

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE : 05 JUNE 2001

**99/0776/OL: PROPOSED DEVELOPMENT OF LAND FOR RESIDENTIAL AND
INDUSTRIAL/COMMERCIAL PURPOSES
AT ALTONHILL/WESTERN ROAD, KILMARNOCK
BY GEORGE WIMPEY STRATEGIC LAND MANAGEMENT**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The application is in outline but given the scale of the site a Concept Master Plan and supporting statement have been submitted to confirm certain principles of how the proposal would be developed. It should be noted that this proposal is for a long-term project, which would be constructed over the next 10 years.

The Concept Master Plan confirms approximately 520 houses in a number of smaller development areas encompassing a variety of tenures, including affordable and partnership housing and a nursing home that is under construction at present.

An area of affordable housing is indicated in a large proportion of the public open space currently owned by East Ayrshire Council. The housing development will proceed if approved on a phased basis in a southerly direction from Kilmaurs Road.

To the south end towards Western Road the application proposes some 6 hectares of Industrial/Commercial use with currently one firm tenant; the relocated Strathclyde Fire Brigade Workshop.

The master plan also includes significant areas of indicative landscaping and parkland offering pedestrian/cycle linkages to the existing housing areas and potential links outwith the site.

The whole is linked by a main distributor road running north/south which will run between two new roundabouts detailed on Kilmaurs Road and Western Road.

2. RECOMMENDATION

2.1 It is recommended that Planning Application 99/0776/OL be approved subject to notification to the Scottish Ministers under the Town and Country Planning (Notification of Applications)(Scotland) Direction 1997 and subject to the conditions on the attached sheet.

2.2 It is further recommended that the Planning Consent shall not be issued until a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 has been satisfactorily concluded between the Solicitor to the Council and the applicants. Such an agreement shall address those matters detailed in paragraph 6.6 of this report.

3. SUMMARY OF ANALYSIS

3.1 As indicated at paragraph 5 of the report, the application is considered to be contrary to 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 refused unless material considerations indicate otherwise. As indicated at paragraph 6 of the report there are material considerations relevant to this application. It is considered that the weight that should be attached to these considerations should be greater than that given to the policies of the Adopted Local Plan. The proposal is consistent with policies in the East Ayrshire Local Plan (Finalised Version with Modifications) and can be developed subject to conditions and a legal agreement addressing phasing of the development and open space facilities amongst other matters. There are no public objections and no consultee responses indicating that the proposal cannot be supported. The application is acceptable.

Stephen Chorley
Director of Development Services

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 Director of Development Services

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination by the Committee an outline planning application. The application requires to be determined by the Development Services Committee under the scheme of Delegation as it is a major development with strategic significance and because the Council has a financial interest in the site it would require to be notified to the Scottish Ministers.

2. APPLICATION DETAILS

2.1 **Site Description:** The site extends to approximately 40 hectares of land on the north west of the Altonhill area of Kilmarnock. The site encompasses a corridor of land at its north end extending south from Kilmaurs Road before widening significantly as it abuts Western Road, the Council Cleansing Depot and the Kilmarnock Glasgow Railway line on its south boundary. The site's western boundary primarily follows existing hedgerows and a field boundary through the agricultural land on that side. To the east the site abuts the rear gardens of housing on Auchencar Drive taking in part of the existing public open space (owned by East Ayrshire Council) in Altonhill and skirts to the south the haulage yard and minor road servicing those premises. Currently the site is primarily in agricultural rough grazing or open space use.

2.2 **Application Details:** The application is in outline but given the scale of the site a Concept Master Plan and supporting statement have been submitted to confirm certain principles of how the proposal would be developed. It should be noted that this proposal is for a long-term project, which would be constructed over the next 10 years.

The Concept Master Plan confirms 520 houses in a number of smaller development areas encompassing a variety of tenures, including affordable and partnership housing and a nursing home that is under construction at present.

An area of affordable housing is indicated in a large proportion of the public open space currently owned by East Ayrshire Council. The housing development will proceed if approved on a phased basis in a southerly direction from Kilmaurs Road.

To the south end towards Western Road the application proposes some 6 hectares of Industrial/Commercial use with currently one firm tenant; the relocated Strathclyde Fire Brigade Workshop.

The master plan also includes significant areas of indicative landscaping and parkland offering pedestrian/cycle linkages to the existing housing areas and potential links outwith the site.

