

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 4 DECEMBER 2009 09/0355/FL: PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 12 NO. DWELLINGS, NEW ACCESS ROAD AND ASSOCIATED INFRASTRUCTURE AT VACANT LAND, CAMERON DRIVE , NEW FARM LOCH, KILMARNOCK BY ATRIUM HOMES

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for this site with regard to the erection of 12 dwellings (8 houses and 4 flatted dwellings).

1.2 The proposed development would be for affordable housing, and the applicant is a Registered State Landlord. The housing proposed is designed to conform to the Space Standards provided in the New Scottish Housing Handbook and the Housing for Varying Needs Guidelines, which means the units will ensure the dwellings are as efficient in space and obstruction-free for the intended occupants as possible. Ground floors in particular are wheelchair friendly spaces, and the units are intended to be used as lifetime dwellings, with the flexibility to ensure that if the occupants require living on the ground floor through disability, this is able to be easily accommodated.

1.3 Private gardens are also provided to the Council's minimum private space standards. A range of boundary features are proposed.

1.4 Open space will be provided within the site, and it is proposed to remove the existing poplars on site and provide replacement planting. The area of parking for the housing, which is around the northeast and southeast boundary of the Charleston public house, will be replanted with trees, and an area of open space to the front aspect of the cottage flats, which also has trees proposed. In addition, it is proposed to screen the boundary with the Charleston public house with a beech hedge, to soften that boundary.

1.5 A range of materials are proposed for the housing. A higher proportion of glazing to the rear is proposed to enable the units to have as much daylight as possible. The overall layout has been produced in liaison with Strathclyde Police to ensure compliance with the Secured by Design scheme.

1.6 The site was disposed from the Council to Atrium Homes in 2007 for the development of affordable housing in response to the priorities as set out in the East Ayrshire Local Housing Strategy 2004-2009. The proposed development of

affordable housing in this area is a response to a study by Communities Scotland identifying a need for such housing in the area.

2. RECOMMENDATION

2.1 It is recommended that this application for full planning consent be approved subject to the conditions listed on the attached sheet.

3. CONCLUSIONS

3.1 The Town and Country Planning (Scotland) Act 1997 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. As indicated in Section 5 of the report the application is consistent with the provisions of the Development Plan.

3.2 As indicated in Section 6 there are material considerations relevant to this application, including the substantial body of representations regarding the loss of the existing poplars on site. The Council's Senior Arboricultural Officer has offered no objections to the removal of the poplars, and has recommended that a more suitable species be planted to mitigate the loss and provide more appropriate trees. It is noted that the remaining consultation responses do not suggest that the application should be refused.

3.3 In this instance, it is considered that the material considerations are not such as to indicate that the proposal would be unacceptable. It is therefore considered that this application should be approved, subject to conditions.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, the application would not require to be referred to the full Council, as this would not be a significant departure from Council policy.

**Alan Neish
Head of Planning and Economic Development**

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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NORTHERN LOCAL PLANNING COMMITTEE: 4 DECEMBER 2009 09/0355/FL: PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 12 NO. DWELLINGS, NEW ACCESS ROAD AND ASSOCIATED INFRASTRUCTURE AT VACANT LAND, CAMERON DRIVE , NEW FARM LOCH, KILMARNOCK BY ATRIUM HOMES

Report by Head of Planning and Economic Development

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for planning permission, to be considered by the Northern Local Planning Committee under the current scheme of delegation as it is subject to more than 10 letters of objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located on Cameron Drive, New Farm Loch, to the north-east of the Charleston public house and immediately north-west of St Kentigern's Church. The area is dominated by housing to the north, east and south and has landscaped areas pocketed throughout.

2.2 The application site is a small flat area of open space, which sits between Cameron Drive and Dunbar Drive, and is currently grassed with a footpath, extending to some 4000 sq m in area. Some 23 large poplar trees have been planted approximately 30 years ago around the north eastern and south eastern perimeters of the Charleston public house, which, following tree works earlier this year, are approximately 7m in height.

2.3 **Proposed Development:** Full planning consent is sought for this site with regard to the erection of 12 dwellings (8 houses and 4 flatted dwellings).

2.4 The proposed development would be for affordable housing, and the applicant is a Registered State Landlord. The housing proposed is designed to conform to the Space Standards provided in the New Scottish Housing Handbook and the Housing for Varying Needs Guidelines, which means the units will ensure the dwellings are as efficient in space and obstruction-free for the intended occupants as possible. Ground floors in particular are wheelchair

friendly spaces, and the units are intended to be used as lifetime dwellings, with the flexibility to ensure that if the occupants require living on the ground floor through disability, this is able to be easily accommodated.

