

## **EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 19 AUGUST 2005**

**05/0454/FL: PROPOSED RESIDENTIAL DEVELOPMENT OF 17 UNITS,  
PUBLIC OPEN SPACE AND ASSOCIATED CAR PARKING  
AT LAND ADJACENT TO ARRAN AVENUE, KILMARNOCK  
BY MRS L A BARNES**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 Full planning permission is sought for the erection of 17 dwellinghouses. There are eight terraced dwellings, two of which comprise 4-bedroom units, with the remaining six being 3-bedroomed. The terraced dwellings are sited around the open space. Two semi-detached dwelling houses are proposed of 4-bedrooms and seven detached dwelling houses of 4-bedrooms. The terraced and semi-detached dwelling houses are two and  $\frac{3}{4}$  storeys in height while the detached dwelling houses are two-storeys in height. The dwellinghouses will take access from Arran Avenue and will be sited around an access road and a roundel turning head. The car parking for Plots 7-10 consist of a total of 8 car parking spaces to be accessed from the roundel while a footpath from the car parking area for Plots 7-10 will give access to the existing housing development at Castle Drive. An area of open space extending to a rectangular area of 327 square metres which incorporates toddler play equipment is surrounded by terraced dwellings. A stone feature wall of 1.8 metres in height dropping down to 900 mm at the open space area and rising again to 1.8 metres in height is proposed along Western Road. Materials proposed are re-constituted stone, facing brick, rendered panels and tiled roof.

#### **2. RECOMMENDATION**

**2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet and that the issuing of the Decision Notice be withheld until the Solicitors to the Council has satisfactorily concluded a formal Legal Agreement with the applicants in respect of the matters detailed in Sections 5.7 and 7.2 of the report.**

#### **3. CONCLUSIONS**

3.1 As is indicated in Section 5 of the report the application is considered to be in accordance with the Adopted Local Plan. Therefore given the terms of Sections 25 and 37 of the Town and Country Plan (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 of the report there are relevant material considerations. The concerns of the objectors are noted however they are not sufficient weight to justify a recommendation of refusal. Their concerns regarding the displacement of surface water, hours of construction and the access from Castle Drive to Western Road can be addressed by attaching conditions to any grant of planning consent. With regard to the design and siting of the proposed dwellinghouses they are considered to be appropriate in this location.

3.3 The proposed development complies with the policies of the Adopted EALP and will provide a residential development which is in keeping with the surrounding area in terms of design, density and external materials. It is considered that the development will add to the amenity of the area by providing a range of modern housing of different sizes and a designated public open space with play equipment.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards it will not require to be referred to the Development Services Committee as there would be no significant breach of policy.

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

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

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**Report by Head of Planning, Development and Building Standards**

### 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as it is subject to objections.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site extends to 1.24 acres in area and is a vacant grassed area which rises in level to the middle of the site, falling in height towards the houses on Castle Drive. The site is surrounded to the east, north and south by dwelling houses, to the west by the Western Road and then an open space area. The application site was originally proposed as an area of open space for the houses built in the late 1980s and 1990s to the north-east of the site.

2.2 **Proposed Development:** Full planning permission is sought for the erection of 17 dwellinghouses. There are eight terraced dwellings, two of which comprise 4-bedroom units, with the remaining six being 3-bedroomed. The terraced dwellings are sited around the open space. Two semi-detached dwelling houses are proposed of 4-bedrooms and seven detached dwelling houses of 4-bedrooms. The terraced and semi-detached dwelling houses are two and  $\frac{3}{4}$  storeys in height while the detached dwelling houses are two-storeys in height. The dwellinghouses will take access from Arran Avenue and will be sited around an access road and a roundel turning head. The car parking for Plots 7-10 consist of a total of 8 car parking spaces to be accessed from the roundel while a footpath from the car parking area for Plots 7-10 will give access to the existing housing development at Castle Drive. An area of open space extending to a rectangular area of 327 square metres which incorporates toddler play equipment is surrounded by terraced dwellings. A stone feature wall of 1.8 metres in height dropping down to 900 mm at the open space area and rising again to 1.8 metres in height is proposed along Western Road. Materials proposed are re-constituted stone, facing brick, rendered panels and tiled roof.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division and East Ayrshire Council's Outdoor Amenities Division and Scotland Gas Networks have no objections to the proposed development.

