

EAST AYRSHIRE COUNCIL

SPECIAL NORTHERN LOCAL PLANNING COMMITTEE: 15 JUNE 2011

09/0098/OL: RESIDENTIAL DEVELOPMENT, INCORPORATING MEANS OF ACCESS, COMMUNITY INFRASTRUCTURE, OPEN SPACE AND STRUCTURAL LANDSCAPING, EARTHWORKS, SUDS INFRASTRUCTURE AND ASSOCIATED WORKS AT IRVINE ROAD, KILMARNOCK BY LANDS IMPROVEMENT

Report by Head of Planning and Economic Development

Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/caseFile.do?category=application&caseNo=09/0098/OL>

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Planning permission in principle is sought for residential development on the site, incorporating the means of access; infrastructure; open space; structural landscaping; etc, to form the rudiments of development on site. There are no detailed plans or layouts due to the application being in principle; however an Environmental Statement (ES) was produced and the various consultees commented on this.

1.2 The ES covered topics such as ground and drainage conditions, air quality, noise impact, cultural heritage, flora and fauna, renewable energies, landscape and visual impact, archaeological impacts, as well as socio-economic impacts of the proposal.

1.3 To further support the application, a planning statement and a framework/ Masterplan document, which outlines the visions for the planned development of the site, was also included. This document, whilst indicative at present, provides a comprehensive and co-ordinated development strategy for the residential area, in order to avoid piecemeal development. This will be viewed as an overarching document that will tie all the portions of land together. Further detailed applications would be anticipated in time to develop sectors of the land in accordance with this planned approach, allowing the site to progress in a flexible manner.

1.4 Community consultation on the proposal was held in the summer of 2008, and the Masterplan prepared in conjunction with the community feedback on the proposal. The comments received during the community consultation process echo many of the issues raised in the representations to this application, which will be discussed at Section 4, below.

1.5 The proposed spine road will run from a new junction on the Irvine Road, to the east of the existing C class road which runs between Bonnyton Road and Irvine Road. This new spine road would run in a northerly direction through the site, with two secondary estate roads serving the rest of the site. Bonnyton Road (in part) will require to be stopped up and re-routed via these secondary roads to ensure permeability through the site. Detailed internal road design would be the subject of later applications for approval. It is proposed however, that a haul road for construction traffic would be constructed along the site of the spine road, so that construction traffic is segregated from the surrounding road network.

1.6 It is anticipated the overall site would be split into distinct sectors to allow development to go ahead with a certain degree of flexibility given the current economic climate. A detailed phasing plan would be sought from the applicants as part of this approval if Members decided to grant consent. This would allow the developer to plan the site with additional flexibility, to take account of the current economic climate and downturn in housebuilding, whilst allowing the site to progress. Two SUDS ponds are proposed for the site and would form part of the woodland planting on the western edge of the site, giving a softer and graded approach to the site from the west, with pockets of planting to the southern boundary at the new Irvine Road junction, and to the rear of the existing houses on Irvine road. To the north, the site would link into the National Cycle Network.

1.7 Areas of landscaped open space are also proposed along the part of Bonnyton Road proposed to be stopped up, along the core distributor road, centrally within the site, and as a linked space between the eastern edge of the site and the existing houses in Bonnyton at Brodick Road. Paths will be provided throughout the landscaped and woodland areas. Off Bonnyton Road, an area for a neighbourhood centre is proposed, with commercial and community facilities central to both Fardalehill and the western side of Bonnyton. Play facilities will also be proposed in the centrally located landscaped areas, albeit these features would be part of subsequent detailed applications.

1.8 The indicative number of houses on the site is 500 units, in line with the East Ayrshire Local Plan 2010, and in accordance with the Ayrshire Joint Structure Plan Policy COMM3 (Housing land Release). Within the Masterplan, densities are proposed at a lower rate towards the open land to the west and north of the site, middle densities to the east and central parts of the site, with higher density to the core of the site around the central open space with village green and community facilities. Lower density areas will average 20-30 units to the hectares with a maximum height of 10 metres; medium density areas 30-40 to the hectare at a maximum height of 14 metres, and the higher densities will be averaging 40-50 units per hectare, maximum height 18 metres, albeit these figures are only an indication at present.

1.9 The Strategic Planning Guidance within the Masterplan would be given a level of legal status to ensure the subsequent applications were designed in

accordance with the overarching principles for the site. This could be covered by condition should Members grant consent.

