

## **EAST AYRSHIRE COUNCIL**

**DEVELOPMENT SERVICES COMMITTEE: 21 SEPTEMBER 2004**

**04/0434/OL: PROPOSED RESIDENTIAL DEVELOPMENT (CLASS 9)  
AT LAND TO THE REAR OF MOUNT HOUSE, DUNDONALD ROAD,  
KILMARNOCK  
BY LAND IMPROVEMENT HOLDINGS PLC**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 Outline planning permission is sought for residential development for a maximum of 60 units and as such, no details of the design and layout are available. The applicant has submitted a supporting statement which indicates that planning permission is sought to ensure that the development of the overall Moorfield area is undertaken on a planned and compatible basis. The applicant states such a uniform approach would permit access, design, services and landscaping to be planned expeditiously and in accordance with planning policy, design briefs and the Section 75 legal agreement.

1.2 The applicant owns the adjacent residential development land to the north and west and believes the company is in an ideal position both geographically and in terms of information available (such as ground conditions, service and access arrangements and landscaping issues) to develop this site. Such matters have been suitably addressed as part of the Section 75 Agreement for the land to the north and west. The applicant considers that this site can proceed along a similar basis.

1.3 The applicant submits that development of this site would provide a comprehensive master design for the phased development of housing at this area. Vehicular access will be taken from the new roundabout being provided at Crosshouse Road to serve the wider site as previously approved.

1.4 Pedestrian access from the main residential area linking in with this proposed housing site will provide a safe pedestrian route to various facilities towards the town centre, such as schools and shops. The applicant in developing this site expects to do so to similar design standards as approved for the wider residential development undertaken in accordance with previous development criteria in terms of the development brief for the larger site.

#### **2. RECOMMENDATION**

**2.1 It is recommended that the application should be approved subject to the conditions indicated on the enclosed sheet and that the issuing of the planning decision notice be withheld until:**

- (a) **the Solicitor to the Council has satisfactorily concluded with the applicants the Minute of Variation of the existing Section 75 Agreement associated with planning consent nos. 03/0313/OL and 03/0434/OL, in particular with respect to the matters detailed in Section 7.3 of the report; and**
- (b) **the application has been referred to and cleared by the Scottish Ministers under the Town and Country Planning (Notification of Applications)(Scotland) Order 1997.**

### **3. CONCLUSIONS**

3.1 As indicated in Section 5 of this report the application is in accordance with the development plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise. In this respect the principle of residential development is acceptable as it is zoned for residential purposes in the Adopted East Ayrshire Local Plan.

3.2 There are material considerations relevant to this application as indicated in Section 6 of the report and they are generally supportive of the proposal. It is not considered that the letters of objection warrant the refusal of the application and it is noted that none of the consultation responses have raised any insurmountable issues. The framework plan for the larger site has provided details of how the site is to be developed strategically, such as internal roads and footpath access, drainage, structural landscaping and public open space, as well as identifying the existence of certain constraints to development such as the main gas pipeline and electricity pylons. Suitable solutions for the constraints have been designed into the overall framework plan. Approval of this development will allow the wider objectives of the Council to be met through the development of an identified housing site.

3.3 Detailed issues relative to design layout, materials, structural planting and the provision of an integral useable area of open space can be satisfactorily addressed at the reserved matters stage and through variation of the existing Section 75 Legal Agreement with any developer being also guided by conditions placed on any consent granted at this time by Members.

**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.**

## **EAST AYRSHIRE COUNCIL**

**DEVELOPMENT SERVICES COMMITTEE: 21 SEPTEMBER 2004**

**04/0434/OL: PROPOSED RESIDENTIAL DEVELOPMENT (CLASS 9)  
AT LAND TO THE REAR OF MOUNT HOUSE, DUNDONALD ROAD,  
KILMARNOCK  
BY LAND IMPROVEMENT HOLDINGS PLC**

**Report by Executive Director of Development and Property Services**

### **1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present for determination an outline planning application which is to be considered by the Development Services Committee under the scheme of delegation because it concerns a large scale residential development which accords with the Adopted East Ayrshire Local Plan, is subject to objections and is located on land where the Council has an ownership interest.

