

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 20 FEBRUARY 2004

03/0927/FL: PROPOSED SUB DIVISION OF EXISTING DETACHED VILLA INTO 2 FLATS, CONVERSION OF COACH HOUSE TO ONE NO. DWELLING, DEMOLITION OF EXISTING NURSERY, ERECTION TWO NO. NEW DWELLINGS WITH ATTACHED GARAGES AT 52 IRVINE ROAD, KILMAURS BY MESSRS CRAIG AND NAISMITH

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to form two 3 bedroom flats within the existing detached villa involving the removal of some later rear extensions of little merit. It is also proposed to rehabilitate the existing coach house to form a detached dwellinghouse with 3 bedrooms. Vehicular access to the 3 proposed residential units on the southern portion of the site involves no change to the existing access points. 9 car parking spaces have been shown adjacent to the villa and coach house. These works involve the felling of a single horse chestnut tree adjacent to the coach house. It is proposed to retain the existing external wall finishes, repairing and replacing where necessary, with roofs to be clad in slate.

1.2 In the northern portion of the site, it is proposed to erect 2 two-storey detached dwellinghouses, each containing 4 bedrooms. Integral garaging has been shown. The northmost of the proposed dwellings is located 10 metres from the east site boundary at its closest point, and 15 metres from the western site boundary at its closest point. The other dwellinghouse is located on an east-west axis, 4 metres from the western site boundary at its closest point and 15 metres from the eastern site boundary at its closest point.

1.3 It is proposed to demolish the former Nursery building and fell 3 Ash trees and 3 Sycamore within the site. These works do not require planning permission. Vehicular access to serve the 2 dwellings is proposed via Beaufield Gardens. A driveway has been shown close to the western site boundary. In addition to the garage provision, 2 car parking spaces per dwelling are proposed. In terms of finishes, it is proposed to clad the roofs of the dwellings with a grey concrete roof tile, with white render walls.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in 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. As is indicated in Section 6 of the report, there are material considerations relevant to this application. It is considered that, on balance, the representations are not of sufficient weight to justify refusal of the application contrary to the terms of the development plan.

3.2 To ensure that the proposed development meets with the provisions of the East Ayrshire Local Plan and the issues raised by consultees, appropriately worded conditions require to be attached to any planning permission granted.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused 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 such a decision would not represent a substantial departure from Council policy.

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 due to the fact that the proposed development is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site extends to approximately half a hectare and lies on the northern edge of Irvine Road. A vacant detached two storey villa and coach house of some architectural merit are set back within established landscaped gardens. Vehicular access is from a single point at Irvine Road with a wall fronting the site to Irvine Road. To the rear of the villa, a raised single storey former nursery is located approximately 4 metres from the western site boundary. The remainder of the rear garden area is open in nature with some small Ash, Sycamore and Yew trees. The gap between the north-west corner of the site and the turning area at Beaufield Gardens comprises a small grassed area with some shrub cover. The boundaries of the rear portion of the site are defined by a mixture of established mature hedges and an area of brick wall approximately 2.5 metres high.

2.2 The trees located to the front of the detached villa are protected by a Tree Preservation order (TPO 40/A85). These trees comprise a variety of species including Sycamore, Lime, Chestnut, Ash and Weeping Elm. The trees to the rear of the villa are not subject to this TPO.

2.3 To the west of the rear of the application site, 2 detached single storey dwellinghouses of suburban design and character are located approximately 6 metres from the edge of the application site. (54a Irvine Road and 12 Beaufield Gardens).

2.4 **Proposed Development:** It is proposed to form two 3 bedroom flats within the existing detached villa involving the removal of some later rear extensions of little merit. It is also proposed to rehabilitate the existing coach

house to form a detached dwellinghouse with 3 bedrooms. Vehicular access to the 3 proposed residential units on the southern portion of the site involves no change to the existing access points. 9 car parking spaces have been shown adjacent to the villa and coach house. These works involve the felling of a single horse chestnut tree adjacent to the coach house. It is proposed to retain the existing external wall finishes, repairing and replacing where necessary, with roofs to be clad in slate.