1.10 The overall scheme is planned with renewable energies for ground source heat pumps and solar hot water panels, albeit as with other elements, such finer details would be subject to subsequent applications, but is an indication of the how the site would meet the Scottish Government's Policy guidelines for renewable energies.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet but that the issue of the decision notice should be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in Paragraph 5.6 and 7.1 of this report.

3. CONCLUSIONS

3.1 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.

3.2 As detailed previously in this report the proposal is considered to be in compliance with the applicable policies in the Development Plan at this stage. The material considerations are generally supportive of the proposal with the exception of the objections; however as stated above, the key concerns of the objectors are considered to have been adequately addressed through the imposition of appropriate conditions, or are not valid grounds of objection, or do not carry sufficient weight to justify refusal of the application.

CONTRARY DECISION NOTE

Should the Committee agree that this application be refused contrary to the recommendation of the Head of Planning and Economic Development then the application will require to be referred to the Council as it would represent a significant departure from Council policy.

Alan Neish
Head of Planning and Economic Development

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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1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for planning permission which is to be considered by the Local Planning Committee under the scheme of delegation as the application represents a major development under The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises an area of agricultural ground associated with Fardalehill Farm, essentially lying between Crosshouse Hospital and the western edge of Bonnyton in Kilmarnock. The site will be accessed from Irvine Road. The application site measures 29 hectares, or for comparison, almost 70 acres.

2.2 **Proposed Development:** Planning permission in principle is sought for residential development on the site, incorporating the means of access; infrastructure; open space; structural landscaping; etc, to form the rudiments of development on site. There are no detailed plans or layouts due to the application being in principle; however an Environmental Statement (ES) was produced and the various consultees commented on this.

2.3 The ES covered topics such as ground and drainage conditions, air quality, noise impact, cultural heritage, flora and fauna, renewable energies, landscape and visual impact, archaeological impacts, as well as socio-economic impacts of the proposal.

2.4 To further support the application, a planning statement and a framework/ Masterplan document, which outlines the visions for the planned development of the site, was also included. This document, whilst indicative at present, provides a comprehensive and co-ordinated development strategy for the residential area, in order to avoid piecemeal development. This will be viewed as an overarching document that will tie all the portions of land together. Further detailed applications would be anticipated in time to develop

sectors of the land in accordance with this planned approach, allowing the site to progress in a flexible manner.

2.4 Community consultation on the proposal was held in the summer of 2008, and the Masterplan prepared in conjunction with the community feedback on the proposal. The comments received during the community consultation process echo many of the issues raised in the representations to this application, which will be discussed at Section 4, below.

2.5 The proposed spine road will run from a new junction on the Irvine Road, to the east of the existing C class road which runs between Bonnyton Road and Irvine Road. This new spine road would run in a northerly direction through the site, with two secondary estate roads serving the rest of the site. Bonnyton Road (in part) will require to be stopped up and re-routed via these secondary roads to ensure permeability through the site. Detailed internal road design would be the subject of later applications for approval. It is proposed however, that a haul road for construction traffic would be constructed along the site of the spine road, so that construction traffic is segregated from the surrounding road network.

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village green and community facilities. Lower density areas will average 20-30 units to the hectares with a maximum height of 10 metres; medium density areas 30-40 to the hectare at a maximum height of 14 metres, and the higher densities will be averaging 40-50 units per hectare, maximum height 18 metres, albeit these figures are only an indication at present.

2.9 The Strategic Planning Guidance within the Masterplan would be given a level of legal status to ensure the subsequent applications were designed in accordance with the overarching principles for the site. This could be covered by condition should Members grant consent.

2.10 The overall scheme is planned with renewable energies for ground source heat pumps and solar hot water panels, albeit as with other elements, such finer details would be subject to subsequent applications, but is an indication of the how the site would meet the Scottish Government's Policy guidelines for renewable energies.

3. CONSULTATIONS RECEIVED

3.1 East Ayrshire Council Environmental Health Service (Contaminated Land Section) has identified the site as having the potential for soil contamination to be present and has therefore recommended a site investigation be carried out prior to any development taking place on site.; an accompanying remedial report that any required subsequent works have been carried out.

Appropriate conditions can be attached to any consent granted for the proposed development to meet the requirements of the Contaminated Land Section.