***Noted.***

3.2 Scottish Water have objected and advised that as the proposed development drains to the public sewer system, the cost of providing infrastructure to serve the development is outwith their reasonable cost obligations. Scottish Water would remove its objections if the applicant can demonstrate that the development will not have an impact on their assets or that suitable infrastructure can be put in place to support the development.

***Noted. The requirements of Scottish Water can be addressed by attaching a suitably worded note to any grant of planning consent.***

3.3 Scottish Environment Protection Agency (SEPA) have no objection to the proposed development although they advise that all foul drainage should be connected to the public sewer with written assurance being provided by Scottish Water that the additional load arising from this development will not cause or contribute to the premature operation of consented storm overflows. Surface water should be treated in accordance with the principles of the SUDS manual for Scotland and Northern Ireland.

***The requirements of SEPA can be addressed by attaching suitably worded conditions to any grant of planning consent.***

3.4 There is no Community Council in existence for this area.

***Noted.***

3.5 East Ayrshire Council's Environmental Health and Waste Management have no objection subject to no nuisance being created to existing householders in the vicinity from site engineering/construction activities for example smoke from the burning of waste, noise outwith dayshift operations. The contaminated land officer has not noted any specific issues with exception of a former Mine Shaft on the southern extremity of the site. there should be no problems in refuse service storage and collection.

***The requirements of Environmental Health and Waste Management can be addressed by attaching conditions to any grant of planning consent with regard to hours of construction, the burning of materials on site, the stability of the site and the refuse provision.***

#### 4. REPRESENTATIONS

4.1 There are six objectors to the proposed development including one from Scottish Water which is detailed in Section 3.2 of this report. Their grounds of objection are as follows:-

4.2 The rear gardens of Castle Drive which adjoin the application site constantly flood due to the fact the owner of the land dumped soil on the site.

***This can be addressed by attaching an appropriately worded condition to any grant of planning consent requiring that all appropriate measures are taken to alleviate flooding and the displacement of surface water to the north-east of the application site are implemented.***

4.3 The Council would be reckless in their duty of care to the general public if they grant planning consent on this dangerous site as soil/waste has been dumped on the site for some years.

***This Division has not received any substantive information to demonstrate that the site is dangerous. It is the responsibility, for the developer to ensure the stability and suitability of the site for development. The principle of housing on the site has already been agreed by approval of the outline planning permission.***

4.4 They are concerned about the working hours the builders of the development will be working and the noise pollution and health hazards this will bring.

***An appropriately worded condition could be attached to any grant of planning consent restricting the hours of construction on site from 08:00 hours to 17:00 hours on Monday to Friday, 08:00 hours to 13:00 hours on a Saturday and at no time on a Sunday. With regard to noise pollution and health hazards these matters will be controlled by East Ayrshire Council's Environmental Health and Waste Management Division and the Health and Safety Executive (HSE).***

4.5 They are concerned that the bedroom windows of the existing dwellings on Castle Drive will be overlooked by the proposed development infringing their privacy.

***The proposed dwellings to the North-East of the application site are situated approximately 16 metres from the rear curtilage of the existing dwellings on Castle Drive. It is not considered the proposed distance between the existing and proposed dwellings is unacceptable. The proposed dwelling on Plot 6 has no windows directly overlooking the dwellings on Castle Drive and the proposed terraced dwellings greatly exceeds the 18 metres***

***minimum window to window distance to existing dwellings on Castle Drive required by the Council's Design Guidance.***

4.6 They are concerned about the safety of children in the area who use the right of way from Castle Drive to Western Road during construction of the proposed development and seek assurances the footpath link from Castle Drive to Arran Avenue will be upgraded to an adoptable standard.