2.5 Private gardens are also provided to the Council's minimum private space standards. A range of boundary features are proposed.

2.6 Open space will be provided within the site, and it is proposed to remove the existing poplars on site and provide replacement planting. The area of parking for the housing, which is around the northeast and southeast boundary of the Charleston public house, will be replanted with trees, and an area of open space to the front aspect of the cottage flats, which also has trees proposed. In addition, it is proposed to screen the boundary with the Charleston public house with a beech hedge, to soften that boundary.

2.7 A range of materials are proposed for the housing. A higher proportion of glazing to the rear is proposed to enable the units to have as much daylight as possible. The overall layout has been produced in liaison with Strathclyde Police to ensure compliance with the Secured by Design scheme.

2.8 The site was disposed from the Council to Atrium Homes in 2007 for the development of affordable housing in response to the priorities as set out in the East Ayrshire Local Housing Strategy 2004-2009. The proposed development of affordable housing in this area is a response to a study by Communities Scotland identifying a need for such housing in the area.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Environmental Health (Contaminated Land) and the Roads and Transportation Divisions: have no objections to the development subject to the use of conditions/notes.

All traffic and drainage issues have been solved to the satisfaction of the Council's Roads Division, subject to conditions and a note can address contaminated land.

3.2 East Ayrshire Council's Department of Neighbourhood Services (Development and Strategy): have no objections, the proposed housing reflects the priorities for new build affordable housing development as set out in the approved East Ayrshire Strategic Housing Investment Plan 2009/10 – 2013/14.

Noted.

3.3 East Ayrshire Council's Department of Neighbourhood Services (Outdoor Services): have no objections, but the development would require the removal of

23 poplar trees affected, with 15 replacement trees, details to be provided by the applicants. There is also the opportunity to plant some smaller growing trees within the rear garden grounds of the dwellings, and one tree per plot would bring the number of replacement trees to 27. Outdoor Services also noted that whilst the current poplars are approximately 7m in height, such species can grow to heights of 100 ft with the resulting root spread being an issue relative to adjacent developments. A more suitable replacement tree would be beneficial to the site and if a heavy standard is advised, a good screening between the adjacent public house and the dwellings can be provided.

An appropriately worded planning condition can be incorporated into any consent.

3.4 Scottish Gas no objections to the development.

An advisory note can ensure the applicant contacts Scottish Gas.

3.5 Scottish Water has not responded and East Ayrshire Council's Department of Neighbourhood Services (Housing Division) have no objections.

Noted.

3.6 Scottish Environment Protection Agency does not object to the proposal and comments via standard advice on foul and surface water drainage; pollution prevention; and domestic waste.

Appropriately worded conditions and advisory notes can be incorporated to address such issues should Members decide to grant consent.

3.7 New Farm Loch Community Council has submitted a representation which objects to the proposal on a number of grounds:

1) The trees have been in existence for 30+ years and have become a local landmark in the centre of New Farm Loch.

The issue of the trees is discussed in detail at section 3.5 above. Outdoor Services have commented that the removal of the poplars is acceptable, subject to a more appropriate species of tree being planted.

2) Photographs have been submitted which show the magnificent stature of these trees which are believed to be the only Poplars in the area. Despite the questionable 'grooming' in recent months, they can be restored to their former grandeur.

As noted above, the issue of the trees is discussed at section 3.5.

3) Although the trees are not covered by a Tree Preservation Order it is considered that full and proper consultation with the residents of New Farm Loch would have been appropriate and welcome. The outcome of such, would have been a resounding request to keep them.

The issue of the trees is discussed at section 3.5, however, it should be noted that the applicants, whilst under no obligation to consult with the Community, have held two events on 15 September and 3 December 2008 at St Kentigern's Church adjacent to the site, to raise awareness on a number of issues. At these events, questionnaire results eliciting responses on a range of issues, including the removal of the trees, were analysed, and that information shared with the Council. No residents raised significant issues regarding the removal of the poplar trees at that time.

4) The Community Council believes that the aesthetic value of these trees and the screening which they afford, outweigh any other consideration.

As above, the issue of the trees is discussed at section 3.5.