3.2 East Ayrshire Council Environmental Health Service has advised on standard conditions regarding noise, waste and drainage.

Appropriate conditions can be attached to any consent granted for the proposed development to meet the requirements of the Environmental Health Service.

3.3 East Ayrshire Council Roads and Transportation Service has no objections on the internal road layout but recommends that additional connections be provided into the existing residential road network, in the form of emergency links to Stirling Avenue, Carmel Avenue and Sannox Road. The haul road, proposed over the site of where the spine road will be sited, will ensure the existing road network is not subjected to large amounts of construction traffic.

The internal road network will be the subject of more detailed applications at a later date, and any issues raised by the Roads and Transportation Service are likely to be the subject of conditions should Members decide to grant consent. The new

traffic distributor road and all other areas of the proposed development that are expected to fall within the likely adoption limits will require Road Construction Consent approvals prior to any work commencing on site.

Accessibility:

The main point of access to the site is proposed via a new roundabout on the B7081 Irvine Road. Additional accesses to the site will be linked via the urban and rural sections of Bonnyton Road. The internal spine road will be constructed to traffic distributor road standard with an adjacent swale and remote cycleway.

The following pedestrian infrastructure alterations identified within the Transport Assessment will be required to facilitate pedestrian trips to and from the development:

- The missing sections of footway along the south side of the existing B7081 Irvine Road between the Dalespark Roundabout and the Irvine Road / Munro Avenue Junction. This footway will require to be designed to provide a continuous 2m link. In addition the short existing footway sections along this length will require to be upgraded to 2m also.
- The existing footway along the north side of the existing B7081 Irvine Road between the Dalespark Roundabout and the Irvine Road / Munro Avenue Junction will also require to be upgraded to provide a continuous 2m link.
- Bus stops will require to be constructed on Irvine Road in the vicinity of the development. These will require to be installed complete with all necessary infrastructure, including shelters, raised height kerbs and Real-Time Passenger Information displays.
- The existing 30mph speed limit on the B7081 should be extended from Annanhill Golf Course westwards to beyond the proposed roundabout site access. A 40mph speed limit should then be provided to cover the section from immediately west of the new roundabout access to the existing 30mph limit on the approach to Crosshouse Hospital. The developer will be responsible for all costs associated with the promotion and implementation of the necessary speed limit orders.
- The rural section of Bonnyton Road which will run through part of the proposed site will also require to have its speed limit amended to a 30mph limit. Again, as above, the developer will be responsible for all costs associated with the traffic regulation order.
- Internally, the various elements of the development will be designed as suitable for 20mph zones with appropriate in-built traffic calming measures to ensure compliance with a 20mph speed limit.

Sustainable Transport Options:

The surrounding road network is, in general, well catered for with existing footways, although as previously noted there are currently missing sections of

footway on the B7081 that will require to be constructed. Additionally, there are some existing sub-standard sections of footway on the B7081 which will require to be upgraded. The links connecting the proposed footpaths and footways within the development to the existing public road network are considered acceptable.

The development would have good links to the N73 national Cycle Route. The unclassified U35 along the western site boundary would be reconfigured to provide a joint footpath / cycle facility which would be linked into the N73.

The development is within reasonable walking distance of existing bus routes which provide a good service to and around the local area. In addition bus infrastructure improvements will be carried out on both directions on the B7081 Irvine Road. All new bus stops would require raised height boarding kerbs and bus shelters to the council's standards along with full RTP1 provision. In addition, the developer should consult with SPT and local bus operators to investigate the potential to extend or divert existing bus services to within the site.

Conclusion:

The foregoing presents a summary of the Transport Assessment prepared in support of the proposed Fardalehill development. The proposed development is considered acceptable on traffic and accessibility grounds subject to the agreement of conditions requiring the developer to provide appropriate off-site road improvements, footway works, and cycle facilities. The delivery of off-site works will be dependent on the proposed construction phasing for the site and must be agreed with the Council as part of an Infrastructure Delivery Plan; however, it would be permissible for an initial 50 houses to be constructed prior to submission and agreement of the Infrastructure Delivery Plan.

All the above points can be covered by condition should Members decide to grant consent. The junction analysis is included as an appendix for Member's interest.