The whole is linked by a main distributor road running north/south which will run between two new roundabouts detailed on Kilmaurs Road and Western Road.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Council's Roads & Transport Division have, after assessing the Traffic Impact Analysis submitted supplementary to the application, confirmed the following, in connection with the residential development and the indicative phasing plan:

1. (i) Phases 1 and 2 (to the north) may be served by the one access from the Kilmaurs Road, provided the number of dwellings off the single access does not exceed 200.

(ii) The construction of more than 200 houses would require the completion of the link to Western Road or the provision of an emergency access and pedestrian link to the adjacent residential area. The Roads Division would prefer completion of the link to Western Road, (200-300 dwellings should be served by 1 access and an emergency access, or more than 1 access).

(iii) Development of Phase 4 (which is likely to take the total no of units above 300), will necessitate completion of the link to Western Road (301 or more dwellings require to be served by more than 1 access).
2. The link road through the residential area must have adequate speed reduction measures and also have turning facilities for buses. Roundabouts at junctions at the termination of each phase would help to deter speeding and accommodate bus turning.
3. The change between the commercial and residential road through the site must be clearly delineated by the provision of a roundabout. Commercial vehicles must be discouraged from travelling on the residential road by the change of character of the residential road with the use of traffic calming features, reduction in road width etc.
4. Bus shelters must be provided on the Kilmaurs Road and Western Road adjacent to the access to the development. Continuous pedestrian links must be provided from the development to these bus stops.
5. Pedestrian and cycle facilities must be provided at the roundabouts on Kilmaurs Road and Western Road, and connected into the existing footway network.
6. At the stage of constructing the roundabout on Western Road the traffic calming and cycle lane must also be provided on Western Road from the Kilmaurs Road Roundabout to the railway bridge to deter speeding on the dual carriageway and provide direct connections from the site to local facilities and the proposed Irvine to Kilmarnock cycle route.

In addition to the above the Roads Division have also confirmed that the area of housing indicated in the area of public open space should be restricted to 40 units due to current housing approvals in Altonhill and accordingly only those units will be permitted a permanent access/egress to the east.

The existing access points within the red lined site onto Western Road should be close off on the completion of the new roundabout on Western Road and all new units should be accessed off the new roundabout and distributor road.

There should be no frontage development onto the proposed new distributor road.

Noted. The above items have all been brought to the attention of the applicants agent who have no difficulties with the requirements. Accordingly they will be secured by means of conditions and a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, if the Committee is of a mind to approve the application.

3.2 SEPA have advised that they have no objections to the proposal on the understanding foul drainage is connected to the public sewer and surface water drainage is dealt with in accordance with the principles of Sustainable Urban Drainage.

Noted, the issue of sustainable urban drainage can be addressed by means of a note to the applicant attached to any consent.

3.3 The Coal Authority have confirmed that within and adjacent to the site there are 7 recorded mine entries and recommend that appropriate technical advice on the circumstances are sought prior to commencing work on site. This aspect is not unanticipated by the applicant who is aware of the history of the site. It would be prudent to remind the developer of this particular matter, and a condition could be attached to a consent.

Noted, this issue can be addressed in a condition.

3.4 Railtrack have not objected to the proposal but have advised of their comments/requirements on working practices near railways.

Noted.

3.5 West of Scotland Water had confirmed that they consider this application to be premature as the provision of such water and sewerage to serve the proposed development is outwith reasonable cost criteria at present. Accordingly they requested that the determination of the application be deferred pending a review of the required infrastructure for the Kilmarnock area. This review has been carried out over a period of several months at the expense of West of Scotland Water and it has been established that the proposal can be accommodated, subject to certain criteria and additional primary infrastructure arrangements through the site and a phasing mechanism which will allow WOSW and SEPA to review the impact of the entire proposal as it is developed.

Noted. These aspects have been explored with the applicant who have confirmed that they are satisfied with the phasing mechanism which can be secured by means of a legal agreement.

3.6 The Councils Housing Department has only formally responded to the proposal in general terms.

Noted. It should be noted however that any reference to specific house tenures in the concept plan submitted in support of the application is in no manner a confirmation of a commitment from any party to the tenure indicated. Effectively the

phases of housing indicated should be considered as general needs provision throughout. The position of any Council Department in respect of the final disposition of the area under Council control will require to be revisited at the detailed stage.

3.7 The Council's Community Services Department have advised of concerns regarding the effect the proposal will have on the existing provision of facilities particularly the existing football pitch, in the Altonhill area and are anxious to secure an improved provision that could serve the existing and new population for the benefit of the community.

