

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 22 MARCH 2002**

**02/0076/FL: PROPOSED ERECTION OF 30 FLATS, 12 GARAGES WITH NEW ACCESS ROAD, PARKING AND LANDSCAPING (REVISED APPLICATION TO PREVIOUS APPLICATION NO. 01/0262/FL) AT THE FORMER BAKERY, COCKLEBIE ROAD, STEWARTON BY BMJ LTD**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 It is proposed to develop the site for residential purposes and locate 30 flatted properties in a phased development. The flats will be formed in three individual buildings facing onto Ravenscraig Road in a semi-circular layout. The flats will be three storey in height and the central building will be the largest, accommodating 12 units. Block 1 which will be located southernmost will accommodate 10 units whilst the northern most block (No 3) will house 8 units. The height of the units rises to meet the centre of block 2 which will be the high point at ridge level, then reducing in size and scale at the northern and southern ends of the site. External materials will comprise concrete roof tiles, re-constituted stone/render and upvc window frames. Windows to the front elevation of all three blocks will comprise a mix of bedroom, lounge and kitchen windows. All 30 flats will comprise two bedroom properties.

1.2 The site will have one vehicle access point at Ravenscraig Road close to the boundary with the residential property at No.71 and an internal one way system leading to a single egress point at Cocklebie Road. There will be 42 vehicle parking spaces provided within the site which, together with the internal access road, will be constructed in coloured tarmac. New lighting columns will be provided both within the site and to the site boundary with Ravenscraig Road and Cocklebie Road. To the south-eastern boundary the applicants propose 12 garages of single storey design finished in concrete roof tiles, render and pvc doors.

1.3 Detailed landscaping is to be provided throughout the site with maintenance via a residents factoring agreement. The area of existing embankment to the rear of residential properties at Ravenscraig Road will not be re-graded and a landscaping scheme is yet to be submitted. The applicants propose to re-grade some areas within the site owing to the rise in levels from the front to the rear at the railway line. The applicants also propose a 1.8 metre high screen fence boundary treatment on all site boundaries except facing

directly onto Ravenscraig Road and Cocklebie Road. Located just off the boundary with 71 Ravenscraig Road will be a retaining wall which will vary in height according to the sloping ground level. The maximum height at any point of this wall will be 1.5 metres and the wall will be constructed from facing brick with a coping stone.

1.4 The scheme as detailed above is revised following a previous refusal of planning consent. The original scheme was also for 30 flats at a maximum of three storeys in height. The building now proposed is 1.4 metres lower in height. Its height now virtually equates with the maximum height of the existing factory at its highest point. The applicant's agent has advised that following the Council's refusal of the previous application, that scheme has been revised to reduce the overall height of the three buildings without a reduction in the numbers of the units provided. This has been achieved by reducing the roof pitch from 27° to 17%0 that has resulted in a reduction of the building height by 1.1 m. In addition this is a difference between ground floor level and the external ground level from 450mm to 150mm. This further reduces the overall height by 300mm giving a total reduction of 1.4m. The plans of the external elevations of the proposed flats illustrate the relationship with the existing buildings on site. It can be noted that Block 1 is now lower at the ridge height with blocks 2 and 3 approximately 200mm/300mm higher.

## **2. RECOMMENDATION**

**2.1 It is recommended that this application be refused for the reasons indicated on the attached sheet.**

## **3. CONCLUSIONS**

3.1 As indicated in paragraph 5.1 of the report, the application is considered to be contrary to the development plan (in terms of the Adopted Stewarton Local Plan). Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As discussed in Section 6 of this report, there are material considerations relevant to this application and it is considered that the weight attached to these material considerations should be greater than that given to the policies of the Adopted Local Plan. This is primarily due to the age of this plan which was adopted in 1987 and is considered to be significantly out of date.