### **2. APPLICATION DETAILS**

2.1 Site Description: The applicant's site extends to 3.14 hectares in area and is located on the south western outskirts of Kilmarnock. The site comprises agricultural land, bounded to the north and east by agricultural land and Annanhill Golf Course, to the west by agricultural land owned by the applicant which has outline planning permission for residential use and to the south by Mount House, a "B" listed building recently converted to residential use.

2.2 Proposed Development: Outline planning permission is sought for residential development for a maximum of 60 units and as such, no details of the design and layout are available. The applicant has submitted a supporting statement which indicates that planning permission is sought to ensure that the development of the overall Moorfield area is undertaken on a planned and compatible basis. The applicant states such a uniform approach would permit access, design, services and landscaping to be planned expeditiously and in accordance with planning policy, design briefs and the Section 75 legal agreement.

2.3 The applicant owns the adjacent residential development land to the north and west and believes the company is in an ideal position both geographically and in terms of information available (such as ground conditions, service and access arrangements and landscaping issues) to develop this site. Such matters have been suitably addressed as part of the Section 75 Agreement for the land to the north and west. The applicant considers that this site can proceed along a similar basis.

2.4 The applicant submits that development of this site would provide a comprehensive master design for the phased development of housing at this area. Vehicular access will be taken from the new roundabout being provided at Crosshouse Road to serve the wider site as previously approved.

2.5 Pedestrian access from the main residential area linking in with this proposed housing site will provide a safe pedestrian route to various facilities towards the town centre, such as schools and shops. The applicant in developing this site expects to do so to similar design standards as approved for the wider residential development undertaken in accordance with previous development criteria in terms of the development brief for the larger site.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Outdoor Services have no objections to the proposed development although advise that existing mature trees within this site should be retained.

***The group of mature trees located centrally within the site is subject to a Tree Preservation Order and this Division would wish the trees to be retained and integrated into the proposed development as a central feature.***

3.2 Scottish Water have objected to this application on the basis that the proposals would require the provision of infrastructure to serve the development that is outwith Scottish Water's reasonable cost obligations in terms of the Sewerage (Scotland) Act 1968. Scottish Water recommend early contact with the developer and advise that they would remove their objection if the applicant:-

- (a) Bears the cost of the increase in capacity of Scottish Water's existing infrastructure to accommodate the development and/or;
- (b) Promotes a scheme that does not compromise the quality and quantity of discharge from the existing sewerage system and which is in terms satisfactory to Scottish Power.

***Noted. An appropriately worded note can be attached to any grant of planning permission advising the applicant to contact Scottish Water in order to address the drainage arrangements for the proposed development prior to the commencement of development.***

3.3 East Ayrshire Council's Environmental Health and Waste Management Division have no objection in principle subject to no nuisance being caused to any nearby residents from site engineering/construction. Further comments may be offered in this regard at the reserved matters stage regarding details for refuse/recycling bin storage provision (including adequacy and accessibility) and any other relevant development details. The presence of

power lines and the pylon in the north east corner of the site will necessitate due care during work on site.

***The applicants are aware of the power lines and have been negotiating with Power Systems in respect of the power lines/pylon and how these will be addressed in respect of the wider scheme already granted planning permission. Details in respect of refuse bin storage can be addressed at Reserved Matters stage should Members grant consent.***

3.4 The Scottish Environment Protection Agency (SEPA) have no objections provided the drainage arrangements are to their satisfaction and all foul drainage is connected to the public sewer with written assurance provided from Scottish Water that the additional flow arising from this development will not cause or contribute to the premature operation of consented storm overflows. Surface water should be conditioned to be in accordance with the principles of Sustainable Urban Drainage Systems (SUDS).