Noted. This aspect has been the subject of lengthy discussion and the applicants are amenable to the attachment of formal requirements that will secure an acceptable standard of the specific provision of football pitch facilities. Due to the long term nature of the proposal this particular aspect will be phased over the period to encompass the retention of a pitch on the existing area of open space in the Council's ownership, to the provision of a second pitch after the completion of a set number of houses and the final provision of two new pitches with facilities in or adjacent to the application site.

The Community Services Department has confirmed acceptance to such a mechanism.

3.8 Sport Scotland initially objected to the proposed developments on the ground of underprovision of suitable facilities again concentrating on the matter of football pitch provision.

Noted. The matter of football pitch provision has also been explored with this group and on the understanding that the above provisions (in para 3.7) can be secured they have not now objected.

3.9 Strathclyde Police note the increased potential for crime and the existing, high level of house breakings, vehicle crime and disorder. The developers should therefore seek the assistance of the Police Architectural Liaison Officer.

A note to this effect can be attached to any grant of Outline Planning Consent.

3.10 Strathclyde Fire Brigade comment that at this stage only informal discussions have taken place with the applicants regarding the relocation of their Kilmarnock Workshop.

Noted.

3.11 Royal Fine Arts Commission for Scotland support the application but, noting the potential within the site to accommodate housing to a total in excess of that identified in the East Ayrshire Local Plan, Finalised Version, they would seek a compensatory reduction in the scale of the housing release adjacent to Mount House.

Although these comments are more relevant to the local plan process, it can be noted that the East Ayrshire Local Plan, Finalised Version with Modifications suggests that some 360 houses may be accommodated at the Mount House/Springhill Farm site, reflecting the Commission's concern about the landscape and townscape impact of a larger development at that location.

3.12 West of Scotland Archaeology Services have no objections to the proposals.

Noted.

3.13 Scottish Power and Transco have expressed no objections to the development.

Noted.

3.14 Strathclyde Passenger Transport Executive, Director of Education and North-West Kilmarnock Community Council have not replied to their consultations.

Noted.

3.15 Ayrshire Joint Structure Plan Manager recognises no strategic concern in the application but hopes that the density of development will maximise utilisation of public transport including cycle and walking routes. Infrastructural concerns are being addressed.

Noted.

4. REPRESENTATIONS

No letters of objection have been received in respect of this application.

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 1986. 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 its relevant policy background.

In terms of that plan over 90% of the application site is outwith the designated settlement boundary of Kilmarnock (the area that is within Kilmarnock is the public open space owned by East Ayrshire Council). Accordingly the proposal is regarded as constituting a major departure from the Kilmarnock Adopted Local Plan in terms of Policy 5.10.3 and 5.10.12 and has been advertised in the appropriate manner.

As indicated the Adopted Local Plan is of a considerable age and greater weight should be applied to other material considerations.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications), the planning history,

impact on the amenity of the area/adjacent properties, Public Open Space Provision and Section 75 Agreement.

6.2 East Ayrshire Local Plan Finalised Version with Modifications (EALP)

As stated above the Adopted 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 a prime material consideration.

In terms of this plan the entire application site is now within a designated extension to the settlement boundary of Kilmarnock. Accordingly the principal of the housing element would be acceptable under Policy RES 1 which states: "The Council will encourage and support residential development on those Development Opportunity Sites identified for housing purposes. The site identified will be retained for residential and associated recreational and amenity open space requirements".

This policy, which was prepared against the background of NPPG 1 and 3 (The Planning System and Land for Housing respectively), has a threefold purpose:-

- ***to meet the requirements of the Ayrshire Joint Structure Plan***
- ***to maximise the benefits offered by the area settlements in terms of existing transportation, service infrastructure and related community facilities***
- ***to provide the framework for future sustainable residential development in East Ayrshire.***

It is considered that this proposal accords with both the relevant policy and its justification as detailed in the EALP.

The EALP provides for a notional capacity of 350 houses in an appropriate mix of types and densities. Such requirements can be secured by means of conditions and a legal agreement, as the issue of phasing and restricting numbers of houses to be built in the lifetime of the plan has already been explored with the applicant.

Policy RES 3 details the circumstances where the Council will expect the developer to enter into a Legal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997.

It is considered appropriate that there be a Legal Agreement in relation to this development addressing the issues as specified in Section 6.6 below.

Policy RES 10 requires the provision of low cost and affordable housing on sites identified as appropriate for such purposes.