4. REPRESENTATIONS

4.1 Ten additional letters of objection were received and a petition of 219 signatures, from pupils at James Hamilton Academy, all concerning the removal of the trees, with the exception of one letter, which raised objections on the grounds of disruption to local residents, the loss of the grassed area as an informal play area for smaller children, and in addition, raised concern that, in such a small plot of land, any houses with parking etc would be crammed in.

These trees are relatively good specimens, and may not be causing any damage as yet, however, with the root spread these trees have the ability to grow to a great height, and remove a considerable amount of ground water. Outdoor Services have commented that it would be preferable to replant the site with a different species of tree that is more suitable to the suburban area and which will not cause damage to foundations, roads etc. A condition requiring the applicant to replant an increased number of trees of a more appropriate species can be applied.

It is considered that whilst some disruption will occur during the construction phase of any proposal, and also noting that residents in the vicinity have had to endure disruption caused by the redevelopment of St Josephs campus recently, any objection on this

basis is not material enough to warrant refusal of the application. In addition, whilst the grassed area may be used for informal play, it is not a designated play area and has no equipment provided. With the large tracts of available landscaping for informal play within New Farm Loch, and given that the Council's Outdoor Amenities section has no objections to the development of this site, refusal on this basis could not be sustained.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan (2007) and the Adopted East Ayrshire Local Plan (EALP) (2003).

Ayrshire Joint Structure Plan

5.2 There are no relevant policies in the Ayrshire Joint Structure Plan.

Adopted East Ayrshire Local Plan 2003

5.3 Policies RES4, RES19, RES22, ENV7, ENV15 and TLR5 apply to this application. Policy RES4 encourages the sympathetic residential development of gap, infill or other redevelopment sites, including those sites created through the large scale demolition of existing housing, not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed against a set of four stated criteria, as follows:

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

It is considered that proposed development would have minimal impact on the surrounding built environment and adjacent uses.

- (ii) transportation and infrastructure implications;

The Roads Section and other consultees have no outstanding issues in this regard.

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

The proposal is generally compatible with surrounding densities and housing types.

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

The proposed design is acceptable for this location.

5.4 Policy RES19 concerns the provision of public open space.

Given the scale of the development, no formal recreational open space requires to be provided. However, the scheme does provide numerous landscaped areas to enhance the amenity of the proposal.

5.5 Policy RES22 concerns the provision of private open space.

The proposal complies with the minimum standards for private open space.

5.6 Policy ENV7 expects developers to comply fully with the Council's existing and emerging design guidance.

The proposed development is considered to be compliant with the terms of this policy.

5.7 Policy ENV 15 actively seeks to preserve and supplement existing broadleaf and native trees throughout the Council area. In particular, the Council will:

(i) strongly encourage the protection and positive management of remaining areas of ancient and semi natural woodland. The retention and positive management of existing hedgerows and any proposals for new hedgerow planting will be supported;

The poplar trees affected by the proposed development do not fall within this category.

(ii) protect those individual, groups and areas of trees which contribute significantly to the landscape quality of both the built and rural environment, through the serving of Tree Preservation Orders;

The trees have not been assessed as being worthy of protection under a Tree Preservation Order;

(iii) encourage the development of Community Woodlands within, in close proximity to, and forming linkages between, the area settlements;

This part is not applicable to the trees at the development site;

(iv) encourage tree planting of broadleaf or native species at the approaches to the built up areas and along strategic and tourist route corridors throughout the area; and

The poplar trees affected by the proposed development do not fall within this category.

(v) encourage individual landowners to increase the amount of amenity, particularly broadleaf and native tree species on their land.

The applicants have demonstrated their willingness to replant a more suitable species of tree, as advised by the Council's Outdoor Amenities section, in excess of the number of trees that would be felled as a result of the proposal.

5.8 Policy TLR5 states the Council's position with regard to Developer Contributions, for the improvement of leisure, recreational and sporting facilities throughout the Council area. These policy states contributions will be at a level agreed by the Council, based on the expected number of houses, and the level of need in an area for particular facilities.

This number of housing units would usually have an associated developer contribution, however, in this instance, these units are funded by central government as amenity housing and the Developer Contribution is therefore inappropriate.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the Alteration to the East Ayrshire Local Plan with Modifications, the consultation responses received which are addressed in Section 3 of the report, the letters of objection and the impact upon the amenity of the area.

