

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 17 MAY 2002

**01/0712/FL: PROPOSED ERECTION OF 14 FLATTED UNITS
AT EAST NETHERTON STREET, KILMARNOCK
FOR HOPE HOMES SCOTLAND**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The applicants propose to erect 14 residential flatted units within the site with associated car parking and landscaping with private open space. The development can be summarised as follows:-

- a) 14 flats will be accommodated within the site towards the southern boundary. The flats will extend to three two storey blocks. The central block will comprise 6 flats and the eastern and southern blocks will each comprise 4 blocks. All flats will include lounge, dining room, bedroom, kitchen and bathroom. The eastern and western blocks will be finished in red brick with a contrasting soldier course and grey concrete tiles. The central block will be finished in red brick to first floor level above which will be a buff render with grey concrete roof tiles. Windows have a vertical emphasis and are constructed from upvc.
- b) 14 car parking spaces will be provided to the southern boundary of the site with East Netherton Street.
- c) Three drying areas will be provided behind the rear elevations of the flats which will lead into the bin storage area for each block of flats.
- d) Towards the northern end of the site, a triangular-shaped area of open space will be provided extending to 874 square metres.
- e) The plans show the existing boundary treatment to be retained. In sections the boundary treatment will be re-built or enhanced and this enhancement is to take place along the north-western boundary with St Andrews Terrace.
- f) At the northern boundary, low level shrubbed planting is proposed together with planters at the car parking area.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As is indicated at Section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

3.2 As is indicated at Section 6 of the report, there are material considerations relevant to this application and they are supportive of the proposed development. The proposal complies with the policies of the EALP. The proposed development will not, subject to conditions, result in an unacceptable loss of privacy or overlooking of properties adjoining the site. The height and location of proposed houses will not have an oppressive or visually intrusive impact on adjacent residential properties. The proposal will result in the redevelopment of a derelict vacant site in a manner which will be appropriate and will not significantly adversely affect the adjacent dwellinghouses. The consultation responses are supportive and the representations that have been received can be addressed by attaching conditions to any grant of planning consent.

CONTRARY DECISION NOTE

Should the Committee consider that the application be refused contrary to the recommendation of the Head of Planning and Building Control, and this decision is based on a view that the principle of residential development at this location is inappropriate, then the application would require to be referred to the Development Services Committee.

Alan Neish
Head of Planning and Building Control

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

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Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation because it is a larger application of area significance and has been subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site relates to an irregular shaped site extending to some 0.2 hectares at East Netherton Street, Kilmarnock. The site rises to a higher level towards the rear at the boundary with St Andrews Terrace. The site is currently enclosed by a variety of boundary treatment ranging from wire mesh fence, hedge, brick wall and wooden fence. The site is bound to the north by St Andrews Terrace and residential properties, to the east by residential dwellinghouses and flats at St Andrews Lane and East Netherton Street, to the south by East Netherton Street beyond which are commercial properties and to the west by an area of grass landscaping beyond which is High Glencairn Street/Armour Street.

2.2 **Proposed Development:** The applicants propose to erect 14 residential flatted units within the site with associated car parking and landscaping with private open space. The development can be summarised as follows:-

- a) 14 flats will be accommodated within the site towards the southern boundary. The flats will extend to three two storey blocks. The central block will comprise 6 flats and the eastern and southern blocks will each comprise 4 blocks. All flats will include lounge, dining room, bedroom, kitchen and bathroom. The eastern and western blocks will be finished in red brick with a contrasting soldier course and grey concrete tiles. The central block will be finished in red brick to first floor level above which will be a buff render with grey concrete roof tiles. Windows have a vertical emphasis and are constructed from upvc.

- b) 14 car parking spaces will be provided to the southern boundary of the site with East Netherton Street.
- c) Three drying areas will be provided behind the rear elevations of the flats which will lead into the bin storage area for each block of flats.
- d) Towards the northern end of the site, a triangular-shaped area of open space will be provided extending to 874 square metres.
- e) The plans show the existing boundary treatment to be retained. In sections the boundary treatment will be re-built or enhanced and this enhancement is to take place along the north-western boundary with St Andrews Terrace.
- f) At the northern boundary, low level shrubbed planting is proposed together with planters at the car parking area.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Power, Transco, East Ayrshire Council Environmental Health and The Coal Authority have no objections to the proposed development.