Although this site is not identified for affordable housing in the EALP 1.09 hectares has been shown as set aside for such housing in the east of the site.

Policies RES 19-21 clarify the Council's requirements with regard to public open space provision. The policies confirm that for the scale of housing proposed in this case, a public amenity space of 2.40 hectares to include a purposely designed public park of 1.5 hectares would be required. The above requirements are in addition to the standard requirement of public amenity spaces internal to housing areas of 300 square metres per 10 houses.

The developers draft response to these matters is depicted in the submitted Concept Master Plan, but will be secured by condition as will the more detailed local allocation.

The area of open space actually within Altonhill is addressed under Policy TLR 8 as safeguarded open space. The policy confirms a presumption against development on safeguarded open space unless it is the development of an appropriate open space use or associated sports pavilion. Development of safeguarded open space will only be permitted in exceptional circumstances where:-

- (i) the retention or enhancement of the facilities can best be achieved by the redevelopment of part of the site and where the development would not adversely affect the overall sporting, recreational and amenity value of the site itself; or
- (ii) alternative provision of equal community benefit and accessibility can be made available within close proximity to the site; or
- (iii) there is a clear, long term excess of pitches, playing fields and amenity open space in the wider area.

This particular matter has been the subject of discussion with the applicant, EAC Community Services Division and Sport Scotland and a provision has been agreed which accords with items (i) and (ii) above.

That provision would require a specific agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. Again the principles of such an Agreement have been generally agreed with the parties involved (see 6.6 below).

6.3 History of the Site

This large site has a varied planning history, most recently there being issued an outline planning consent to the benefit of The Land Improvement Group for "residential development of 170 houses together with recreational facilities" in January 1994. The site in that instance was very similar to that currently before the Committee other than the area of housing proposed in Council owned land.

The relatively low number of housing involved at that time was due to suspected problematic ground conditions, and the allocation under the terms of the Development Plan current at that time of the site for high quality housing.

To that end the consent was not issued until a Section 50 Agreement had been concluded that provided for amongst other items that the number of dwellinghouse should not exceed 170 houses at a density of 6 houses per acre, (15 houses per ha).

Currently the site is still within the settlement boundary of Kilmarnock and the principle of the proposal is acceptable but there is no longer a specific policy requirement for high quality housing.

6.4 Impact on Amenity of Area and Townscape

It is considered that the proposed development albeit outline at this stage is supportable in terms of amenity and townscape impact. Requirements to secure a sympathetic development can be attached by means of condition and separate legal agreement, and it would be the Council's aim to achieve a quality environment throughout with housing areas being developed within established natural screening, advance structural planting, an established public park land with

interlinking pedestrian footways and an improved formal recreation provision of the serviced football pitches within the area.

6.5 Public Open Space

As detailed above there is a loss of existing public open space within the general Altonhill area. However this loss will be compensated for in the short term by an improved football pitch provision on this area of open space and in the long term by a designed landscape area and a further 2 football pitches.

6.6 Transport

The site provides opportunities for housing development closely linked to public transport improvements consistent with the principles set out in NPPG 17. Further details on transport proposals will be required as part of the master plan

6.7 Section 75 Agreement

As detailed above the issue of quality amenity open space provision has been an area of specific concern in the determining of this application. This has been attributable to the proposed loss of approximately 60% of an area of public open space including a football pitch currently owned by EAC.

The policy position in respect of this issue has been put to the applicant who is fully aware of the implications of these matters not being addressed. Accordingly it has been determined that the option of a Section 75 Agreement could best deliver a solution that would be acceptable in policy terms. The Council's Leisure Services Department is satisfied with this approach, and although the full details of that provision have yet to be agreed the following open space issues have been confirmed for inclusion in a legal agreement:-

- Submission of a programme of work for the improvement/reorientation of the existing football pitch provision in the Altonhill area of the application site; this programme to be linked to the development of the adjacent affordable housing element of the site.
- A commitment to have provided a new, serviced football pitch upon the completion of the 300th dwellinghouse; its location to be agreed by the Planning Authority.
- A commitment to have provided a total of two new serviced football pitches with changing facilities and parking area upon the completion of the 450th dwellinghouse.
- A commitment to identify, safeguard and form a parkland of 1.5 hectares.

In addition to the above, there are issues of the phasing of houses relative to the capacity and improvement of drainage infrastructure, the provision of vehicular access and the total development capacity of the site. The following items should also be included within any legal agreement:-

- The completion of dwellinghouses shall be phased so as not to exceed 50 dwellings per year up to and including the year 2005.
- The phasing of the completion of the main distributor road running between Kilmaurs Road and Western Road.