2.5 In the northern portion of the site, it is proposed to erect 2 two-storey detached dwellinghouses, each containing 4 bedrooms. Integral garaging has been shown. The northmost of the proposed dwellings is located 10 metres from the east site boundary at its closest point, and 15 metres from the western site boundary at its closest point. The other dwellinghouse is located on an east-west axis, 4 metres from the western site boundary at its closest point and 15 metres from the eastern site boundary at its closest point.

2.6 It is proposed to demolish the former Nursery building and fell 3 Ash trees and 3 Sycamore within the site. These works do not require planning permission. Vehicular access to serve the 2 dwellings is proposed via Beaufield Gardens. A driveway has been shown close to the western site boundary. In addition to the garage provision, 2 car parking spaces per dwelling are proposed. In terms of finishes, it is proposed to clad the roofs of the dwellings with a grey concrete roof tile, with white render walls.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Scottish Environment Protection Agency (SEPA) has no objection to the proposal in principle, on the understanding that the foul drainage is connected to the public sewer. Surface water from the site should be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland published by CIRIA in March 2000. Any waste arising from this development should be disposed of at a suitably authorised site.

Noted. See comments provided in paragraph 3.2 of the Report. In order to fully address SEPA's comments regarding SUDS, it is recommended that an appropriately worded condition should be attached to any planning permission granted. Such a condition would require the use of a SUDS arrangement to deal with surface water run off, and the submission of details.

3.2 Scottish Water has no objection to the proposed development. Contact should be made with Developer Services to discuss whether the existing water supply needs upgrading in view of the alterations proposed in terms of this application. There is a public sewerage system to which a connection may be made from the proposed development. The applicant must make a separate application to Developer Services for permission to connect to the public sewerage system at the appropriate time.

Noted. It is recommended that the developer makes early contact with Scottish Water to ensure that the drainage arrangements proposed from the development are to Scottish Water's satisfaction prior to the commencement of works on site.

3.3 East Ayrshire Council Roads and Transportation Division has commented that the application is required to form a vehicle access crossing over the public footway at Beaufield Gardens, necessitating the relocation of the street lighting column adjacent to the proposed access. The proposed access crossing must be 5.0 metres wide. The existing access onto Irvine Road is suitable to serve the 3 dwellings that the proposed conversion of the existing buildings will create. The applicants should, however, provide a bin store adjacent to the entrance as the Council refuse vehicle will not enter this private access.

Noted. The plans show provision of a 5m wide access crossing. The vehicle access crossing and street lighting column relocation require to be the subject of a separate Road Construction Consent application.

A bin store has been shown with the application site, close to the site entrance from Irvine Road.

3.4 The Scottish Wildlife Trust has no objections or observations regarding the proposed development.

Noted.

3.5 Kilmaurs Community Council has not responded to their consultation letter.

Noted.

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

Noted.

3.7 Transco has forwarded a copy of its record plan showing the location of their plant and has recommended that the applicant contact their Glasgow operations office prior to the commencement of works on site.

Noted. A copy of the Transco consultation response can be forwarded to the applicant and an advisory note attached to any decision notice issued.

4. REPRESENTATIONS

Three letters of representation have been received objecting to the proposed development. The points of objection are summarised as follows:-

4.1 Total loss of privacy with the building of two villas at the side of our property and the conversion of the main house into flats.

Given the degree of separation from the proposed dwellings, the existing boundary treatment, and the requirement for substantial perimeter landscaping it is not considered that the loss of privacy to adjacent properties would be significant enough to warrant refusal of the application. This view is consistent with the position adopted by officers when considering previous applications at this site, see Section 6 of the report.

4.2 The road leading to the villas will be running along the side of our property.

The predicted level of intensity of use of this driveway is not considered to be problematic in its proposed location.

4.3 Mature tree roots will be disturbed with building the road.

It is not considered that mature tree roots will be disturbed as a consequence of the access construction within the northern part of the site.