3.4 East Ayrshire Council Roads and Transportation Service (Flooding Section) notes that a Drainage Impact Assessment and Flood Risk Assessment was submitted in support of the application, and Council officers and the applicant have undertaken a number of meetings to reach agreement on any matters in contention.

There are no outstanding issues and all points can be covered by condition, or by advisory note should Members decide to grant consent.

3.5 East Ayrshire Council Leisure Services have noted there are no rights of way or core paths within the site, but there are plans in conjunction with Ayrshire and Arran Health Trust and Crosshouse Community Council to develop a route from Crosshouse to National Cycle Route 73, which follows

the dismantled railway line to the north of the site, and will provide safe off-road access locally as well as to the wider network of routes.

This area is outwith the site boundary but is in land under the control of the applicant, and can be dealt with by advisory note.

3.6 Historic Scotland has no comments to make on the proposed development

3.7 The Health and Safety Executive (PADHI) has not advised against the granting of planning permission in respect of the development.

3.8 NHS Ayrshire and Arran have noted they require to maintain access to acute services at Crosshead Hospital at all times, specifically that services and infrastructure are not affected by the development. Also, the increase in volume of traffic during and after the site development is of concern. In terms of primary care, i.e. local services such as doctor or dental provision, there is concern as to how NHS Ayrshire and Arran will be able to provide for this increased level of population.

It is a matter for the developer to ensure there are no disruptions for infrastructure and acute care access to Crosshouse Hospital by having safe practices in place at the time of construction. This would be a matter for the Roads Authority and, if required, Strathclyde Police to enforce. With regard to the overall increase in volume of traffic post construction, as well as the issue of primary care provision, this should have been more appropriately raised during the Local Plan preparation. Fardalehill is an identified housing site in the adopted East Ayrshire Local Plan 2010 (EALP), and therefore deemed under that process to be acceptable for housing release.

3.9 The Scottish Environment Protection Agency has no objection in terms of flood risk, provided that conditions are attached to any consent on issues relating to:

- culverting;
- no development in the 200 year floodplain;
- at detailed stage, provision of drawings confirming finished floor levels, site levels and road levels, flood relief pathways and SUDS schemes are incorporated to any future consents. Foul drainage and surface water have also been considered.

These issues can be covered by condition or by advisory notes to the applicant.

3.10 Ayrshire Joint Planning Unit note that the site is allocated for housing in the EALP, and that there are no strategic planning issues raised by the proposal, but in line with retailing policy, it should be ensured the

neighbourhood centre be appropriately limited to that commensurate with local retail provision.

This can be covered under the submission of any later detailed applications.

3.11 West of Scotland Archaeological Service (WOSAS) note the Environmental Statement contained a section on the assessment of the proposal on the archaeological and cultural heritage of the site, involving both a desk top study and some 269 trial trenches, and WOSAS have indicated the potential for additional buried deposits beyond those identified in the Environmental Statement is likely to be minimal. WOSAS have also suggested a negative suspensive condition be imposed, whilst recognising the extensive trenching taken place already.

The applicants have already undertaken extensive archaeological works and West of Scotland Archaeological Service have indicated any additional buried deposits beyond those identified are likely to be minimal. It is considered an additional condition requiring further trenching works in unduly onerous in this instance; however, this can be added should Members decide to grant consent.

3.12 The Coal Authority has no objections but indicates the site has been subject to past mining activity, and recommends a full mining report is obtained with a full site investigation.

3.13 Scottish Natural Heritage has no objections to the proposal but recommends conditions being imposed to minimise any adverse impacts arising for the proposal. In particular, hedgerows as ecological boundaries should be retained wherever possible.

3.14 Scottish Power Energy Networks have no objections and advise on apparatus in the area.

3.15 Scottish Gas Networks have advised that the building proximity distance in relation to the High Pressure Gas Pipeline is 21 metres, albeit this distance can be varied by the Health and Safety Executive.

This will be contained in any detailed planning applications, should Members grant consent.

3.16 Bonnyton Community Council has objected on the grounds that the development proposes 550 units, when the Housing Allocation site is earmarked for 450 in the East Ayrshire Local Plan.

The number of houses is indicative at present, and the application only proposes residential development in principle. Actual house numbers will be determined when detailed applications are lodged at a later stage.

3.17 Transport Scotland (TRNMD) offers no comment on the Environmental Statement as the proposed development is likely to cause minimal environmental impact on the trunk road network.