***The application site boundary includes the unmade "footpath" which gives access to the site between 26 and 37 Castle Drive. The area of ground between the aforementioned properties has never been upgraded to provide a footpath link as was intended. An appropriately worded condition could be attached to any grant of planning consent for the upgrading of the access between the existing and proposed developments to adoptable standard. It is accepted that access through the development site will not exist during construction works for health and safety reasons, however this will be short term in nature and the footpath access between Castle Drive and Western Road will be restored and upgraded once the dwellinghouses are constructed.***

4.7 Paddle Ltd of Blackburn have recently been in the media regarding a ban imposed by Glasgow City Council.

***The conduct of the applicant is not a material planning consideration in the determination of this application.***

4.8 They are alarmed at the negative impact the proposed development is having on existing properties adjacent to the application site as the property at 2 Manor Avenue remains unsold after being vacant for 9 months. They believe the unresolved issue of the proposed development must surely be a contributing factor in the fact this dwelling remains unsold.

***The length of time taken to sell a property adjacent to the application site is not a material planning consideration in the determination of this application. It is considered that the proposed development will substantially improve the amenity of the area.***

4.9 Strong objection is offered to the type and style of housing which adjoins neighbouring properties that are bungalows. The proposed five "villa style" properties back onto and overlook these houses and gardens. Plots 4 and 5 will invade residents' privacy and Plots 1, 2 and 3 will deprive neighbouring properties of natural light and sunlight.

***The Reporter stated in the dismissal of the applicant's previous appeal against the non-determination of Planning Application 04/0192/FL, that two storey dwellings were acceptable on Plots 1-6 given the window to window distances of over 30 metres between the proposed development and existing dwellings on***

**Manor Avenue. The Reporter further stated that it would be unreasonable to resist two storey housing to the south eastern boundary of the application site. The present proposal is consistent with the above findings and will not have a detrimental impact on the adjacent houses on Manor Avenue.**

4.10 No objection would be offered to bungalows which would be in keeping with existing properties and it appears that previous concerns are noted and accepted by conditions have been ignored by the developer. No objection would also be offered to the dwellinghouse such as proposed at Plot 6 which would relate to Castle Drive as the semi detached villas would border only Western Road as per Castle Drive where the builder of this site observed such protocol and erected a bungalow at No. 4 because it overlooked and adjoined a bungalow at 28 Manor Avenue.

**Members are referred to the response to Paragraph 4.9 above.**

4.11 Full disabled access to properties should be met.

**The provision of disabled access will be addressed through the Building Warrant.**

## **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 are determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan (1999) and the Adopted East Ayrshire Local Plan (EALP).

### Ayrshire Joint Structure Plan

5.2 The proposed development does not raise any strategic issues.

### Adopted East Ayrshire Local Plan (EALP)

5.3 Policies RES 4, RES 22, RES 19 and TLR 5 of EALP are specifically relevant in the consideration of this application.

5.4 Policy RES 4 encourages the sympathetic residential development of gap, infill or other re-development sites which are to be assessed against the following criteria:-

- i) Impact on the surrounding natural and built environment and adjacent uses;
- ii) Transportation and infrastructure implications;

- iii) Compatibility with surrounding densities and housing types;
- iv) Compliance with the Councils Development Promotion and Design Guidance.

***The proposed development is considered to accord with Policy RES 4 as it is compatible with the surrounding housing in terms of design and siting. The Roads Division and other consultees have not raised any adverse comments regarding the proposed development. The development has been assessed against the Design Guidance in Section 5.8 below and it is considered to be consistent with this Guidance.***

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.

***Although the size of the development is such that it would not require the provision of open space in terms of Policy RES 19. It is considered that given that the site was previously intended to provide recreational/open space for housing development to the north. It is considered that a formal area of open space which incorporates a play area is integrated as part of the housing area. The proposed public amenity space and toddler play equipment is acceptable and is centrally located within the site, providing a focal point for the proposed dwellings situated to the east and west of the public open space. The size of the play area and type of play equipment proposed meets the terms of the outline planning consent.***

5.6 Policy RES 22 requires developers to observe the minimum standards for the provision of open space of a minimum of 100 square metres for detached and semi-detached dwellings and a minimum of 70 square metres for terraced dwellings.