4.4 To enable the road to be built our privacy would be removed and our property would be seen from the main road. We bought this property for the privacy and quiet location. This would all be removed and would be living in a goldfish bowl.

See comments provided in paragraph 4.1 of the report.

4.5 The two villas would take away our light from the side and rear of our property.

The degree of separation of the proposed villas from adjacent properties is such that levels of daylighting would not be significantly affected to the detriment of residential amenity.

4.6 The house bordering the west of the development and the properties in Beaufield Gardens are all bungalows. Therefore, it would be more appropriate that the proposed houses are bungalows as well.

The design of the proposed dwellinghouses relates well to the existing villa. Additionally two storey houses border the application site to the north. Consequently, the dwellinghouses proposed are considered appropriate.

4.7 The two villas to be built to the rear of the existing house will destroy my privacy. Being two storeys high they will overlook my patio and garden.

See comments provided in Paragraph 4.1 of the report.

4.8 The revised access plans via Beaufield Gardens are totally unacceptable. We who live in Beaufield Gardens bought our properties on the clear understanding that it was a quiet and secluded cul-de-sac. We would not, I believe, have done so if the situation was as we now find envisaged in the new plans. We are faced with traffic passing in front of us and also round the side and down the back of our garden. In this connection there could well be 5 to 10 vehicles involved, taking into account the two blocks of properties proposed.

East Ayrshire Council's Roads and Transportation Division has not objected to the proposed development. The access from Beaufield Gardens would serve 2 4-bedroomed dwellinghouses. It is not considered that the proposed intensification of the use of Beaufield Gardens is significant enough to alter the quiet and secluded nature of the cul-de-sac.

4.9 There is no difference between the access from Irvine Road in terms of convenience – in fact the owners will have to travel much further, using Beaufield Gardens, causing unnecessary traffic in doing so. Add to that delivery vehicles from time to time and that will make matters even worse for us all.

See comments provided in Paragraph 4.8 of the report.

4.10 The orientation of the 2 villas behind/beside us has been changed to mean that they will be overlooking our back garden. This will lead to a loss of privacy. The previous plan showed the garage side-on, facing our garden, with the windows of the villas facing the Council properties and down towards the Irvine Road entrance. This again is totally unacceptable.

See comments provided in Paragraph 4.1 of the report.

4.11 We also feel that the turning circle arrangements will obviously still be needed for others using Beaufield Gardens and the entry suggested could well cause people to park in the turning area, causing more congestion. This could also be a practice adopted by the villa car owners to save going in every time and parking outside their houses.

The car parking spaces proposed for each dwellinghouse accord with standard requirements. It is not considered that residents would park in a less convenient location outwith the site in preference to the allocated car parking.

4.12 As a member of Kilmaurs Community Council, I deplore the minimal notification of these matters. Surely the whole road should have been notified

and allowed to comment in view of the traffic and other complications. Only Mr and Mrs Cook and ourselves appear to have been officially notified of their intention. I believed that there was a legislative requirement for all parties to be notified.

There appears to be a misunderstanding about the role of the Council in that we are following the legislation on this matter. Is for the applicant to carry out such notification.

The applicant has served notice on all neighbouring owners and occupiers of land in accordance with the relevant legislation. Whilst there is no requirement to notify all properties on the road, it should be noted that all members of the public have a right to make representations on planning applications.

Furthermore, it is noted that the Community Council have been consulted but have not replied at this time and that all applications received are also listed in the Council's web pages.

4.13 So far no one at your office in Croft Street seems to be able to tell us why the original entry system could not be achieved and we would be most interested to hear from you the reasons for the revisions. At the same time I would be glad to know why the villas have been re-orientated causing us to be overlooked.

Again there is a misunderstanding about the role of officers in that the application requires to be determined on its merits and the substance of the proposal. The reasons for the revisions to the villa orientation are not known to the Council, however such reasons would not be material planning considerations. Rather, it is for the Council to consider the application as revised.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (2003).