4. REPRESENTATIONS

4.1 In addition to the objection received from Bonnyton Community Council as noted in Section 3.16 above, 16 letters of representation from 20 signatories have been received in connection with this application raising points of objections, the details of which are summarised below:

4.2 The open outlook from the existing adjacent houses in Bonnyton will completely destroyed.

Fardalehill is identified as site 318H in the adopted East Ayrshire Local Plan 2010. During the local plan preparation process, objections to the inclusion of this site were received and were examined by Reporters appointed by Scottish Ministers during the local plan examination which took place between December 2009 and June 2010. The Reporters' findings were that the site would remain as a Housing Allocation site. Specific site designs will not be forwarded until any detailed applications are received, however, the principle of development for residential use on this site has already been contained within the EALP.

Notwithstanding the above comments, the right to a view or outlook is not a valid ground of objection to the proposed development.

4.3 The site has been subject to various mine workings, shafts, subsidence, flooding, etc, and the ground may not be suitable for development.

This issue of site stability has been investigated extensively for the consulting engineers and the ground has been found to be suitable for development. The Coal Authority has been consulted on the application and offers no objections. Ultimately, it is the applicant's responsibility to ensure the ground is suitable for development.

4.4 There are birds using the large standing water on the site, and there may be protected wildlife that would be displaced by this proposal.

A survey of the site was carried out prior to the application being lodged, in terms of the accompanying Environmental Statement. The only protected species of flora or fauna which were found were Pipistrelle bats, albeit there are no roosting opportunities on

the site. The Environmental Statement also notes there are no rare or notable habitats within or adjacent to the site.

Scottish Natural Heritage has assessed the site and noted any development of the site will not impact any areas of national or international importance, nor will it impact on irreplaceable or fragile habitats or species. On investigation, no signs of any protected species were found on the site. SNH welcomes the additional woodland buffers that will be proposed and notes these will provide a benefit to local wildlife.

4.5 The site being developed will affect the value of my house adjacent.

This is not a material planning consideration in the determination of this application.

4.6 There are empty houses already in Kilmarnock. Why build more houses if these others have not sold?

The development of this site is part of a long term plan in terms of housing allocation which has already been taken account of and ratified in the housing allocation levels in the Development Plan. House building (and purchase) are at times cyclical and are affected by the economic climate and peaks and troughs are experienced over any given period of time.

4.7 We object to the building of a play park in close proximity to our house.

The detailed plans for the location of play parks, or indeed, the location of any further houses, have not yet been submitted to the Planning Authority for consideration as this application is for planning permission in principle. These elements would be the subject of later detailed planning applications.

4.8 Building new houses in Kilmarnock will not serve to keep new residents from spending money outwith Kilmarnock. People will just go to Glasgow as it is only 20 minutes distance by car.

New houses built in Kilmarnock will only assist in trying to keep spending in Kilmarnock and the local area in general. Whilst it is a continual drive to try to keep local money within Ayrshire in general, residents will undoubtedly still contribute to the local economy in a range of ways.

4.9 Any build programme will involve civil engineering around the site including Bonnyton Road, causing dangers to other road users.

This concern would be considered by Roads and Transportation Service under any Construction Management Plan agreed for the site through the requisite Roads Construction Consent process;

however, the applicant has agreed to construct a haul road on the site from the adjacent C class road, which will become the spine road at a later date. This would be used for construction traffic, thus segregating heavy traffic from Bonnyton Road and minimising potential road safety impacts.

4.10 Has a traffic management plan been submitted based on counts as very often roundabouts do not work?

This is a sweeping, and inaccurate, generalisation which is not based on any evidence. A Transport Assessment has, however, been submitted, which indicates that all surrounding junctions, with modifications where necessary, will be able to accommodate the proposed development.

4.11 The SUDS scheme is tiny compared with the site.

The SUDS part of the proposal has been designed in accordance with the overall Drainage Plan for the site, and is one element in a range of factors already considered by the Council's Flood and Drainage engineers.

4.12 What about the existing levels of privacy I am entitled to?

Privacy levels as per the development guideline standards would be considered under any detailed application when submitted.

4.13 Concerns have been raised in terms of the landscape impact of the proposal; the coalescence of the western edge of Kilmarnock with Crosshouse; and distance of the residential development site from local services.