***All of the dwellings within the proposed development meet or exceed the minimum private open space standards.***

5.7 The applicant has agreed to contribute to the Sports, Leisure and Recreational Fund in terms of Policy TLR 5 of the EALP. They have indicated that they would be prepared to contribute £5,000 to the Sports, Leisure and Recreational Fund.

5.8 Policy ENV 7 requires developers to comply with the Councils Design Guidance in order to ensure that house design of infill sites recognises and reflects the scale, design features, density and materials of surrounding buildings and reflects and respects the built form of the surrounding area so as to integrate with existing buildings. The height and position of houses

should not have an oppressive, overshadowing or visually intrusive impact on neighbouring properties.

***It is considered that the proposed development is in keeping with the design and external materials of the surrounding dwellings in particular with the housing development to the north of the application site. The proposed development accords with Policy ENV 7 and the Design Guidance as the development has been designed and sited to minimise its impact on adjacent residential properties whilst being compatible with the surrounding area in terms of their height and design. The proposed dwellings are not visually intrusive nor will they have an overbearing or oppressive impact on adjoining dwellings.***

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of this application are the consultations and representations received which are detailed in Sections 3 and 4 of the report and the planning history of the site.

### Consultations and Representations

6.2 The consultations and representations received are addressed in Sections 3 and 4 of the report of neither of which indicates that the application should be refused. The concerns of the objectors either are not material to this application or can be addressed by attaching suitably worded conditions. With regard to the appropriateness and design of the proposed development it is considered to be compatible with the immediate area.

### Planning History

6.3 Outline planning permission (02/0802/OL) for a residential development was granted with conditions on 21 March 2003 by the Central Local Planning Committee.

6.4 A full planning application (03/0370/FL) for 18 dwelling houses was appealed to the Scottish Ministers upon the basis of non-determination by this Council. The development comprised ten 2¾ storey semi-detached (3 and 4 bedrooms) units and eight 2 storey detached (4 bedrooms) units. The appeal was refused by the Scottish Ministers because the proposal was found to be inconsistent with the relevant provisions of the Adopted EALP notably policies RES 4, RES 19 and RES 22 and there were no material considerations that justified an exception to these policy provisions. The Reporter did not find the 2¾ storey dwelling houses objectionable although noted they were not typical of the immediate area. The Reporter was not content with the road layout, the lack of visitor car parking, private open space and public open space (including the lack of a play area). The appeal was dismissed and the proposed development was not granted planning permission.

6.5 Following refusal of the previous planning application, on appeal, the applicant submitted a further full planning application (04/0192/FL) which was also appealed to the Scottish Ministers on the basis of the non-determination of the application by this Council. The development was broadly similar to that of the application previously refused on appeal although consisted of 17 dwellings, of which there were eight 2¾ storey terraced dwellings, two 2¾ storey semi-detached dwellings and seven detached 2 storey dwellings. The appeal was once again dismissed by the Scottish Ministers because the proposal was again found to be inconsistent with the relevant provisions of the Adopted EALP notably policies RES 4, RES 19 and RES 22 and there were no material considerations that justified an exception to these policy provisions. The Reporter was not content once again with the road layout, giving the concerns of East Ayrshire Council's Roads and Transportation Division relating to the proposed cul-de-sac terminating at a "Y" hammerhead rather than the Council's preferred option of a roundel nor was he content with the location of the proposed public open space. The appeal was once again dismissed and the proposed development was not granted planning permission.

6.6 A further planning application (05/0038/FL) for a development consisting of eighteen units was submitted, consisting of 11 proposed dwellings of 2¾ storey terraced dwellings and seven 2 storey detached dwellings. The applicants altered the cul-de-sac hammerhead following the previous unsuccessful appeal to incorporate a roundel rather than a "Y" hammerhead. East Ayrshire Council's Roads and Transportation Division had concerns about the parking requirements, the layout of the proposed remote car park at the head of the cul-de-sac, the location of central bin stores and the fact the access path from the existing housing development at Castle Drive was not included in the application site. The proposed development failed to comply with Policy RES 22 of the Adopted EALP with proposed private garden areas falling considerably short of the requirements of Policy RES 22 of the Adopted EALP. Following extensive discussions between the applicant, the Council's Roads and Transportation Division, the application was withdrawn.