Noted.

3.2 East Ayrshire Council Outdoor Services require the submission of a planting and maintenance scheme. Concern has also been expressed regarding the maintenance of hedges along the garden boundary of the houses to the rear of the site as one side and the top will require to be trimmed at least twice a year.

It is recommended that details of a landscaping scheme and its maintenance are submitted for approval by the planning authority by means of a condition attached to any grant of planning consent.

3.3 Scottish Water has made the following comments:-

- (i) There is a public sewerage system to which a connection may be made. The developer should satisfy himself, by site investigation if necessary, that relative levels are such as will allow the development to be connected at a reasonable gradient.
- (ii) The developer must make a separate application to Scottish Water for permission to connect to the public sewerage system.
- (iii) A totally separate drainage system will be required.

- (iv) Sustainable Urban Drainage Systems should be employed on the surface water drainage system.
- (v) Separate application will have to be made for the provision of site water mains if required, and service connections. Consultation should be made with this office regarding compliance with current byelaws and use of water for building purposes is advised.

Notes can be attached to any grant of planning permission advising that the applicant makes early contact with Scottish Water regarding its requirements. The applicant has been made aware that Sustainable Urban Drainage Systems should be employed regarding the surface water drainage system and a condition and notes can be attached to any grant of planning consent advising the applicant of this requirement.

3.4 Scottish Environment Protection Agency has no objections on the understanding that all foul drainage is connected to the public sewer system. All steps should be taken to ensure that no polluting materials enter the Kilmarnock Water via surface drains.

Noted.

3.5 The Piersland Bentinck Community Council have not replied to their consultation at the time of writing this report.

Noted.

3.6 East Ayrshire Council Roads and Transportation Division consider that the amended plans address their concerns in a satisfactory manner. The proposed additional traffic will not materially affect the existing junction with St Andrews Street. As the proposal provides its own off street car parking any existing congestion at East Netherton street will not be exacerbated. Various further informal comments are also made about the non-adopted St Andrews Terrace.

Noted.

4. REPRESENTATIONS

Nine letters of objection have been received. The points raised are as follows:-

4.1 The area surrounding the application site suffers from serious traffic congestion with available parking at a premium. The Bentinck Clinic in particular has an ongoing problem with people parking in front of their parking spaces within the grounds of the clinic inhibiting their use and although there are double yellow lines, these are on the opposite side of the road. The ground on which

the new flats are to be built is, at present, used for off-street parking and these vehicles will ultimately be displaced onto the street exacerbating the situation. Another of the neighbouring commercial premises highlights these concerns and further states that the lack of parking facilities will most probably inconvenience patrons and result in an ensuing loss of revenue. Also, the junction of St Andrew Street and East Netherton Street is congested and some vehicles do not observe the Traffic Orders causing a safety hazard which with the increased traffic as a result of this development will further exacerbate an existing hazard.

The Roads Division were specifically consulted on this matter and have advised that the scale of the proposed development is such that unless there is a significant traffic problem at present at the junction with St Andrew Street then the additional traffic generated will not materially affect the situation. The congestion which exists on East Netherton Street is due to on-street parking and as the proposed development is providing off-street parking in accordance with the Roads Development Guide, it should not add to this problem. On-street parking takes place on the opposite side of the road from the development and this can continue after the development as the parking bays have been specifically widened to allow access with cars parking either side. The loss of revenue is not a material planning consideration.

The Roads Division have also advised that the general complaint of lack of parking within the area and that displaced business parking will lead to more on-street parking could only be addressed if there were planning conditions requiring the business to provide such parking space. Assuming this is not the case, it would appear that the businesses have merely used the application site on an informal basis. It should be noted that there is an existing free public car park at East Netherton Street and several other commercial car parks within reasonable walking distance.

4.2 The proposed development would almost certainly involve the use of heavy plant and machinery and heavy supply vehicles commandeering the area over what is likely to be a very protracted period of time.

There will be some disturbance to neighbouring properties during the construction of the flats although any disturbance will essentially be only for a short term.

4.3 Extensive work close to existing properties could damage the stability of these dwellinghouses. What steps will be taken to ensure that the road will not subside due to disturbance from the proposed development?