3.2 As indicated in Section 6 of the report, the material considerations indicate that whilst in many respects the proposal is acceptable, it fails to take appropriate account of its surroundings and of the Committee decision of 21 December 2001. The proposal remains for predominantly 3-storey structures

whose residential content is a suitable replacement of the previous industrial activity but whose form is not compatible with adjacent properties.

3.3 The objections of the Community Council and of a representee reflect concern about the scale of the building work. Although some of the concerns may be addressed by conditions and the development of the site would have environmental benefits, it would be appropriate on balance for the application to be refused taking account of the material considerations detailed in the report.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved .contrary to the recommendation of the Head of Planning and Building Control the application will not require to be referred to the Development Services Committee because that would not represent a significant departure from policy.

**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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NORTHERN AREA LOCAL PLANNING COMMITTEE: 22 MARCH 2002

**02/0076/FL: PROPOSED ERECTION OF 30 FLATS, 12 GARAGES WITH NEW ACCESS ROAD, PARKING AND LANDSCAPING (REVISED APPLICATION TO PREVIOUS APPLICATION NO. 01/0262/FL) AT THE FORMER BAKERY, COCKLEBIE ROAD, STEWARTON BY BMJ LTD**

### 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 planning application under the scheme of delegation because it is a larger development of area significance and is subject to objections.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is centrally located within Stewarton. The site is of irregular shape and comprises the former Browning Bakers factory. The factory is now lying vacant and is falling into a state of disrepair. The site is bounded to the north by Cocklebie Road and residential properties on Ravenscraig Road. To the east lies the Kilmarnock to Glasgow railway line and the Stewarton Railway Station and car park, to the south the site is bounded by other residential properties and to the west lies Ravenscraig Road. The site area extends to some 0.76 hectares and the site rises to meet the railway to the east with an embankment rising from the site boundary with the rear gardens of the residential properties on Ravenscraig Road.

2.2 **Proposed Development:** It is proposed to develop the site for residential purposes and locate 30 flatted properties in a phased development. The flats will be formed in three individual buildings facing onto Ravenscraig Road in a semi-circular layout. The flats will be three storey in height and the central building will be the largest, accommodating 12 units. Block 1 which will be located southernmost will accommodate 10 units whilst the northern most block (No 3) will house 8 units. The height of the units rises to meet the centre of block 2 which will be the high point at ridge level, then reducing in size and scale at the northern and southern ends of the site. External materials will comprise

concrete roof tiles, re-constituted stone/render and upvc window frames. Windows to the front elevation of all three blocks will comprise a mix of bedroom, lounge and kitchen windows. All 30 flats will comprise two bedroom properties.

2.3 The site will have one vehicle access point at Ravenscraig Road close to the boundary with the residential property at No.71 and an internal one way system leading to a single egress point at Cocklebie Road. There will be 42 vehicle parking spaces provided within the site which, together with the internal access road, will be constructed in coloured tarmac. New lighting columns will be provided both within the site and to the site boundary with Ravenscraig Road and Cocklebie Road. To the south-eastern boundary the applicants propose 12 garages of single storey design finished in concrete roof tiles, render and pvc doors.

2.4 Detailed landscaping is to be provided throughout the site with maintenance via a residents factoring agreement. The area of existing embankment to the rear of residential properties at Ravenscraig Road will not be re-graded and a landscaping scheme is yet to be submitted. The applicants propose to re-grade some areas within the site owing to the rise in levels from the front to the rear at the railway line. The applicants also propose a 1.8 metre high screen fence boundary treatment on all site boundaries except facing directly onto Ravenscraig Road and Cocklebie Road. Located just off the boundary with 71 Ravenscraig Road will be a retaining wall which will vary in height according to the sloping ground level. The maximum height at any point of this wall will be 1.5 metres and the wall will be constructed from facing brick with a coping stone.