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

7.1 There are no financial implications for the Council in the determination of this application.

7.2 Legal implications would arise from the Council entering into a Legal Agreement with the applicant which would facilitate a contribution being made to the Sports, Recreational and Leisure Fund.

## **8. CONCLUSIONS**

8.1 As is indicated in Section 5 of the report the application is considered to be in accordance with the Adopted Local Plan. Therefore given the terms of

Sections 25 and 37 of the Town and Country Plan (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6 of the report there are relevant material considerations. The concerns of the objectors are noted however they are not sufficient weight to justify a recommendation of refusal. Their concerns regarding the displacement of surface water, hours of construction and the access from Castle Drive to Western Road can be addressed by attaching conditions to any grant of planning consent. With regard to the design and siting of the proposed dwellinghouses they are considered to be appropriate in this location.

8.3 The proposed development complies with the policies of the Adopted EALP and will provide a residential development which is in keeping with the surrounding area in terms of design, density and external materials. It is considered that the development will add to the amenity of the area by providing a range of modern housing of different sizes and a designated public open space with play equipment.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet and that the issuing of the Decision Notice be withheld until the Solicitors to the Council has satisfactorily concluded a formal Legal Agreement with the applicants in respect of the matters detailed in Sections 5.7 and 7.2 of the report.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards it will not require to be referred to the Development Services Committee as there would be no significant breach of policy.

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

08 August 2005  
(BD/MMM)

## LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Letters of Representation.
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.
7. Planning Application Nos. 02/0802/OL;  
03/0370/FL;  
04/0192/FL;  
05/0038/FL.

Anyone wishing to inspect the above papers please contact Barry Douglas on 01563 576770.

***Implementation Officer: Dave Morris***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0454/FL

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Site of Proposal: Vacant Ground Adjacent  
Arran Avenue  
KILMARNOCK  
KA3 1TN

Nature of Proposal: Proposed Residential Development of  
17 Units, Public Open Space and  
Associated Car Parking

Name & Address of Applicant: Mrs L A Barnes  
Old Hall House  
Pleasington  
BLACKBURN  
BB2 2RJ

Name & Address of Agent:

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DPOs Reference: BD/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 and plans received on 11 April 2005 and the amended site plan (100 Rev T) and proposed street scene (200 Rev A) received by the Planning Authority on 18 July 2005.

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

2. Notwithstanding the approved plans details of the design of a proposed entrance feature shall be submitted to and approved by the Planning Authority in writing prior to the commencement of development on-site and implemented prior to the occupation of any dwellinghouses on site.

REASON In the interests of visual amenity.

3. Notwithstanding the submitted plans details and samples of all external materials to be used in the construction of the dwellings, feature boundary wall to Western Road and the road/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.

4. Notwithstanding the approved plans details shall be submitted for approval of the measures to prevent the displacement of surface water from within the perimeter of the site onto adjoining properties both during and after the development has been completed on site and details of the implementation of such measures.

REASON To prevent the displacement of surface water

5. During the period of construction works the developer of the site shall ensure that adequate and continuing measures are taken to ensure 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.

6. Notwithstanding the approved plan a landscaping scheme for all areas of open space including the roundel to the head of the cul-de-sac, shall be submitted to and approved by the Planning Authority in writing prior to the commencement of development on site and implemented as approved at the first available planting season after the occupation of the first dwelling house.

REASON In the interests of visual and residential amenity.

7. Notwithstanding the approved plans details of a maintenance agreement for all areas of public open space, play equipment and landscaping 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 To ensure the future maintenance of all open areas, landscaping and play area to the satisfaction of the Planning Authority.