It is not intended to carry out significant building works to the perimeter of the site adjacent to St Andrews Terrace, therefore the stability of the access road will be unaffected by the proposed development.

4.4 The open space area designated on the plans will attract children which could constitute a safety hazard as they climb in and out of the area.

It is intended that the application site will be fully enclosed to the rear and will be accessed only from the front of the site. The plans do not include any proposals for play equipment and the intention is that it is private garden ground for residents.

4.5 The area beside the gable wall of 113 St Andrews Terrace is to be used as a drying and bin storage area and it is unclear what rights of access the adjacent property will have for maintenance of the gable wall and roof and how access will be gained.

This is not a material planning consideration and is a private legal matter between the applicants and the owners of the neighbouring property who will presumably be aware of their existing access/maintenance rights.

4.6 Following discussions with the developer it would appear that he has not visited the site and taken into consideration St Andrews Terrace.

Comment noted. The site has been visited by officers of the Planning and Building Control Division.

4.7 There should be no access or open ground accessible from St Andrews Terrace as this road presently serves as an access for several houses and is narrow and congested enough at the present time.

The submitted plans do not show any proposed access onto St Andrews Terrace. A condition can be attached to grant of planning approval which ensures that no vehicle or pedestrian access is permitted from St Andrews Terrace.

4.8 The plans sent out with neighbour notification and viewed at the offices of Planning and Building Control do not show enough detail to allow a proper judgement to be made on whether the proposal will interfere with neighbouring property.

Amended plans have since been lodged and all neighbours who initially raised this concern have had the opportunity to review these and submit revised comments.

4.9 Any trees/shrubs planted on the site should not be of a type which would extend over the access road to the houses in St Andrews Terrace due to its narrow and restrictive widths.

Noted. If planning permission is granted, it is standard practice to include a condition which specifies the requirement for the applicant to submit and have approved a landscaping scheme. Any such scheme will as a matter of course be forwarded to Outdoor Services and the Roads Division to ensure planting is appropriate to its location. The applicant is already aware of these concerns and has indicated on the plans his intention to propose only low level shrubbed planting at the northern boundary.

4.10 Clarification is required on who will be responsible for the maintenance of all boundary walls or fences, particularly in the area to the north of the proposed building.

This is a legal matter although the applicant has advised that if he erects a boundary feature on ground associated with the flats as part of the development, the responsibility of maintenance would lie with the future owners of the flats through a private factoring arrangement. This can be confirmed by means of a condition attached to any consent.

4.11 The plans state that the existing boundary treatment will be left in place and upgraded/enhanced at areas. Neighbours have expressed concern at the existing state of boundary treatment which comprises a mix of wall/fence/hedging. Some neighbours express a preference for a wall in terms of privacy, others for a fence, and others do not wish a hedge owing to the ensuing maintenance obligation. Concern is also expressed regarding the proximity of the boundary to the properties of St Andrews Terrace, arising from the narrow width of the terrace access road. Residents felt that this will generate various safety issues in the use of the access road.

It is normal practice in residential developments that the provision of details regarding boundary treatment is provided as part of a condition if planning permission is granted. It is crucial with this site to clarify boundary treatment and the applicant has advised that he would be agreeable to submitting the boundary treatment at a later date and discussing same with neighbours. The final boundary treatment should strike a balance between ensuring that the privacy of properties is maintained and enhanced and that any boundary treatment is visually acceptable. Presently there is a mixture of boundary treatment – wall, hedge and fence. Any new boundary treatment will seek to introduce a more consistent boundary treatment which will also secure appropriate levels of privacy.

4.12 In terms of the title to the land, there is a clear restriction on the construction of buildings to the south and east of 113 St Andrews Terrace. This restriction specifically states that any houses built on East Netherton Street cannot extend further back from the building line on East Netherton Street by any more than 40 feet (12.2 metres).

This is not a material planning consideration and is a civil matter for resolution by the applicant. For information however the rear elevations of the proposed houses extend to some 15 metres from the East Netherton Street footpath whilst 18 and 19 East Netherton Street currently extend to 14 metres.

4.13 The plans received show 'trees' on the boundary of the application site and the property at 107 St Andrews Terrace. These plants encroach on land associated with this property.