***It is considered that the above points can be addressed by an advisory note should Members choose to grant consent.***

3.5 West of Scotland Archaeology Service have advised that there are no recorded sites contained within the application area. The application site comprises undeveloped land and there stands the potential for significant unrecorded sub-surface archaeological deposits and buried unrecorded remains may survive below ground level. They advise that an initial assessment followed by an archaeological field evaluation should be carried out by the developer to determine the character and extent of any archaeological remains, the development area and to quantify the likely costs of appropriate mitigation reasons. This work should be carried out before a decision is reached on the application. If for any reason prior evaluation is not possible, they advise the attachment of a negative suspensive condition as contained in paragraph 34 of PAN 42 which is worded to reflect current circumstances and in the light of experience elsewhere.

***If Members choose to grant consent it is recommended that a negative suspensive condition as based on PAN 42 although appropriately updated, be attached to any grant of planning permission.***

3.6 Transco have no objections although recommend early contact with their organisation prior to work commencing on site.

***Noted. The applicant can be advised of this by advisory note if permission is granted.***

3.7 East Ayrshire Council's Roads and Transportation Division have no objection subject to conditions as follows:-

- Outline planning permission already granted states that the site would be served by a roundabout on the B7064 and a distributor road and it is envisaged that the current application site will be served from this road network.
- The number of dwellings on the previous consent was restricted to 360 and if the combined number of dwellings for both sites exceed this figure, the Roads and Transportation Division may wish the capacity of the road network to be re-assessed.
- The new distributor road will be designed to allow individual sites to develop up to 100 dwellings from a single junction and there should be an emergency link between this site and the adjoining site. This site will require to comply with this requirement.
- The previous planning consent required a pedestrian link to Mount House access road and from there to the nearest public road. The location of this link was considered best placed adjacent to Mount House from land within this site's boundaries. Any future road layout with this site will require to take this into account.
- The access to Mount House is restricted due to the low headroom at the Railway Bridge preventing access to service vehicles that either stop on the far side of the bridge or use the private access from the A71 which is unsafe and an alternative means of access should be provided. If granted permission there should be a condition that the road layout of any future development must provide a connection to Mount House which need not be to adoptable standard but sufficiently close to allow servicing of Mount House. If it was however to adoptable standard, it could allow further development on land to the south of Mount House that otherwise could not be accessed.

***It is considered that the comments of the Roads and Transportation Division can be addressed by conditions and the terms of a revised Section 75 Agreement with the exception of the request to provide a connection to Mount House. This request was put to the applicant who is aware of existing access difficulties for service vehicles to the existing Mount House development. The applicant would not accept this imposition as it is unrelated to the current development. Each application must be considered on its individual merits and it is accepted that it would be unreasonable to require this applicant to bring about improvement to an existing adjacent site.***

3.8 Grange Howard Community Council have not replied at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS RECEIVED**

4.1 As a result of the neighbour notification process, 18 letters of objection have been received, the majority of which are in standard formats. There are also the objections of Scottish Water to be considered. The third party objections raised are as follows:-

4.2 The proposed development would have a negative effect on the value of properties at Mount House.

***This is not a material planning consideration.***

4.3 The proposed development would have a detrimental effect on the amenity and setting currently enjoyed by residents of Mount House. The open environment and outlook are one of the principal reasons for purchasing these properties along with a sympathetic design to the original building and a lower density which does not compromise the open spaces and key views and is in harmony with the surrounding landscape.