8. Notwithstanding the approved plans a phasing plan for the completion of the footpath link from Castle Drive to the development site, from the development site to Western Road and of all roads and footpaths to final wearing surface within the application site shall be submitted to and approved by the Planning Authority prior to the commencement of development on site. The approved phasing plan shall thereafter be adhered to at all times.

REASON In the interests of residential amenity and road safety.

9. Notwithstanding the approved plans details of surface treatment and lighting to be provided to the footpath from Castle Drive to the proposed development site, and from the development site to Western Road shall be submitted to and approved by the Planning Authority in writing, prior to the

commencement of development on site and shall be implemented on site prior to the path being brought into use.

REASON In the interests of public safety and residential amenity.

10. Notwithstanding the approved plans no house or road construction shall commence on site until the applicant demonstrates to the satisfaction of the Planning Authority that adequate stabilisation works have taken place within the site

REASON In the interests of public safety.

11. Prior to the commencement of development on site final details of the proposed Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved in writing by the Planning Authority. The Sustainable Urban Drainage System shall thereafter be formed and maintained on site in accordance with the approved details prior to the occupation of any dwelling house.

REASON To ensure adequate drainage is provided.

12. Notwithstanding the approved plans the proposed play equipment, as submitted to the Planning Authority on 19 July 2005 scheduled as follows: Jupiter Play Equipment Ecoludic Multi-Play; 2.2 Metre Swing; Scoot Springer; Hardwood Bench and Litter Bin shall be implemented on site prior to the occupation of the first dwelling house and thereafter maintained at all times.

REASON To ensure an adequate play area is provided within the development

13. Notwithstanding the approved plans the proposed play area shall be accessed via a self closing gate, details of which shall be submitted and approved by the Planning Authority in writing and implemented as approved thereafter prior to the completion of the play area as detailed in Condition 11 above.

REASON In the interests of the safety of the users of the play area.

14. All future occupants of the proposed dwellings shall be made fully aware of the location of the proposed play area and play equipment prior to the purchase of any dwelling house. Details of how future occupants of the proposed dwellings are to be informed of the approved play area and play equipment shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented thereafter as approved.

REASON To ensure potential residents are fully aware of the location of the play equipment in the interests of residential amenity.

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

REASON In the interests of road safety and residential amenity.

16. Notwithstanding the approved plan details of the proposed bin storage facilities for three bins shall be submitted to and approved by the Planning Authority in writing prior to the commencement of development on site and shall be implemented prior to the occupation of any dwelling houses.

REASON To ensure adequate bin storage facilities in relation to the three bin re-cycling programme.

17. Notwithstanding the submitted plans details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site and implemented as approved thereafter.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

18. No construction work, site clearance or preparation works shall take place before 08:00 hours and after 17:00 hours on Mondays to Fridays, before 08:00 hours and after 13:00 hours on Saturday nor at any time on Sundays.

REASON In the interests of residential amenity.

19. The proposed works shall operate without detriment to adjoining properties by reason of noise, dirt, grit, smell or general disturbance.

REASON In the interests of residential amenity.

20. Notwithstanding the approved plans, details of existing and proposed ground levels of the application site and proposed finished floor levels shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented on site as approved thereafter.

REASON In the interests of visual and residential amenity.

21. No materials other than topsoil shall be brought onto 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.

22. No trees shall be felled, lopped, have roots cut, or be the subject of any other works or hedgerows removed without the written consent of the Planning Authority.

REASON In the interest of visual amenity and to maintain the existing visual contribution of the trees to the amenity of the area.

23. Notwithstanding the approved plans details of the design and size of proposed detached garages to Plots 4 and 5 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 and residential amenity.

24. No materials shall be burned on the site at any time.

REASON To safeguard the residential amenity of the area.

NOTES:-

1. The applicant should make early contact with Transco as the development may affect Transco apparatus in the area. Transco can be contact on 0141 418 4093.
2. The applicant should make early contact with East Ayrshire Council Roads and Transportation Division prior to the commencement of development on site to ascertain if any permits for road/footway works are required. East Ayrshire Council Roads and Transportation Division can be contacted on 01563 576310.
3. 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.
4. The developer shall 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.
5. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.

6. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.

**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.**