Noted. If planning permission is granted it is recommended that a condition is attached to any grant of planning consent requiring a landscaping scheme to be submitted to and approved by the Council. At that time it is the responsibility of the applicant to ensure that all work is located within the application site and not encroaching on any other land.

4.14 The proposed flats are positioned significantly further back from the building line on East Netherton Street and it is considered that the rear elevations will be located too close to the front windows of 113 St Andrews Terrace. This will reduce the value of this property which would not have been purchased if the only outlook was into the rear windows of other houses or a high brick wall.

The effect of a development on property values is not a material planning consideration. The flats are located behind the building line of East Netherton Street in order to accommodate car parking facilities. It was considered that if car parking facilities were to be located within the proposed rear garden area, this would be more detrimental to the amenity of the neighbouring properties. The application site is at a lower level than the houses on St Andrews Terrace and the applicant has agreed to increase the height of the boundary wall between No. 113 St Andrews Terrace and the middle block of the flatted units. This will prevent any potential overlooking and loss of privacy to No. 113. Other first floor windows of the middle block of flatted units do not give rise to any direct overlooking issue due to the distance and the orientation of the proposed windows and the existing windows of No. 113 St Andrews Terrace.

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 Adopted Ayrshire Joint Structure Plan and the Adopted Kilmarnock Local Plan (1985). The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against Policy 4.1.5. This Policy allows residential development up to a maximum of 10 dwellinghouses within the Kilmarnock settlement boundary on a site of not more than 0.5 hectares as well as residential development on an infill site being vacant or degraded land. In both cases the development shall not be detrimental to or adversely affected by adjacent uses. Policy 4.8.1 relates to design guidance and requires new buildings to be compatible with the local architectural character and materials should be compatible with existing and adjacent buildings.

The proposed development is for 14 flatted units on a 0.2 hectares vacant infill site within the Kilmarnock settlement boundary. The surrounding area is a mix of residential and commercial and it is not therefore considered that the new residential properties will be detrimental to or be adversely affected by neighbouring uses. The scheme has been designed in order to ensure that the properties of St Andrews Terrace are not significantly affected by the proposals. The scheme has been amended and designed to a high standard and the external finishes will result in a development which is in keeping with the character of the area. The proposed development is in accordance with Policy 4.1.5..

5.3 There is no conflict between the proposed development and the terms of the Approved Ayrshire Joint Structure Plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the East Ayrshire Local Plan Finalised Version with Modifications (EALP), consultations and representations received and the Council's Design Guidance.

East Ayrshire Local Plan Finalised Version with Modifications

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent

expressions of policy. The Council has agreed that the EALP should be considered as a prime material consideration. Policies IND 8, RES 4 and RES 22 and TLR 5 are directly relevant.

6.3 Policy IND 8 indicates that proposals for alternative uses on land previously used for industrial premises will be acceptable subject to:-

- (i) The proposed use not being detrimental to surrounding uses;
- (ii) The proposal meeting the requirements of other local plan policies; and
- (iii) The existence of alternative industrial or business land within the settlement.

The surrounding area is a mix of residential and commercial uses although neighbouring uses are predominantly residential. The site is a former builder's yard and it is considered that there is an adequate supply of industrial land in the Kilmarnock area. The proposal is acceptable within the terms of Policy IND 8.

6.4 Policy RES 4 encourages the sympathetic residential development of gap sites not specifically safeguarded for another use. The Policy states that developments will 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 Council's Design Guidance.

It is considered that the proposed development complies with the above requirements. It is compatible with neighbouring uses and has no negative transportation or infrastructure implications in the opinion of the Council's Roads Division and the other consultees such as Scottish Water and the utility bodies. The proposed development will not significantly impact upon neighbouring uses although the critical element in terms of neighbouring uses will be the proposed boundary treatment and this issue is discussed in paragraph 4.11 above.

6.5 Policy RES 22 requires the provision of private open space. For a development of this size 350 sq metres of open space would be required.

The developer has met this requirement and has provided 840 square metres of open space at the rear of the site.