***It is considered that the development as proposed can be undertaken in a sympathetic manner which would not detrimentally affect Mount House. The site is identified for residential use in the EALP and the applicant is seeking outline planning permission at present. Detailed issues of design and impact can be more properly addressed at the reserved matters stage when the applicant puts forward a detailed scheme. It is anticipated that a quality scheme is achievable in a manner that would not adversely affect the surrounding area. Members are further advised that there is no automatic right to a view.***

4.4 Modern housing immediately adjacent to Mount House will significantly affect its historic status and setting. Mount House ranks alongside Dean Castle, Treesbank, Annanhill and Springhill as a significant large country residence. The rural context of the building is a vital component in the understanding and appreciation of the original building. The increase in pedestrians, noise and light pollution, increased traffic, loss of visually attractive landscaping and degradation of the Mount House environ and the reduction in the appeal of Mount House as a place to live will result.

***Mount House is an important asset to East Ayrshire in terms of its architectural quality and surrounding environment. It would be prudent to attach conditions should Members choose to grant consent that seek a high quality development taking due cognisance of the surroundings, including Mount House.***

4.5 Residents at Mount House have many restrictions placed on their properties and are restricted in satellite dishes, greenhouses, garden huts, fences and Tree Preservation Orders yet the construction of volume houses with a lack of character and finesse would appear to pose greater concern as to how the environment around Mount House is developed.

***Noted. In response Members are referred to in Sections 4.3 and 4.4 of this report.***

4.6 If permission is granted it is expected that the Planning Division will seek strict reassurances from the developer that any housing will be sympathetic to the setting of the listed building. It is expected that any reserved matters would call for design guidelines to ensure the integrity of a future scheme in the event of the site/sites being parcelled up by different housebuilders.

***If Members choose to grant consent appropriate conditions should be imposed to ensure a high quality development that takes due cognisance not only of Mount House but also of the area around the Tree Preservation Order to ensure an integral area of open space centrally located within the site.***

4.7 As per Policy ENV12 it is expected that the Planning Authority will ensure that developers comply with its terms to “conserve and enhance and reinstate/replace where appropriate, those features which contribute to the intrinsic landscape value and quality of the area concerned”.

***As advised above detailed issues are considered at the reserved matters stage and appropriate conditions can be added to any consent that would direct any potential developer as to the Council’s expectations.***

4.8 The areas that contribute to the setting of Mount House i.e. the approach, frontage and the area of the application site between the courtyard and golf course should remain in its present condition.

***It is acknowledged that Mount House is an excellent example of a building from its period and its re-development has been carried out to a very high standard. If Members choose to grant consent it is recommended that this be subject to conditions requiring structural planting along the southern site boundary and also to conditions that seek a high quality development of a design that is complementary to Mount House.***

## **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 (EALP).

#### Approved Ayrshire Joint Structure Plan (AJSP)

5.2 Policy E20 indicates that development proposals having an adverse effect on heritage resources including listed buildings of architectural and historic interest shall not conform to the Structure Plan.

***Through the application of conditions addressing the relationship between Mount House and the proposed development, a development form will be possible that does not prejudice the adjacent listed building.***

#### Adopted East Ayrshire Local Plan (EALP)

5.3 The application site is identified as a housing development opportunity within the EALP under the terms of Policy RES1 whereby it will encourage and support the development of major residential development in the Mount House area comprising both high amenity and general needs private housing and associated open space. The policy states that developers of this site will be required to pay special attention to the landscaped setting of Mount House by avoiding built development in the area immediately to the south of the House and preserving and ensuring the long term enhancement, maintenance and management of the existing woodland. Advance structural planting should be carried out as soon as possible and in advance of any development taking place on the site. The policy further states that part of the site is considered to be "High Amenity" and will be subject to a Development Brief and a Section 75 Agreement to co-ordinate development proposals.

***The proposed development is considered to accord with the terms of this Policy as it relates to residential use on a designated housing site. As this application is seeking approval in principle, the detailed scheme would be addressed at the reserved matters stage should Members grant consent. It is proposed to update the existing Design Brief which covers the adjacent residential site to include reference to the design requirements for this site.***

5.4 Policy RES 19 requires 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. 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.