2.5 The scheme as detailed above is revised following a previous refusal of planning consent. The original scheme was also for 30 flats at a maximum of three storeys in height. The building now proposed is 1.4 metres lower in height. Its height now virtually equates with the maximum height of the existing factory at its highest point. The applicant's agent has advised that following the Council's refusal of the previous application, that scheme has been revised to reduce the overall height of the three buildings without a reduction in the numbers of the units provided. This has been achieved by reducing the roof pitch from 27° to 17%0 that has resulted in a reduction of the building height by 1.1 m. In addition this is a difference between ground floor level and the external ground level from 450mm to 150mm. This further reduces the overall height by 300mm giving a total reduction of 1.4m. The plans of the external elevations of the proposed flats illustrate the relationship with the existing buildings on site. It can be noted that Block 1 is now lower at the ridge height with blocks 2 and 3 approximately 200mm/300mm higher.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Environmental Health have advised that they have no objection in principle to the proposed erection of housing on the site subject to the following comments:-

- a) The site in general has become a bit of an eyesore with buildings in poor condition and the general environs giving rise to complaints from residents in the locality .Therefore no objections in principle to the original application to develop and given the deterioration which has taken place over the past year, it is pleasing to see that the matter is now progressing again.
- b) The demolition of the existing building should be undertaken in accordance with the relevant Code of Practice and during demolition no nuisance (through dust, noise, burning etc) should be created to adjoining properties and with adherence to legal procedures and requirements regarding the handling and disposal of any asbestos material from the site (it is assumed that demolition works will be subject to a Building Warrant application). Building Control will accordingly check that suitable demolition procedures and Method Statement are provided. The buildings are known to contain asbestos and the developer will require to follow the requisite legal procedures for the safe removal and disposal of this material.
- c) Whilst it is not anticipated that the site is likely to be particularly contaminated, it is recommended that the applicant checks for any localised contamination in areas where fuel tanks etc have been sited. Incidentally, the ground along the rear of the site was built up many years ago to form railway sidings adjacent to the existing main rail tack.
- d) Any potentially noisy site engineering activities should be restricted to day time operation for the benefit of existing residents in the area.

**Noted. This Division would recommend the imposition of conditions relative to points (c) and (d) should Members choose to grant consent. In respect of point (b) this would be a matter for control under a Building Warrant although the hours of operation for demolition could be controlled in the interests of residential amenity.**

3.2 Transco have forwarded a copy of their record plan showing the location of their plant and have recommended that the applicant contact their Glasgow operation's office prior to starting work on site.

**Noted. Should Members grant permission, a copy of the Transco consultation response can be forwarded to the applicant and an advisory note added to: any decision notice.**

3.3 West of Scotland Archaeology Service have advised that although Stewarton Railway Station is of some industrial archaeological interest, the scale of previous disturbance within the site boundary has led the Service to conclude that there is little or no likelihood of the proposed development having any serious detrimental effect on previously unrecorded archaeological remains. It is not therefore considered that any substantive archaeological issue will be raised by this application.

**Noted.**

3.4 The Coal Authority have not identified any instability issues which would affect the determination of this planning application.

**Noted.**

3.5 Railtrack have advised that they have no objection in principle. They have however advised of their statutory obligation to ensure the availability of safe train paths and Railtrack therefore require to take an active interest in any construction/demolition activity adjacent to their property. They have provided guidance details for the developer to follow.

**Noted. Should Members grant consent, it is recommended that a copy of Railtrack's correspondence be forwarded to the developer together with an advisory note bringing the matter to the applicant's attention.**

3.6 The Scottish Environment Protection Agency (SEPA) have not replied to their consultation at the time of writing this report.

**Noted.**

3.7 West of Scotland Water have advised that:-

- a) A development of the type and size proposed can be serviced from an existing public water main located in the street adjacent to the site location.
- b) 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.

- c) There is a public sewerage system to which a connection may be made. The developer should satisfy himself, by site investigation if necessary, that relate levels are such as will allow the development to be connected at a reasonable gradient.
- d) The developer must make a separate application to West of Scotland Water for permission to connect to the public sewerage system.
- e) A totally separate drainage system will be required.
- f) Sustainable Urban Drainage Systems should be employed on the surface water drainage system.