6.6 Policy TLR 5 states that the Council will approach all developers of residential sites greater than 4 houses, to enter into a legal agreement with the

Council for contributions towards the provision of appropriate leisure and recreational facilities within the area to which the development relates. This is to allow the Council to meet its aim for the provision and enhancement of leisure, recreational and sporting facilities.

The applicants have advised that they are unwilling to enter into any such agreement for the following two reasons:-

- (i) Policy TLR 5 is contained within the Finalised Modified Plan which is currently subject to a Scottish Executive Public Local Inquiry and is not yet adopted by the Council.***
- (ii) East Netherton Street is a brownfield town centre site with above average existing leisure and recreational facilities.***

Design Guidance

6.7 Policy ENV 7 requires all developers to comply fully with the Council's Design Guidance. The Design Guidance states that house design of infill or gap site residential development will require to reflect and recognise the scale, design features, rhythm of doors and windows, storey height, density and materials of surrounding buildings. New housing development should not result in an unacceptable invasion of privacy or overlooking of properties adjoining the site. The height and position of houses must not have an oppressive, overshadowing or visually intrusive impact on neighbouring properties.

The proposed development is considered to integrate with the surrounding dwellinghouses in terms of design, layout and materials of the proposed flatted units. In terms of overlooking and loss of privacy, the development has been designed to minimise the impact on adjoining houses. The applicant proposes to increase the height of a boundary wall between 113 St Andrews Terrace and the middle block of the flatted units. This will prevent an overlooking issue between the rear two windows of the first floor flat adjacent to No. 113 St Andrews Terrace.

Statutory Consultation Replies and Representations

6.8 None of the statutory consultees have raised any negative issues which would materially affect the determination of this application. The issues raised are either generally supportive of the scheme or could be dealt with by the imposition of appropriate conditions, if consent is granted. The concerns of the objectors can be addressed by attaching conditions to any grant of planning consent or are not material planning considerations which in the opinion of this Division would not warrant the refusal of this application.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As is indicated at Section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

8.2 As is indicated at Section 6 of the report, there are material considerations relevant to this application and they are supportive of the proposed development. The proposal complies with the policies of the EALP. The proposed development will not, subject to conditions, result in an unacceptable loss of privacy or overlooking of properties adjoining the site. The height and location of proposed houses will not have an oppressive or visually intrusive impact on adjacent residential properties. The proposal will result in the redevelopment of a derelict vacant site in a manner which will be appropriate and will not significantly adversely affect the adjacent dwellinghouses. The consultation responses are supportive and the representations that have been received can be addressed by attaching conditions to any grant of planning consent.

9. RECOMMENDATION

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

CONTRARY DECISION NOTE

Should the Committee consider that the application be refused contrary to the recommendation of the Head of Planning and Building Control, then the application would not require to be referred to the Development Services Committee as this would not be a significant breach of policy.

Alan Neish
Head of Planning and Building Control

8 May 2002
(FMF/MMM/MS)
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Consultation Responses.
3. Statutory Notices/Certificates.
4. Adopted Kilmarnock Local Plan.
5. East Ayrshire Local Plan (Finalised Version with Modifications).
6. Approved Strathclyde Structure Plan.
7. Approved Ayrshire Joint Structure Plan.
8. Representations.
9. East Ayrshire Council Design Guidance.

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

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0712/FL

Site of Proposal: East Netherton Street
KILMARNOCK

Nature of Proposal: Proposed Erection of 14 No. Flatted Units

Name & Address of Applicant: Hope Homes Scotland
Watson Terrace
DRONGAN
Ayr KA6 7AB

Name & Address of Agent:

DPOs Reference: FMF/MMM

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

1. The proposed development shall be carried out in accordance with the application form received on 15 October 2001 and the amended plans received by the Planning Authority - location plan received 15 October 2001 ref 00/04-01, the amended street location plan received 08 November 2001, ref 00/04-SE, the amended section through plan received 16 April 2002, ref 00/04-ST, the 4 unit block plan received 16 April 2002, ref 00/04-03sp, the site sections plan received 16 April 2002, ref 00/04-se, the first floor site layout plan received 16 April 2002 and the ground floor layout plan received 16 April 2002. + 6 unit plan.

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

2. Prior to any development commencing on site, details of all hard and soft landscaping areas within the application site, shall be submitted to and approved by the Planning Authority. Such details shall include the timescale for the implementation of the landscaping in relation to the completion of the dwellings

and shall include the planting and future maintenance programmes for all landscaping within the application site.