***The proposal seeks outline planning permission and as such the applicant will be required to meet the Council's open space standards. The site has a group of trees in the centre and a strip of land to the south that are covered by Tree Preservation Orders.***

***It is anticipated that these areas would remain undeveloped and be comprised within the open space provision for the site.***

5.5 Policy ENV15 states that the Council will actively seek to preserve and supplement existing broadleaf and native tree species throughout East Ayrshire. This policy in particular states that the Council will 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 the Tree Preservation Orders.

***As indicated in the responses to Section 5.3 and 5.4 above the safeguarded existing trees should be retained and this can be achieved though the imposition of appropriate conditions. As the site relates to the larger area for residential development it is considered that the existing Section 75 Legal Agreement requires to be varied.***

5.6 Policy TLR5 asks that developers be requested to make a contribution to the Sports Leisure Recreation Fund to address deficiencies in the provision of leisure facilities.

***The extent of facilities being provided on the adjacent site is such that given the retention of amenity space centrally in this site, there is no requirement for further provision.***

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

6.1 The principal material considerations relevant to the determination of this application are the consultation responses and objections detailed in Sections 3 and 4 of the report and the planning history of the site.

### Consultation Responses and Representations Received

6.2 The consultation responses have been addressed in Section 3 of the report and do not raise any issues that would warrant the refusal of this application. Many of the issues raised by the consultation process can be addressed by attaching conditions to any grant of outline planning consent and would be resolved at the reserved matters stage.

6.3 In respect of the letters of objection received as detailed in Section 4, it is considered that subject to the application of appropriate conditions, none of the issues raised warrant the refusal of this application. It is considered that many of the points raised relate to detailed issues that would be addressed at the reserved matters stage, should outline planning permission be granted.

## Planning History

6.4 There are no previous applications for the land concerning this application site. There are however previous applications related to the wider development of the area. These are as follows:-

03/0313/OL - Approved on 01 August 2004 by the Central Local Planning Committee for the proposed residential development on a total of 20.2 hectares of land at Moorfield on land to the west and north of Mount House stretching to the B7064 at the Travel Inn. A Section 75 legal agreement was concluded with regard to many issues, of which the most relevant in the determination of this application comprise:-

- Public transport servicing to the housing site;
- Provision of a road connection to the edge of the current application site;
- Pedestrian access linking the housing site with Laburnum Road and Dundonald Road;
- The undergrounding of electricity cables;
- A landscaping scheme for the existing Moorfield Roundabout;
- Provision, phasing and implementation of strategic open space, play area, football pitch and structural planting;
- The implementation of a design brief addressing the housing layout, density, materials, strategic open space, play area and structural planting.

03/0992/FL - Approved on 24 November 2003 following consideration by the Central Local Planning Committee this consent is for the construction of a roundabout to access the larger site for future development comprising residential development as under 03/0313/OL and industrial proposals 03/0434/OL to the west of the B7064 approved by the Central Local Planning Committee on 01 August 2004.

## **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 arise under the provisions of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 because the Council has an ownership interest in the site and the application has been the subject of objections. The notification to the Scottish Executive is required to take place prior to consent being released should Members choose to grant planning permission in this instance.

7.3 Legal implications would arise as the Council will have to enter into a Minute of Variation of the Section 75 Agreement associated with planning application nos. 03/0313/OL and 03/0434/OL. This will involve reference to the present application under consideration and updating the design brief to

include restricting the number of units to 60 of which 15% should be high amenity; providing footpath and cycle links; structural planting and landscaping of the site and general guidance relating to the general manner of how the site is to be developed.

## **8. CONCLUSIONS**

8.1 As indicated in Section 5 of this report the application is in accordance with the development plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise. In this respect the principle of residential development is acceptable as it is zoned for residential purposes in the Adopted East Ayrshire Local Plan.