- The setting of 520 dwellings as the maximum number of houses to be accommodated within the site.

As a major new housing and commercial area there will be a need for substantial new infrastructure provision.

- Arrangements for the provision and maintenance of road, transport and drainage infrastructure

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 The Council as part owner of the site has a direct financial interest in the determination of these applications. Should the application be agreed by the Committee and because the proposal is contrary to the Adopted Development Plan, the application would require to be referred to the Scottish Ministers in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997.

7.2 Additionally, should approval be agreed, a Section 75 Agreement covering the details specified in Section 6.6 above will require to be concluded between the Solicitor to the Council and the applicant.

8. CONCLUSIONS

8.1 As indicated at paragraph 5 above, the application is considered to be contrary to 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 refused unless material considerations indicate otherwise. As indicated at paragraph 6 above there are material considerations relevant to this application. It is considered that the weight that should be attached to these considerations should be greater than that given to the policies of the Adopted Local Plan. The proposal is consistent with policies in the East Ayrshire Local Plan (Finalised Version with Modifications) and can be developed subject to conditions and a legal agreement addressing phasing of the development and open space facilities amongst other matters. There are no public objections and no consultee responses indicating that the proposal cannot be supported. The application is acceptable.

9. RECOMMENDATION

9.1 It is recommended that Planning Application 99/0776/OL be approved subject to notification to the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 and subject to the conditions on the attached sheet.

9.2 It is further recommended that the Planning Consent shall not be issued until a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 has been satisfactorily concluded between the Solicitor to the Council and the applicants. Such an agreement shall address those matters detailed in paragraph 6.6 of this report.

**Stephen Chorley
Director of Development Services**

31 May 2001

(IW/FD) (FV/DVM)

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Consultations.
3. Adopted Kilmarnock Local Plan.
4. Adopted Ayrshire Joint Structure Plan.
5. East Ayrshire Local Plan; Finalised Version with Modifications.
6. NPPG 1 "The Planning System".
7. NPPG 3 "Land for Housing".
8. CIRIA "Sustainable Urban Drainage; an Introduction".
9. NPPG 17 "Transport and Planning"

Anyone wishing to inspect the above papers please contact Ian Walker on 01563 576769.

Implementation Officer: Alan Neish

990776OL

TP24

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

99/0777/OL

Site of Proposal: Altonhill/Western Road
KILMARNOCK

Nature of Proposal: Proposed Development of Land for
Residential and Industrial/Commercial
Purposes

Name & Address of Applicant: George Wimpey Strategic Land Management

Name & Address of Agent:

DPOs Reference: IW/MMM/FD

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

1. The concept master plan and indicative phasing plan submitted along with the application are for information purposes only and shall not be treated as forming part of the issued consent.

REASON The approval is in outline only.

2. Before any development commences on the 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 open space;
- (f) The provision for car parking;
- (g) The boundary walls/fences to be erected;
- (h) The landscaping of the site;
- (i) Finished site levels/floor levels.

REASON The approval is in outline only.

3. The details to be submitted under Condition 2 above shall include a detailed finalised Master Plan confirming the following matters:-

- (a) the areas of land to be developed for housing;
- (b) the areas and phasing of advanced structural tree planting;
- (c) the areas of land to be developed for parkland;
- (d) the means of access to the areas of housing and recreational facilities.
- (e) pedestrian, cycling and a transport infrastructure including provision for a possible rail halt
- (f) the means of providing sustainable urban drainage

Subject to the approval of the Planning Authority, this master plan may indicate those areas where, notwithstanding condition 2 above, development may commence once all of the reserved matters within that particular area have been agreed, even though not all the reserved matters have been agreed in other areas.

REASON The application was submitted in outline only and in order to ensure a properly programmed development.

4. Details to be submitted under condition 3 above shall include:-

A Landscape Strategy encompassing:

- (a) the provision of 2.40 hectares of public space to include a purposely designed public park land minimum area of 1.5 ha.
- (b) advanced structural tree planting, in a strip not less than 10m wide including forestry transplants, whips and heavy standard specimens, along the west and south boundary of the site and the boundary of the industrial/commercial land with the residential land.
- (c) the means of managing and maintaining all public open space/planting/parkland areas.
- (d) The phasing of the provision of the various elements of the landscape strategy.