5.2 The stated purpose and function of the Approved Ayrshire Joint Structure Plan is to set out the strategic framework for the use of land. The East Ayrshire Local Plan was prepared, and later formally adopted in the context of the Ayrshire Joint Structure Plan.

5.3 The proposed development does not constitute a planning application which individually or cumulatively raises issues of more than local significance. Consequently, the proposed development falls to be considered in terms of the Policies RES 5, RES 6, RES 7, RES 22 and ENV 15 contained within the East Ayrshire Local Plan.

East Ayrshire Local Plan

5.4 Policy RES 5 states that the Council will be supportive of the subdivision of existing house curtilages for the development of dwellinghouses subject to the following criteria being met:-

- (i) The proposal is fully in keeping with the existing residential character and appearance of the area within which it is located;

The proposal is considered to be in keeping with the character and appearance of the area to a reasonable extent.

- (ii) The proposal meets all the design requirements of the Council and does not create unacceptable damage to the amenity of surrounding properties; and

See comments provided in paragraphs 4.1, 4.5 and 4.6 of the report.

- (iii) Acceptable levels of privacy are maintained to neighbouring properties and to the new housing proposed.

See comments provided in paragraph 4.1 of the report

Backland development (i.e. the erection of any dwellinghouse situated to the rear of an existing building and/or without a property road frontage) will not be permitted where, in the opinion of the Council, this would adversely affect the amenity of the area, the setting of either the proposed or original building on the site, or the amenity of neighbouring properties.

It is considered that the proposal can be achieved without adverse affect to the neighbouring area and properties.

5.5 Policy RES 6 states that, subject to the provisions of other policies contained in the Local Plan, the Council will support the sympathetic conversion of large residential properties into smaller residential units or to other residential uses of an institutional or care related nature.

The proposed conversion is considered to be sympathetic and does not affect the overall character and amenity of the building.

5.6 Policy RES 7 states that the rehabilitation or conversion to residential use of existing and traditionally designed and constructed buildings both within settlements and the rural area, will be encouraged, subject to proposals meeting all of the following criteria:-

- (i) the Council will require to be satisfied that the structural condition of the building is suitable for its conversion to residential use;

This Division is satisfied that the structural condition of the buildings is suitable to permit this conversion.

- (ii) the proposal is capable of being implemented, to at least eaves level, whilst retaining the existing external walls of the building. Any extension shall be limited to a maximum of 50% of the ground floor area of the existing building and a minimum 50% of the external wall area in the completed conversion/rehabilitation shall be formed from the external walls of the original building;

The proposed extension to the coach house measures only 31.5% of the existing ground floor area and the existing external wall fabric accounts for considerably more than 50% of the proposed completed external wall area. The proposal therefore meets this criterion. No extension is proposed to the villa.

- (iii) the development meets the service requirements of all appropriate statutory undertakers and the Council as Roads Authority;

The consultation responses do not indicate that the application should be refused.

- (iv) the proposal is fully in keeping with the character and appearance of the area within which it is located;

The proposed conversions are considered to be in keeping with the character and appearance of the area.

- (v) the proposal meets all the design requirements of the Council and reflects the style and design of the original building located on the site; and

The proposed conversions reflect the style and design of the original buildings.

- (vi) the proposal does not damage the architectural integrity of the building and reuses wherever possible any existing traditional building materials found on site.

It is considered that the proposed conversions would not damage the architectural integrity of the building. Sympathetic materials are proposed.

5.7 Policy RES 22 states that all developers will require to observe the minimum open space criteria and standard details in Schedule 4 of the Local Plan. The standards quoted may however, be relaxed at the discretion of the

Council in respect of the conversion of existing properties to flats where the case such a relaxation can be fully justified by the developer and where considered appropriate by the Planning Authority.

All the dwellings proposed meet the minimum private open space standards contained within the Local Plan.

5.8 Policy ENV 15 states that the Council will actively seek to preserve and supplement existing broadleaf and native tree species throughout East Ayrshire, including the protection of those individual, groups and area of trees which contribute significantly to the landscape quality of both the built and rural environment, through the serving of Tree Preservation Orders.