REASON To ensure that the landscaping within the site is laid out in a proper manner in the interests of the amenity of the area.

3. The landscaping relating to this development approved under the terms of condition 2 above, shall be laid out no later than the first planting season following the completion of the last dwelling and shall be maintained thereafter in accordance with the maintenance scheme to be submitted to and approved in writing by the Planning Authority prior to the commencement of development.

REASON To ensure that all landscaping is laid out in a proper manner in the interests of residential amenity.

4. Notwithstanding the plans approved under the terms of condition 1 above, prior to any work commencing on site, further details shall be submitted concerning the bin storage areas for the written approval of the Planning Authority. Such details shall include details of the design and external finish of the bin stores which shall be approved by the Planning Authority prior to the commencement of development.

REASON In the interests of visual amenity and to ensure that adequate refuse storage areas are provided.

5. 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. The scheme for approval shall include details of the boundary treatment to be provided along the boundary of the site shaded brown on the approved plans, shall propose a boundary treatment which is to replace the existing boundary features along St Andrews Terrace and shall include details of future boundary maintenance arrangements.

REASON In the interests of visual amenity.

6. Notwithstanding the approved plans, details and samples of all materials to be used as external finishes on the proposed development 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 visual amenity and in order to ensure that the proposed development satisfactorily integrates with neighbouring development.

7. All of the car parking spaces shown on the approved plans shall be formed prior to the occupation of any of the dwellings hereby approved, and thereafter shall be maintained for parking purposes.

REASON In order to ensure that adequate car parking facilities exist within the site.

8. No pedestrian or vehicular access shall be permitted to the application site from St Andrews Terrace at any time during the construction period of the development hereby granted or thereafter upon the occupation of the residential properties.

REASON In the interests of the amenity of the properties on St Andrews Terrace.

9. Construction works shall not be undertaken on site unless within the hours of 08:00 hours to 18:00 hours Monday to Friday and 09:00 hours to 17:00 hours Saturday and at no time on Sunday, unless otherwise agreed in writing by the Planning Authority.

REASON In order to protect the amenity of neighbouring residential properties.

10. Public roads adjacent to the site shall be kept clear of mud or other deposited materials at all times by means of mechanical brushing as appropriate.

REASON In the interests of road safety.

11. All site servicing and workers vehicles shall be accommodated within the application site as indicated on the approved plans at all times during the period of construction unless otherwise agreed in advance with the Planning Authority.

REASON In the interests of amenity of the surrounding area.

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

REASON To ensure that adequate drainage is provided for the proposed scheme.

13. Notwithstanding the details shown on plan no. 00/04-2st, the height of the boundary wall between the site and 113 St Andrews Terrace shall be increased prior to the occupation of any of the flats in the central "6 unit block" such that there is no overlooking from that block into the ground floor of 113 St Andrews Terrace. The design of this wall shall be agreed further to Condition 5 above.

REASON In the interests of residential amenity.

Notes

1. A copy of the consultation responses received from the Coal Authority, Scottish Power and Transco are attached. The applicant is advised to note the content of same.
2. The developer is advised to make early contact with the Council's Roads and Transportation Division, to discuss the requirement for a Road Construction Consent, at their offices on Greenholm Street, Kilmarnock
3. Scottish Water has commented that the applicant is advised to note the following and make early contact with them at 35 Glenburn Road, Prestwick tel. 0808 100 5333:-
 - (i) There is a public sewerage system to which a connection may be made. The developer should satisfy himself, by site investigation if necessary, that relative levels are such as will allow the development to be connected at a reasonable gradient.
 - (ii) The developer must make a separate application to Scottish Water for permission to connect to the public sewerage system.
 - (iii) A totally separate drainage system will be required.
 - (iv) Sustainable Urban Drainage Systems should be employed on the surface water drainage system.
 - (v) Separate application will have to be made for the provision of site water mains if required, and service connections. Consultation should be undertaken with Scottish Water regarding compliance with current byelaws and use of water for building purposes.
4. The applicant is advised that the Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific 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.
5. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.
6. The developer shall make early contact with the 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.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**

AGENDA