REASON To ensure that adequate provision of public open space is provided, to an adequate standard, and that it is subsequently maintained, in the interests of residential and visual amenity.

5. Details to be submitted under Condition No 2 above shall indicate a 'buffer zone' (free from residential development) along the part of the boundary indicated in yellow on the plans hereby approved. The details submitted shall be accompanied by a noise impact assessment prepared by a suitably qualified acoustical consultant addressing the impact of the buffer zone on the remainder of the site.

REASON In the interests of residential amenity.

6. The structural planting required by Condition No 3 above shall be planted within 2 years of the date of its approval.

REASON In the interests of visual amenity.

7. Details submitted under Condition No 3 above shall provide for the replacement of the existing Right of Way through the site to the satisfaction of the Planning Authority. Any diversion of a Right of Way will have to be formally confirmed under Section 206 of the Town and Country Planning Act 1997.

REASON To ensure that public open space areas are laid out in a proper manner in the interests of residential amenity, whilst maintaining existing Rights of Way.

8. Development shall not begin on site until details of any land consolidation and earth levelling works have been submitted to and approved by the Planning Authority. Such details shall include existing and proposed levels by reference to fixed ordnance datums across the entire site and the details shall confirm the relationship in terms of existing and proposed levels along the eastern boundary of the site where abutting existing properties. The details shall also be accompanied by a report prepared by a suitably qualified mining engineer addressing the impact of the development on the stability of land adjacent to the site and the measures to be taken to secure and cap any existing mine entries in or adjacent to the site.

REASON In the interests of residential amenity.

9. Notwithstanding the plans hereby approved, the details of the means of access from Kilmaurs Road and Western Road indicated on the plans are not approved. Revised details at a scale of not greater than 1:500 shall be submitted to and approved by the Planning Authority prior to the commencement of development.

REASON The application was submitted in outline only and in order to ensure a properly programmed and detailed development.

10. Before development begins on the site details of footpath/cycle links to the Altonhill Area to (the east), Kilmaurs Road and Western Road shall be submitted to and approved in writing by the Planning Authority. The footpath/cycle links shall thereafter be constructed in accordance with the approved scheme.

REASON To ensure that public open space areas and footpaths/cycle links are laid out in a proper manner in the interests of residential amenity.

11. Upon the completion of all the houses located in an approved development phase, the roads in that phase shall be provided with a final wearing surface.

REASON In the interests of visual amenity and road safety.

12. Details submitted under Condition 2 above shall provide for the continuation of the existing separation/avenue strip along Kilmaurs Road onto the northern frontage of the site.

REASON In the interests of visual amenity.

13. The details to be submitted further to Condition 2 above shall allow for there being a maximum housing density within any development area of 25 dwellings per hectare, (net of the distributor road/verge limits and areas included in the Landscape Strategy submitted further to Condition 3 above). The submitted housing layout details shall take full account of the provisions of the Landscape Strategy.

REASON To enable the Planning Authority to retain control over the future development of the site in a manner consistent with the Development Plan.

14. Discrete housing areas within the development shall not exceed 75 dwellings in size.

REASON In the interests of visual/residential amenity.

15. The developer shall ensure that all residential development shall be constructed around cul-de-sacs, courtyards or in small groups with private open space and public open space areas with no direct road frontage to the distributor road. There shall be a mix of house types augmented with a high quality of landscaping including substantial tree planting.

REASON In the interests of visual amenity.

16. The developers shall ensure that prior to the construction of the 201st house on the site outwith the area bounded in blue on the approved plan, the distributor road from Kilmaurs Road to Western Road shall have been completed.

REASON In the interests of road safety.

17. The developer shall ensure by roads design mechanisms that commercial traffic is discouraged from travelling on the residential distributor road. Details of said mechanisms shall be submitted to the Planning Authority for approval prior to the commencement of construction of the distributor road.

REASON In the interests of road safety/residential amenity.

18. Details submitted in pursuance of condition No. 2 above shall provide for a maximum of 40 houses in the area coloured blue on the approved plan and for this area to be exclusively accessed directly via Altonhill.

REASON In the interests of road safety.

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

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

NOTE TO APPLICANT

1. The developers should make early contact with the Strathclyde Police Architectural Liaison Officer regarding the potential for the development to attract criminal activity and appropriate preventative measures.

2. The surface water drainage system should be consistent with the principles of the CIRIA booklet "Sustainable Urban Drainage; an Introduction" and in that regard the applicants should have early contact with the West of Scotland Water Authority and the Scottish Environment Protection Agency.

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**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