Alteration to the East Ayrshire Local Plan, Finalised Draft with Modifications

As a result of unresolved objections to policies RES 23 and RES 26, the only policy within the Alteration to which weight can be given in RES 3.

6.2 Policy RES3 states that within settlement boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Such proposals will be particularly supported where the development:

- (i) has no adverse impact on the surrounding natural and built environment and adjacent uses;

It is considered that proposed development would have minimal impact on the surrounding built environment and adjacent uses.

- (ii) has no unacceptable transportation and infrastructure implications;

There are no outstanding issues from the Roads Division and other consultees.

- (iii) is compatible with surrounding densities and housing types; and

The densities and house types are acceptable for this location.

- (iv) is in full compliance with the Council's approved Design Guidance.

The proposed development complies with the Council's Design Guidance relating to New Residential Development.

Consultation Responses

6.3 The consultation responses are detailed in the report and have been carefully considered. The submissions do not raise any issues of sufficient weight to warrant refusal of this application, noting the comments of the Council's Outdoor Amenities section, and it is considered that any issues raised by consultees can be addressed by conditions should Members choose to grant consent.

Objections

6.4 The points raised in the letter of objection and the objection received from New Farm Community Council have been addressed under Sections 3 and 4 of this report. Whilst the body of objection received regarding the loss of the existing poplar trees on site is noted, none of the issues raised are considered significant enough to warrant refusal of this application.

Impact on Amenity

6.6 Given the remaining landscape and grassed areas in the vicinity, and the residential uses surrounding the site, it is considered that housing is a suitable use for this site. The design of the proposed dwellings raises no issues in terms of visual amenity.

6.7 The proposed removal of the trees to develop the site does raise issues in terms of the visual impact of the trees and their biodiversity value. Notwithstanding this, it is considered the benefits associated with the provision of the new build, barrier-free lifetime housing will be of a significant advantage for those intended occupants, and the replacement trees, which will be subject to the approval of the Council, will be not only more appropriate in terms of the site, but will replace the biodiversity value of the trees proposed for removal. The proposed beech hedging will also have biodiversity and amenity value for the site.

6.8 Although not required, in this case under the Planning Acts, nonetheless the applicant has engaged in a range of community events, including notifying all relevant neighbours of plans to trim the trees in February 2009, and two community events at St Kentigern's Church to allow local residents and prospective tenants the opportunity to view the proposal and provide feedback. Although some comments were made as to the loss of the poplar trees, the applicants note that during these consultation events, there was no resounding request to keep the trees. The level of objections received, albeit outwith the prescribed period for representations, have shown, however, that the loss of the trees is a concern for the community.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial and legal implications with regard to the determination of this application.

8. CONCLUSIONS

8.1 The Town and Country Planning (Scotland) Act 1997 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. As indicated in Section 5 of the report the application is consistent with the provisions of the Development Plan.

8.2 As indicated in Section 6 there are material considerations relevant to this application, including the substantial body of representations regarding the loss of the existing poplars on site. The Council's Senior Arboricultural Officer has offered no objections to the removal of the poplars, and has recommended that a more suitable species be planted to mitigate the loss and provide more appropriate trees. It is noted that the remaining consultation responses do not suggest that the application should be refused.

8.3 In this instance, it is considered that the material considerations are not such as to indicate that the proposal would be unacceptable. It is therefore considered that this application should be approved, subject to conditions.

9. RECOMMENDATION

9.1 It is recommended that this application for full planning consent be approved subject to the conditions listed on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, the application would not require to be referred to the full Council, as this would not be a significant departure from Council policy.

**Alan Neish
Head of Planning and Economic Development**

23 November 2009
MF/KW
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Letters of Objection.
5. Adopted East Ayrshire Local Plan.
6. Applicants Supporting Statement

Anyone wishing to inspect the above papers please contact Marion Fergusson, Planning Officer, on 01563 576769.

Implementation Officer: Dave Morris

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 09/0355/FL

Location	Vacant Land Cameron Drive New Farm Loch Kilmarnock
Nature of Proposal:	Proposed Residential Development comprising 12 No. Dwellings, New Access Road and Associated Infrastructure
Name and Address of Applicant:	Atrium Homes 39/41 John Finnie Street Kilmarnock KA1 1BL
Name and Address of Agent	Robert Potter & Partners 7 Miller Road Ayr KA7 2AX

Officer's Ref: Fiona Finlay
01563 576798

DPOs Reference: MF/KW

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

1. The development hereby approved shall be implemented in accordance with the plans stamped as forming part of this permission unless a variation is required by a condition of the permission or a non-material change has been agreed in writing by the Planning Authority.