During the local plan preparation process, objections to the inclusion of this site were received which related to, amongst other things, the coalescence of Kilmarnock and Crosshouse and a landscape capacity study shows that a portion of the local plan site at Fardalehill was not included as being suitable for residential development in landscape terms. These objections were examined by Reporters appointed by Scottish Ministers during the local plan examination which took place between December 2009 and June 2010.

In the Reporters conclusions it is acknowledged that the bulk of the site has medium to low landscape sensitivity to development and classes it as an area with potential for development in landscape capacity terms and that the western part of the site extends beyond the indicative landscape area shown in the study.

On balance, the Reporters stated they were satisfied that a release of the extent proposed adequately avoids physical coalescence

between Crosshouse and Kilmarnock, and that the provision of woodland planting along the western boundary of the site ought to adequately contain the settlement edge of Kilmarnock, thereby avoiding visual coalescence. The Reporters recommended that the Fardalehill site should remain in the local plan.

It is therefore considered that the above issues raised in the objection to this planning application have already been resolved by the Reporters during the local plan examination and that this site was deemed to be an acceptable site for residential development both in terms of landscape capacity and coalescence issues.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 For the purposes of this application the development plan comprises the Adopted East Ayrshire Local Plan (EALP) 2010 and the Ayrshire Joint Structure Plan 2007.

East Ayrshire Local Plan

5.2 Strategic Policy RES1 states that the Council will encourage and support the residential development of those Development Opportunity Sites identified for housing purposes on the individual local plan maps. The sites identified will be specifically reserved for residential development at the indicative capacities indicated, with development taking place in line with any phasing programme as may be stipulated or agreed for the sites in question.

5.3 The Council will particularly encourage and support the development of housing sites which provide an appropriate and diverse range of housing types and tenures, catering for various segments of the housing market and meeting a range of different housing needs. Mixed use proposals, providing housing development along with other sympathetic associated development, such as local retail units and leisure and recreational uses, will be particularly supported by the Council, in appropriate locations.

The application site is reserved for residential development in the Local Plan Alteration as Site 318H with a capacity of 450 units (50 units are scheduled for development post 2017). Actual house numbers would require to be determined in accordance with this policy in any subsequent applications.

5.4 Policy RES23 states that the Council will require all housing developers to provide areas of recreational and amenity open space as an integral part of their development proposals and to ensure that the location of all such areas is addressed as a primary consideration in the preparation of any housing layout design. All open space, and particularly those areas of open space containing play equipment, should be located in accessible positions which are centrally located within the housing layout and open to public view. The

provision of public open space in peripheral, backland locations will not be considered acceptable.

As the proposal is in outline, it is not possible to determine if the proposal complies with the public open space provisions of the Local Plan; however, any subsequent applications would be assessed against the same policies to ensure compliance with this element.

5.5 Policy RES26 states that all developers for new housing developments will be required to observe the minimum private open space criteria and standards detailed in Schedule 5 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 where the case for such a relaxation can be fully justified by the developer and where considered appropriate by the Planning Authority.

As the application is in outline, it is not possible to determine if the proposal complies with the private open space provisions of the Local Plan Alteration; however, as above, this would be considered at any detailed stage.

5.6 Policy RES29 states that The Council will require all potential developers of residential sites comprising four or more houses to make an appropriate financial and/or non-financial contribution towards the provision of any new or expanded facilities, amenities or associated community initiatives as may be required to meet the needs of any future populations introduced to the area as a direct result of the proposed development itself. Developer contributions will be required by means of a Section 75 or other appropriate agreement between the applicant and the Planning Authority in line with the provisions of Circular 12/1996 and in accordance with the provisions of the Council's Supplementary Planning Guidance relating to developer contributions.

As the applicant has not detailed the exact number of residential units that are to be erected on the site, it is not possible to calculate the exact financial contribution that the applicant will have to provide. Nevertheless, the developer will be required to enter into a legal agreement with the Council to ensure that these monies are paid at an appropriate future date.

5.7 In summary, as the application is in outline, it is not possible to determine if the proposal complies with the detailed policies RES 23 and RES 26 of the East Ayrshire Local Plan but in terms of the principle of the application, the proposal accords with the Development Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The material considerations relevant to the determination of this application are the consultation responses, the letters of objection, the impact on the amenity of the area, the applicant's supporting statement and Scottish Planning Policy.

