

4. Notwithstanding the plans hereby approved, the roofs shall be clad in a grey or black tile, a sample of which shall be submitted to and approved in writing by the Council as Planning Authority prior to the commencement of works on site.

REASON In the interests of visual amenity.

5. Notwithstanding the plans hereby approved, samples of the external surface materials to be used on the walls shall be submitted to the Council as Planning Authority and agreed in writing prior to the commencement of development on site.

REASON In the interests of visual amenity.

6. That, prior to the commencement of works on site, a scheme of traffic calming scheme shall be submitted to and agreed in writing with the Council as Planning Authority. The scheme shall take account of the location of existing and proposed vehicular accesses. Thereafter, the proposed scheme of traffic calming shall be completed to the satisfaction of the Planning Authority prior to the occupation of any of the dwellinghouses.

REASON In the interests of road safety.

7. A landscaping scheme shall be submitted to and approved by the Planning Authority prior to the commencement of any development, and shall be implemented not later than the next appropriate planting season after the development has been carried out.

REASON In the interests of visual amenity.

8. That, prior to the completion or occupation of any dwellinghouses within the site, a 2.0 metre wide grass verge shall be provided onto Cutstraw Road continuing round the mini-roundabout onto Cutsburn Road as indicated on the submitted layout plan. A 2.0 metre wide footway to an adoptable standard shall

be provided from the mini-roundabout along Cutsburn Road within the site boundary prior to the occupation of any dwellinghouses within the site.

REASON In the interests of road safety.

9. A Sustainable Urban Drainage System to treat and minimise surface water run-off within the site shall be developed in accordance with the plans submitted to the Planning Authority and to the requirements of the Scottish Environment Protection Agency (SEPA).

REASON In order to facilitate the disposal of surface water run-off as a result of the development.

10. Construction works on site shall not take place 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 interests of residential amenity.

Notes to applicant:

1. Prior to the commencement of development on the site, the applicant should satisfy himself as to the suitability of the site for construction purposes.

2. A copy of the consultation responses received from Transco and The Coal Authority are attached. The developer is strongly advised to note same and take any appropriate recommended action.

3. SEPA have advised that all drainage arrangements should be to the public sewer and consideration given to the use of Sustainable Urban Drainage (SUDS) techniques for the disposal of surface water. SEPA have further advised that any waste arising should be disposed of at a suitably authorised site. The developer is advised to contact SEPA at 2 Alloway Place, Ayr, KA7 2AA, Tel 01292 294 000, particularly with regard to confirming the consequences, if any, of surface water drainage connection to the public sewer.

4. The applicant should make early contact with Scottish Water at their Office at 35 Glenburn Road, Prestwick, KA9 2NS, Tel 0845 601 8855.

5. Following the advice in Note 4 above, the developer is advised that the Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific arrangements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA. The developer should not assume that

East Ayrshire Council will undertake maintenance unless there is a site specific agreement to that effect. Where the developer makes his own maintenance arrangements, the Council will require to be convinced that these will work without impact on Council interests.

6. The applicant will require to secure the necessary Roads Construction Consent, details of which should be discussed with the Roads and Transportation Division of East Ayrshire Council.

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