The applicant proposes to fell a single Horse Chestnut tree which forms part of the TPO. A report has been submitted on behalf of the applicant by a qualified tree surgeon which states that the tree is in poor condition and has caused some damage to the coach house. Subject to appropriate landscaping being implemented within the site to bolster existing tree cover, it is considered that the loss of this tree is tolerable.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses, the representations received and the planning history of the site.

Consultation Responses

6.2 The consultation responses do not indicate that the application should be refused.

Representations Received

6.3 The representations received have been summarised in Section 5 of the report. Some of the points of objection raised can be ameliorated by the imposition of appropriately worded conditions should planning permission be granted.

Planning History

6.4 02/0381/FL: A planning application for the proposed sub-division of existing detached villa to 2 flats, conversion of coach house to 1 no. dwelling and erection of 2 no. new two storey dwellings with attached garages was withdrawn on 20 January 2003.

This application proposed access to all the properties from Irvine Road using a single access point. It is understood that appropriate visibility splays could not be achieved to Roads requirements on land within the applicant's control.

- 6.5 03/0030/FL: A planning application for the proposed sub-division of existing detached villa to 2 flats, conversion of coach house to 1 no. dwelling, erect 2 no. new two storey dwellings with attached garages, relocation of driveway and alterations to achieve sightlines was submitted on 14 January 2003.

This application envisaged a single point of access from Irvine Road. Due to difficulties involved in achieving appropriate roads geometry, this application has been sisted at the applicant's request, pending determination of Application Ref. No. 03/0927/FL.

7. FINANCIAL AND LEGAL IMPLICATIONS

- 7.1 There are no financial or legal implications for the Council in the determination of this application. The applicants have indicated that they are owners of the site.

8. CONCLUSIONS

8.1 As indicated in 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. As is indicated in Section 6 of the report, there are material considerations relevant to this application. It is considered that, on balance, the representations are not of sufficient weight to justify refusal of the application contrary to the terms of the development plan.

8.2 To ensure that the proposed development meets with the provisions of the East Ayrshire Local Plan and the issues raised by consultees, appropriately worded conditions require to be attached to any planning permission granted.

9. RECOMMENDATION

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

CONTRARY DECISION NOTICE

Should the Committee agree that the application be refused 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 such a decision would not represent a substantial departure from Council policy.

Alan Neish
Head of Planning and Building Control

12 February 2004 (RD/SA)
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).
7. Planning Application Ref. 02/0381/FL.
8. Planning Application Ref. 03/0030/FL.

Anyone wishing to inspect the above background papers should contact Robert Duncan on 01563 576771.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0927/FL

Site of Proposal:	52 Irvine Road KILMAURS
Nature of Proposal:	Proposed sub-division of existing detached villa into 2 flats, conversion of coach house to 1 no. dwelling, demolition of existing nursery, erection of 2 no. new dwellings with attached garages
Name & Address of Applicant:	Messrs Craig and Naismith C/o The Studio 1A Osborne Crescent GLASGOW G74 5AE
Name & Address of Agent:	GLG Design The Studio 1A Osborne Crescent GLASGOW G74 5AE

DPOs Reference: RD/SA

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

(1) Apart from where the conditions listed below require otherwise, the proposed development shall be carried out in accordance with the application form received on 15 October 2003 and the stamped approved and amended plans.

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

(2) Notwithstanding the terms of Condition 1 above, prior to the commencement of works on site, samples of all materials to be used for the external finishes of the building and surfaces of the internal access road and parking spaces shall be submitted to and approved in writing by the Council as Planning Authority and thereafter implemented as approved.

REASON To ensure that full details of all the external finishes of the buildings and internal roads and parking spaces, including colours, are agreed in the interests of visual amenity.

(3) Notwithstanding the terms of Condition 1 above, prior to the commencement of works on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved in writing by the Planning Authority. Prior to the occupation of any flats or dwellinghouses within the site, the SUDS arrangement approved under the terms of this condition shall be installed and fully operational.