**Noted. Should Members grant planning permission, it is recommended that use be made of an appropriate advisory note bringing these comments to the applicant's attention. In respect of West of Scotland Water Authority's comments regarding SUDS, a condition can be attached to any planning consent granted.**

3.8 The Stewarton and District Community Council record their objection to the proposed development. A three storey development is an over-development of this site and is not in-keeping with the surrounding area. A two storey development would be more suitable. In addition, high vehicles which cannot proceed under the railway bridge use this road as an alternative route to the town. Any additional parking on this narrow road could create problems for these high sided vehicles.

**Noted. Whilst the development does incorporate 2 storey elements, it is for the most part 3 storeys in height. Although the developer has revised the scheme in an attempt to address the previous concern of Committee the predominant impression will be that of a 3 storey development. The overall height has been reduced nevertheless these amended proposals fail to take account of the specific concern expressed previously by Committee that the development is too high at 3 storeys.**

**As regards the second concern regarding parking on-street the scheme provides sufficient car parking spaces which should negate any requirement for residents to park on the public highway. This concern is not considered to be of such significance as to warrant the refusal of this application.**

3.9 The East Ayrshire Council Roads and Transportation Division under the previous proposal advised that they had no objections subject to the provision of new access and egress points, different coloured tarmacadam to the intended access road and re-construction of a footpath. On this basis no objections are

offered to the new submission and the Roads Division has reaffirmed that the developer will require to obtain a Roads Construction Consent.

**Noted. Should Members choose to grant consent, an advisory note can be attached drawing attention to the requirement for a Roads Construction Consent {with the reconstruction of this footpath included}.**

3.10 The Council's Outdoor Services Division have no objections although require the re-submission of the landscaping proposals. They also request that any maintenance of Community Service Account held land, which may be damaged by this application should be reinstated to the satisfaction of the Outdoor Amenities Manager or his nominee.

**If Members choose to grant consent, it is recommended that a condition be attached requiring that the Council approve of a landscaping scheme {including the area of embankment}. It would also be recommended that an advisory note be incorporated regarding the latter point.**

#### **4. REPRESENTATIONS**

Three letters of objection have been received together with one letter of objection from Stewarton and District Community Council; (the points raised by the Community Council have been noted in paragraph 3.8 of this report). The objections can be detailed as follows:-

4.1 Residents at Lamberton Road object to the position and angle of the building (particularly Block 3) which has been moved and entails the three storey flats looking directly onto the rear of these houses invading privacy and restricting light to houses and gardens being positioned in close proximity to neighbouring properties. These flats will be only some 18 metres from neighbouring properties and will look directly into the rear gardens and also directly into the windows of the houses comprising kitchen, lounge and rear bedroom.

**It is noted that there are no objections to the residential use of the site. The site has been designed such that the buildings are positioned in a semi-circular setting in order to limit their effect on neighbouring properties. Block 3 which is closest to these properties will be 17 metres from the rear gardens and some 30 plus metres from the rear elevations of the neighbouring houses. The recognised minimum standard window to window distance is**

**18 metres. It is considered that the new residential development will not significantly adversely affect neighbouring properties in terms of amenity and privacy.**

4.2 There does not appear to be any difference in the new plans from the previous application with the exception of some minor amendments to the pitch of the roof lowering the height of the building by a minor amount. The proposed development will have a negative impact on the surrounding area because of the imposing size of the building.

**The amendments tabled by the applicants to the proposed scheme are discussed in paragraph 2.5 of this report. The proposed development remains at three storeys in height although the overall maximum height of the building is now more equivalent to the existing factory building. The proposal presents three separate units with a view to limiting the effects of the buildings on neighbouring properties.**

## **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

5.1 Sections 25 and 37(2) the Town and Country Planning (Scotland) Act 19971 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 Stewarton Local Plan. The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

### 5.2 Ayrshire Joint Structure Plan

The Structure Plan states that in terms of housing land supply, there will be a preference for allocating new housing areas to brown field land and housing policy should allow for choice in terms of location, size and types of development.