REASON To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

2. Notwithstanding the submitted plans, the applicants shall demonstrate either a 70 m visibility splay if no Traffic Control is provided for on Cameron Drive, or should Traffic Control be provided on Cameron Drive, a 35 m visibility

splay will require to be provided, prior to the occupation of the houses and thereafter maintained.

REASON In the interest of traffic safety in and around the locus.

3. All trees to be planted on site shall be placed in tree pits throughout the area under the control of the Roads Construction Consent.

REASON In the interest of traffic safety and road and footway maintenance in and around the locus.

4. Notwithstanding the submitted plans, details and samples of all external materials to be used in the construction of the dwellings and driveway surfaces shall be submitted to and approved by the Planning Authority in writing prior to the commencement of development on site and implemented as approved thereafter.

REASON In the interests of visual amenity; to ensure that the external finishing materials are appropriate to the character of the area.

5. Notwithstanding the approved plans, the landscaping details, including the species and size of proposed trees and beech hedging, shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any works on site.

REASON In the interests of residential amenity.

6. The Landscaping Scheme as approved under the terms of Condition 5 above shall be completed within the first planting season following the completion of the last dwelling house. For the avoidance of doubt this landscaping scheme shall include the landscaping of the garden grounds of individual plots.

REASON In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

7. Replacement trees of a minimum number to replace the trees proposed to be felled, shall be submitted to and approved by the Planning Authority. In writing prior to the commencement of development on site and implemented as approved thereafter.

REASON In the interest of visual amenity and the biodiversity of the area.

8. All planting carried out on site shall be maintained by the developer in accordance with good horticultural practice for a period of 5 years from the date of planting. Within that period any trees, shrubs or plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually.

REASON In the interests of visual amenity and effective landscape management; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

9. No demolition or external construction work, site clearance or preparation works shall take place before 08:00 hours and after 18:00 hours on Mondays to Fridays and before 08:00 hours and after 13:00 hours on Saturdays, nor at any time on Sundays.

REASON In the interests of residential amenity.

10. During the period of construction works, the developer of the site shall ensure that adequate and continuing measures are taken such that roads and footpaths adjoining the site are maintained free from mud and other material carried from the site by construction and any other vehicles.

REASON In the interests of public and road safety.

11. No materials other than topsoil shall be brought into the site for the purposes of infilling or upraising ground levels without the prior written consent of the Planning Authority.

REASON In order to control the development of the site and materials used in the making up of ground levels.