REASON To ensure the provision of adequate surface water drainage within the site.

(4) Construction works shall take place only between 8.00 a.m. and 6.00 p.m. Monday to Friday, and between 9.00 a.m. and 5.00 p.m. on Saturday. No such works shall be undertaken at any time on Sunday.

REASON In the interests of the residential amenity of the surrounding area.

(5) Notwithstanding the terms of condition 1 above, a landscaping scheme shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any development, and shall be implemented as approved not later than the next appropriate planting season after the development has been carried out, and shall be maintained thereafter to the satisfaction of the Council as Planning Authority.

REASON To ensure that adequate landscaping is provided within the site and that it is subsequently maintained, in the interests of residential and visual amenity.

(6) Notwithstanding the terms of Condition 1 above, prior to the occupation of any of the flats or dwellinghouses to which they relate, vehicle car parking spaces shall be provided in accordance with the approved plans.

REASON To ensure appropriate parking facilities are available within the site for incoming residents.

(7) Notwithstanding the terms of Condition 1 above, details of the location, design and finishes of all bin stores to be erected on the site shall be submitted to and approved in writing by the Planning Authority before any development commences on the site. These stores shall be designed to take account of the introduction of a 3 bin recycling system and shall be formed prior to the occupation of the units hereby approved.

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

(8) Notwithstanding the terms of Condition 1 above, details of the location, design and construction of all fences and walls to be erected on the site shall be submitted to and approved in writing by the Planning Authority before any development commences on site and thereafter implemented as approved.

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

(9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any other order or enactment replacing this, no extensions or garages (unless forming part of the approved layout plan) shall be erected on site unless a further specific planning application is submitted to and approved by the Planning Authority.

REASON To enable the Planning Authority to ensure that such structures are provided in a manner compatible with the visual amenity of the area.

(10) Other than those trees indicated on the approved plan, no further 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.

(11) No demolition, site clearance or building operations shall be commence until chestnut pale fencing of a height not less than 1.2 metres has been erected around the trees shown outlined in green on the approved plans as being retained on site. The fencing shall enclose either:

- (a) the area described by the limit of the spread of the branches of the tree; or
- (b) a radius of 5 metres from the trunk of the tree, whichever is the greater

Such fencing shall be maintained during the course of development, and no storage, site structure, parking or any other operation shall be permitted within the area hereby enclosed.

REASON To ensure the retention of the maximum number of trees on the site and their protection from damage in the interests of visual amenity.

NOTES TO APPLICANTS

1. Prior to the commencement of development on the site, the applicant should satisfy himself as to the suitability of the site for construction purposes.
2. A copy of the consultation responses received from Transco and The Coal Authority are attached. The developer is strongly advised to note same and take any appropriate recommended action.

3. SEPA have advised that all drainage arrangements should be made to the public sewer and consideration given to the use of Sustainable Urban Drainage System (SUDS) techniques for the disposal of surface water. SEPA have further advised that any waste arising should be disposed of at a suitably authorised site. The developer is advised to contact SEPA at their East Kilbride Office, Redwood Crescent, Peel Park, East Kilbride, G74 5PP, Telephone 01355 574200, particularly with regard to confirming the consequences, if any, of surface water drainage connection to the public sewer.
4. The applicant should make early contact with Scottish Water to discuss drainage arrangements, at their office at 35 Glenburn Road, Prestwick, KA9 2NS, Telephone 0845 601 8855.
5. Following the advice in Note 4 above, the developer 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 arrangements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA in March 2000. The developer should not assume that East Ayrshire Council will undertake maintenance unless there is a site specific agreement to that effect. Where the developer makes his own maintenance arrangements, the Council will require to be convinced that these will work without impact on Council interests.
6. The applicant will require to secure the necessary Roads Construction Consent, details of which should be discussed with the Roads and Transportation Division of East Ayrshire Council.
7. The applicant should contact Scottish Power to discuss alteration/ protection of their apparatus within the site.

**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.**