**The application site lies within the urban envelope of Stewarton and if approved would result in the development of a brown field site which means land lying within a settlement which has previously been developed for purposes other than agriculture and which has the potential for future redevelopment. The proposal can be assessed against Policy ADS 3 which states that new development shall be directed to and located within settlements delivered by Local Plans. The proposal can also be considered against Policy G1 which states that in providing for new development, priority shall be given to the use of land within existing settlements.**

**The development site is situated within the settlement boundary of Stewarton and the site can be defined as being "brown field". The proposal can be seen to be in compliance with the relevant policies detailed above owing to its location within Stewarton.**

### 5.3 Adopted Stewarton Local Plan

The applicable policies under the Adopted Stewarton Local Plan are Policies 4.2.3, 4.2.5 and 4.1.2.

5.4 Policy 4.2.3 encourages the re-use of vacant industrial premises for industrial use although Policy 4.2.5 refines this policy to indicate that industrial proposals within areas which are primarily residential, will only be permitted if they are for light industrial uses. Policy 4.1.2 permits housing development within the urban envelope of Stewarton on sites of not more than 0-5 hectares up to a maximum of 10 dwelling houses.

**The Stewarton Local Plan was adopted by the former Kilmarnock and Loudoun District Council in May 1987 and its policies are now substantially out-of-date. The proposal is however technically contrary to Policy 4.1.2 as it is for a site of 0.76 hectares in area and will accommodate 30 residential units. Owing to the age of the Adopted Local Plan, the Council has however resolved to consider the East Ayrshire Local Plan (Finalised Version with Modifications) as a prime material consideration. The provisions of this document are detailed in Section 6 of this report.**

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

6.1 The other principal material considerations relevant to this application are the East Ayrshire Local Plan (Finalised Version with Modifications), the statutory consultation responses, representations received above, the Committee decision of 21 December 2001 and the planning history of the site.

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 East Ayrshire Local Plan Finalised Version with Modifications (EALP) should be considered a prime material consideration.

### East Ayrshire Local Plan Finalised Version with Modifications

6.3 The EALP does not safeguard the site for industrial purposes, nor does it identify the site as a development opportunity for industry. Policy IND 8 of the EALP, is the relevant policy and indicates that other than sites specifically safeguarded, proposals for alternative uses of land and premises formerly used

for industry, will be considered acceptable provided that it is not detrimental to the surrounding established uses, meets other relevant Local Plan Policies, and there is acceptable alternative industrial, land or premises available within Stewarton.

6.4 Policy RES 4 of the EALP encourages the sympathetic residential development of gap, infill and redevelopment sites within settlement boundaries. Development in these cases will be assessed against its impact on the surrounding built environment and adjacent uses and the transportation and infrastructure implications.

6.5 Schedules 3 and 4 of the EALP are also relevant and relate to the provision of public and private open space. The development provides 1500 square metres of open space which meets the Council's requirements.

**The application site comprises land which was previously occupied as a bakery, but is now vacant. None of the existing buildings are of obvious architectural merit and it is also worth noting that the site is located centrally within an existing housing estate. Stewarton is short of industrial land and whilst this site is not safeguarded for industrial purposes in the local plan, there is only one other small site identified but no sites safeguarded. It is however considered that the location of the site within a predominantly residential area, with difficult access from the main routes taken through residential areas with little expansion opportunity due to physical constraints, together make the site unsuitable for a modern industrial operation. The site is therefore considered suitable for housing purposes.**