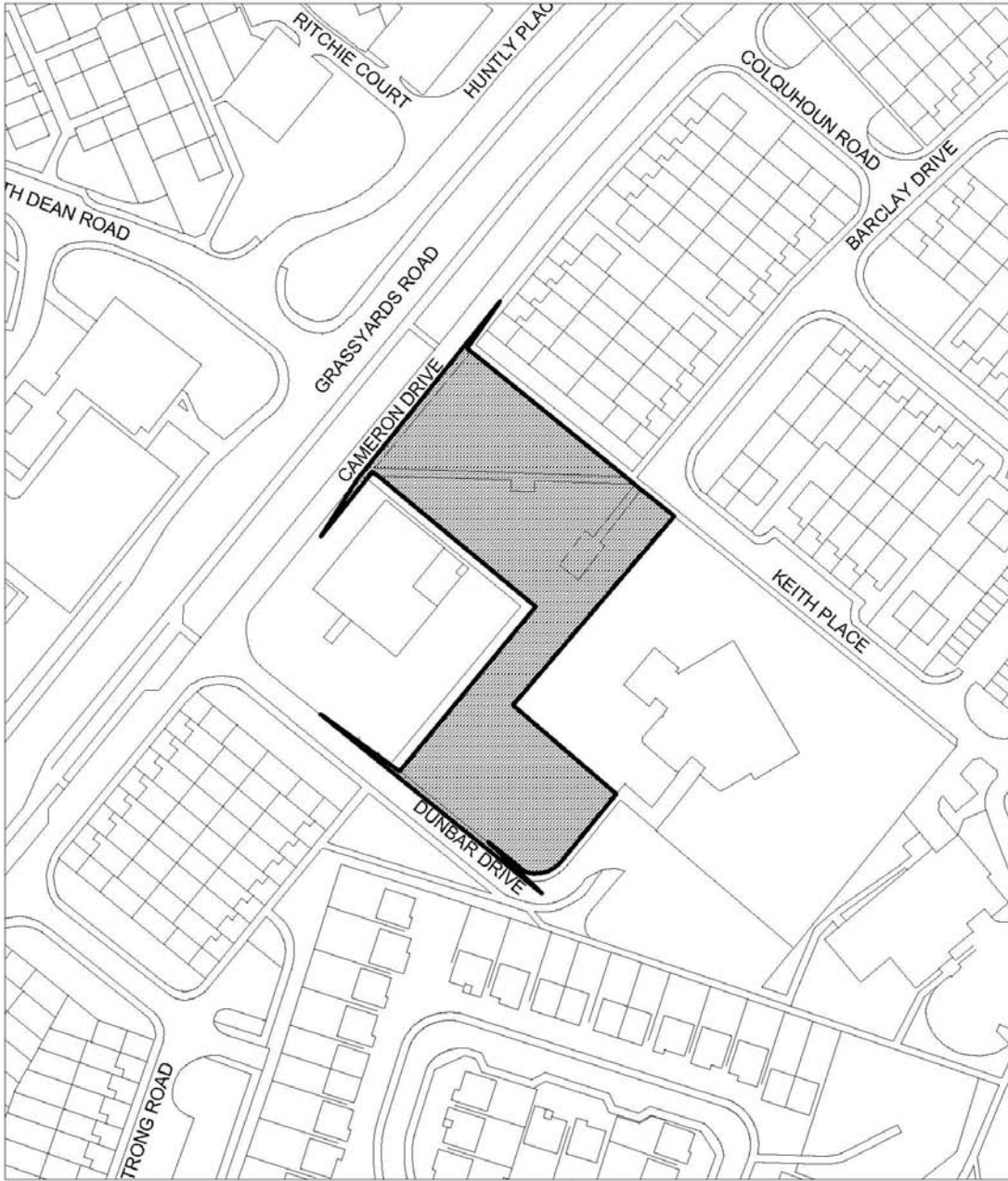
12. Any waste arising from the construction works shall be disposed of to the satisfaction of the Waste Management Authority and other than by means of burning on site.



REASON In the interests of residential amenity.

Advisory Notes to Applicant:

1. Construction works associated with the development shall be carried out in accordance with SEPA's guidelines on avoidance of pollution, and reference should be made to the relevant Pollution Prevention Guidance (PPG) from SEPA. Any waste materials imported to the site should be stored and used only in accordance with the waste management licence or exemption under the Waste Management Licensing Regulations 1994 as amended. Any waste materials removed from the site must be disposed of at a suitably licensed or exempt waste management facility in accordance with these Regulations.

2. The applicant should make early contact with Scottish Water on 0845 601 8855. The applicant should ensure that prior to development commencing on site, they have secured agreement from Scottish Water regarding the suitability of all proposed drainage connections and the suitability of the existing infrastructure to accommodate such connection.
3. The developer should make early contact with Scottish Environment Protection Agency and Scottish 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.
4. 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.
5. The applicant is advised to make early contact with Scottish Water Developer Services, Clyde House, 419 Balmore Road, Glasgow, G22 6NU regarding sewer and water connections.
6. The applicant shall contact the Council's Roads and Transportation Division (Tel. 01563 576358) with regard to any traffic management, road construction or works administered by that Division.
7. The applicant is advised to contact Scottish Power with regard to their apparatus in the vicinity of the site.
8. If any unsuspected contamination is discovered on site, the Council should be informed immediately, and remedial measures formulated to address the risk of exposure to key receptors.
9. The applicant is advised to contact The Forestry Commission with respect of advice on obtaining a felling licence.
10. The applicant is advised that a heavy standard of 5 m in height is the Council's preferred option for the proposed trees.



<p>Title/Location Cameron Drive/Dunbar Drive</p> <p> Kilmarnock</p> <p> Application No. 09/0355/FL</p>	<p>East Ayrshire Council</p> <p>Planning & Economic Development Division.</p> <p>6 Croft Street Kilmarnock KA1 1JB</p> <p>Tel: (01563) 576790 Fax: (01563) 576774</p> <p>E-Mail : Planning@east-ayrshire.gov.uk</p> <p>Com Date: 04/12/2009 Checked By</p>
<p>Key</p> <p> Application Site</p>	<p style="text-align: center;"></p>

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