8.2 There are material considerations relevant to this application as indicated in Section 6 of the report and they are generally supportive of the proposal. It is not considered that the letters of objection warrant the refusal of the application and it is noted that none of the consultation responses have raised any insurmountable issues. The framework plan for the larger site has provided details of how the site is to be developed strategically, such as internal roads and footpath access, drainage, structural landscaping and public open space, as well as identifying the existence of certain constraints to development such as the main gas pipeline and electricity pylons. Suitable solutions for the constraints have been designed into the overall framework plan. Approval of this development will allow the wider objectives of the Council to be met through the development of an identified housing site.

8.3 Detailed issues relative to design layout, materials, structural planting and the provision of an integral useable area of open space can be satisfactorily addressed at the reserved matters stage and through variation of the existing Section 75 Legal Agreement with any developer being also guided by conditions placed on any consent granted at this time by Members.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application should be approved subject to the conditions indicated on the enclosed sheet and that the issuing of the planning decision notice be withheld until:**

- (c) the Solicitor to the Council has satisfactorily concluded with the applicants the Minute of Variation of the existing Section 75 Agreement associated with planning consent nos. 03/0313/OL and 03/0434/OL, in particular with respect to the matters detailed in Section 7.3 of the report; and**
- (d) the application has been referred to and cleared by the Scottish Ministers under the Town and Country Planning (Notification of Applications)(Scotland) Order 1997.**

**James Lavery**  
**Executive Director of Development and Property Services**

14 September 2004  
(FMF/SA/MMM)

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Adopted East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan.
6. Planning Application No. 03/0313/OL, 03/0434/OL and 02/0992/FL.
7. Report into Objections to the East Ayrshire Local Plan Volume 2 Housing.
8. Moorfield/Mount House Action Plan Development Services Committee: 21 November 2000.

***Implementation Officer: Alan Neish***

MountHouseDundonaldRoadKilmarnockSA

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

04/0434/OL

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Site of Proposal:	Land to Rear of Mount House Dundonald Road KILMARNOCK KA2 0AA
Nature of Proposal:	Proposed Outline Planning Consent for Residential Development Class 9
Name & Address of Applicant:	Land Improvement Holdings Plc Per Agent
Name & Address of Agent:	James Barr & Son 226 West George Street GLASGOW G2 2LN

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DPOs Reference: FMF/SA/MMM

The above OUTLINE 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 20 April 2004.

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

(2) Before any development commences on site, the further approval of the Planning Authority shall be obtained in respect of the under mentioned matters hereby reserved.

- (a) The layout of the site;
- (b) The size, height, design and external appearance of the proposed dwellinghouses;
- (c) The means of drainage and sewage disposal;
- (d) Details of the access arrangements;
- (e) The provision for an integral area of public open space and associated maintenance arrangements;
- (f) The provision for car parking;
- (g) The boundary walls/fences to be erected;
- (h) The landscaping of the site and associated maintenance arrangements;
- (i) Existing and proposed finished site levels and floor levels.

- (j) Details of adequate and accessible refuse bin and re-cycling bin storage provision.

REASON The approval is in outline only.

- (3) The details to be submitted under Condition 2 above shall allow for the provision of an emergency link between the land comprising this application site and the adjoining larger residential site at Moorfield in the circumstance of there being only a single point of vehicular access on to the site from the north.

REASON To allow public access and in the interests of road safety.

- (4) Prior to the commencement of any building work on site, the proposed new roundabout on B7064 and other external improvements to the Moorfield and Dalepark Roundabouts specified in the Transportation Impact Assessment associated with planning consent 03/0313/OL shall be operational on site.

REASON In the interests of road safety.

- (5) Prior to the commencement of development on site, a Drainage Risk Assessment for addressing the impact of the development on the watercourse downstream shall be submitted to and approved by the Planning Authority and any measures arising from the assessment shall be implemented on site prior to any house building on site.

REASON To ensure that adequate drainage is provided.