**In terms of the relationship of the scheme to neighbouring uses, this Division has no objection to the layout or the materials proposed. Car parking is predominantly provided to the rear with amenity open space to the front and rear. The proposal is, however, still predominantly 3-storey although a 2-storey element relates visually to the existing 2-storey housing at the southern and northern ends of the site. The predominance of 3-storey elements formed the basis of the Committee's previous refusal of the earlier proposal.**

**The applicant has reduced the building's height in an attempt to accommodate the Committee's specific concerns, however, in that the previous refusal was clearly based on the presence of three storey development, it is considered that this revised proposal fails to fully take account of the Committee's decision.**

#### Statutory Consultations and Representations

6.6 The issues raised by the statutory consultees and as a result of the representation process have been detailed and addressed in Sections 3 and 4 of

this report. In as much as the representations advance concerns previously echoed by the Committee, they are material in the determination of the application and add weight to the conclusion that the development is unacceptable in this form. .

### Planning History

6.7 Planning application 01/0262/FL for the erection of 30 flats and 12 garages with parking and amenity space was refused on 21 December 2001, the reason for refusal being that the development is considered to be too large at 3- storeys in height for the site concerned and is therefore detrimental to the visual amenity of the area.

**The Committee decision is a material consideration in the determination of this subsequent 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 indicated in paragraph 5.1 above, the application is considered to be contrary to the development plan (in terms of the Adopted Stewarton Local Plan). Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As discussed in Section 6 of this report, there are material considerations relevant to this application and it is considered that the weight attached to these material considerations should be greater than that given to the policies of the Adopted Local Plan. This is primarily due to the age of this plan which was adopted in 1987 and is considered to be significantly out of date.

8.2 As indicated in Section 6 of this report, the material considerations indicate that whilst in many respects the proposal is acceptable, it fails to take appropriate account of its surroundings and of the Committee decision of 21 December 2001. The proposal remains for predominantly 3-storey structures whose residential content is a suitable replacement of the previous industrial activity but whose form is not compatible with adjacent properties.

8.3 The objections of the Community Council and of a representee reflect concern about the scale of the building work. Although some of the concerns may be addressed by conditions and the development of the site would have

environmental benefits, it would be appropriate on balance for the application to be refused taking account of the material considerations detailed in the report.

## **9. RECOMMENDATION**

9.1 It is recommended that this application be refused for the reasons indicated on the attached sheet.

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control the application will not require to be referred to the Development Services Committee because that would not represent a significant departure from policy.

**Alan Neish**  
**Head of Planning and Building Control**

13 March 2002  
(FMF/DVM/MMM)

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FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application Form.
2. Application Plans.
3. Public Advertisement.
4. Statutory consultation Responses. 5. Representations.
6. Approved Ayrshire Joint Structure Plan.
7. Adopted Stewarton Local Plan (1985).
8. East Ayrshire Local Plan (Finalised Version with Modifications).
9. Approved Strathclyde Structure Plan.

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

Implementation Officer: Dave Morris

## EAST AYRSHIRE COUNCIL

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

02/0076/FL

Site of Proposal: Former Bakery  
Cocklebie Road  
STEWARTON KA3 5BE

Nature of Proposal: Proposed Erection of 30 No flats, 12 Garages  
With New Access Road, Parking and  
Landscaping (Revised Application to  
Previous Application No. 01/0262/FL)

Name & Address of Applicant: BMJ Ltd  
C/o CRGP Architects  
26 Herbert Street  
GLASGOW G20 6NB

Name & Address of Agent: CRGP Architects  
26 Herbert Street  
GLASGOW G20 6NB

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DPOs Reference: FMF/DVM/MMM

The above FULL application should be refused for the following reasons:-

1. The proposed development is considered to be detrimental to the visual amenity of the area by reason of its introduction of three storey residential properties which are incompatible with the immediately adjacent development form.
2. The proposed development is inappropriate with regard to the Council's approved design guidance which requires new residential development to compliment and harmonise with surrounding buildings in terms of scale, form materials and finish.

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