- (6) The details to be submitted in terms of Condition 2(c) shall include the design details of the Sustainable Urban Drainage System which shall incorporate a design that permits storm overflows to ensure that in the event of extreme rainfall periods the road drainage continues to operate even if the Sustainable Urban Drainage System capacity is exceeded. The above details shall be implemented as approved within a timescale to be approved in writing by the Planning Authority.

REASON To ensure that adequate drainage is provided.

- (7) Prior to the commencement of any development on site, a phasing programme of how the site is to be developed regarding any housing phases, footpaths, road layout, street lighting, street signs shall be submitted to and approved by the Planning Authority and implemented thereafter according to the approved details. The footpaths, the final surfacing of the roads, street signs, street lighting shall be in place prior to the occupation of the first house in any residential phase.

REASON To enable the Planning Authority retain control over the development of the site in the interest of the proper planning of the area and in the interests of residential amenity.

(8) Prior to the commencement of development on site, details of the remedial measures that shall be undertaken to address the electricity pylon in the north east corner of the site shall be submitted to and approved by the Planning Authority. The approved measures shall be implemented on site prior to the building of any dwelling houses on site.

REASON There is an electricity pylon on site and its presence should be suitably addressed in the interests of public safety and visual amenity.

(9) No development shall take place within the application site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant to the Planning Authority, agreed by the West of Scotland Archaeology Service and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeological Service.

REASON To safeguard any potential archaeological remains in the application site.

(10) No trees shall be felled, lopped, have roots cut, or be the subject of any other works without the prior written consent of the Planning Authority, (attention is drawn to the existing Moorfield Tree Preservation Order that was confirmed on 14 May 2004.

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

(11) The details to be submitted under Condition 2 above shall take into account the presence of the adjacent golf course and the incidence of wayward golf balls in terms of the layout and design of the housing development and the provision of any consequent boundary fencing.

REASON To prevent damage from wayward golf balls in the residential area.

(12) The details to be submitted under the terms of Condition 2 above, shall provide for a maximum of 60 residential dwellinghouses within the application site.

REASON In the interests of the capacity of the access road network and to ensure that the site is developed in accordance with local plan policy and the development brief for the overall site.

(13) The details to be submitted under the terms of Condition 2 above shall include the provision of a structural planting scheme and maintenance scheme to supplement and enhance the existing planting along the southern site boundary with Mount House to a depth of 5 metres. The approved planting scheme shall thereafter be undertaken on site prior to the commencement of any works on site with the exception of those required under the terms of Condition 9 and shall be maintained thereafter in accordance with the approved maintenance scheme.

**REASON** In order to ensure the visual amenity and environmental quality of the surrounding area is enhanced by the proposed development.

(14) The details to be submitted under the terms of Condition 2 above, shall provide for a development scheme of high quality providing a high amenity residential area. The design, materials and layout of the dwellinghouses shall be complementary to the architectural quality and character of the adjacent "B" listed building at Mount House. The details shall in particular along the southern area of the site take account of the design features and materials of Mount House. The overall scheme shall include a central parkland area that is integral to the overall development and which incorporates as a central feature the group of trees covered by the Moorfield Tree Preservation Order.

**REASON** To enable the proper planting of the surrounding environment taking due cognisance and consideration of the adjacent listed building and existing areas of planting and in the interests of residential amenity.

(15) The development hereby approved shall be undertaken without detriment to neighbouring residential properties by virtue of noise, dirt or general disturbance.

**REASON** In the interests of amenity and to prevent such established amenity being adversely affected.

(16) No construction work, site clearance or preparation works shall take place before 08:00 hours and after 17:00 hours on Mondays to Saturdays nor at any time on Sundays.

**REASON** In the interests of residential amenity.

## **NOTES**

- (1) 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.

- (2) The SUDS shall be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.
- (3) Early contact is advised with Transco on 0141 418 4093 or at 95 Kilbirnie Street, Glasgow, G5 8JD.
- (4) 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.
- (5) Prior to the commencement of any works on site for the development hereby approved, 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.**