Consultation Responses

6.2 No issues have been raised in the consultation process which warrant refusal of the application, and there are no outstanding issues that cannot be addressed through the imposition of appropriate by conditions in any consent granted for the proposed development.

Letters of Representation

6.3 The issues raised by the objectors generally relate to the principle of development on this land, and issues relating to the detailed layouts, which are not part of the consideration of the present application for planning permission in principle. The principle of development for residential purposes on this site has already been established within the adopted East Ayrshire Local Plan 2010, which has been the subject of an extensive consultation process, and independent examination by the Scottish Ministers. A recommendation not to approve residential use on this site would be a significant departure from Council policy.

Impact on the amenity of the area

6.4 The proposal will have some affects on the amenity of the surrounding area as it effectively extends the western edge of Kilmarnock by up to some 500 units. It is however, considered that appropriate screening and boundary treatments will be pursued where the site meets with adjacent residential property, when any detailed applications are received. Similarly, building designs, heights, densities, materials etc, and landscaping of the site will be also be considered at a later date.

Supporting Statement by the Applicant

6.5 The agent for the applicant submitted a statement letter in support of their application, noting that the site is an identified housing allocation site in the adopted EALP, indicating that the proposal accords with Scottish Planning Policy as part of a planned release of land for local housing purposes, in line with the development plan. Having been through a relatively thorough Environmental Statement for the site, which covers a wide range of issues, overall, the applicants have submitted a detailed analysis of the site at an early stage, in order that it is developed in a comprehensive manner.

Scottish Planning Policy (SPP)

6.6 SPP is the over-arching national guidance on planning topics, and is a material consideration in the assessment of planning applications. Through the promotion of efficient use of land and buildings within existing settlements, SPP notes that national policy should identify housing need and demand on a consistent and robust basis through the development plan system; the use of the planning system to facilitate the construction of well-designed, good-quality housing in sustainable locations; and the creation of high-quality places, which support the development of sustainable communities.

6.7 In October 2010, advice was issued to Scottish Planning Authorities on Scottish Ministers' views on the provision of new housing and maintaining a supply of land in the right places which is free of all constraints and can be developed. It was stated that the role of the planning system is to enable the development of well designed, energy efficient, good quality homes in sustainable locations, with housing development an important contribution to the Government's overarching objective of increasing sustainable economic growth.

6.8 In March 2011, the Chief Planner for the Scottish Government wrote out to all Planning Authorities to note that authorities should be mindful of the importance the Scottish Government places on removing constraints to the development of housing land in the current economic climate, and that Councils should be flexible in dealing with affordable housing in their plans. There is currently no Affordable Housing policy within the 2010 EALP.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 The applicant would be obliged to enter into a legal agreement with the Council to ensure a commitment to developer contributions once the number of units is agreed, in accordance with the Local Plan policies.

7.2 Section 59(5) of the Town & Country Planning (Scotland) Act 1997 (as amended by Section 21 of the Planning etc (Scotland) Act 2006, introduces a provision that allows the application for detailed matters to be made for different matters and different parts of the development to be made at different times, thus allowing the site to be built out in a flexible manner, similar to the popular site at Moorfield, to the south. This, and all other matters can be covered by the imposition of planning conditions.

8. CONCLUSIONS

8.1 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.

8.2 As detailed previously in this report the proposal is considered to be in compliance with the applicable policies in the Development Plan at this stage. The material considerations are generally supportive of the proposal with the

exception of the objections; however as stated above, the key concerns of the objectors are considered to have been adequately addressed through the imposition of appropriate conditions, or are not valid grounds of objection, or do not carry sufficient weight to justify refusal of the application.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet but that the issue of the decision notice should be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in Paragraph 5.6 and 7.1 of this report.

CONTRARY DECISION NOTE

Should the Committee agree that this application be refused contrary to the recommendation of the Head of Planning and Economic Development then the application will require to be referred to the Council as it would represent a significant departure from Council policy.

Alan Neish
Head of Planning and Economic Development

MF/HM
07 June 2011

FV/HM

LIST OF BACKGROUND PAPERS

1. Application forms and indicative Masterplan.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Letters of Representation.
5. East Ayrshire Local Plan 2010.
6. Ayrshire Joint Structure Plan 2007.
7. Scottish Planning Policy (SPP).

Anyone wishing to inspect the above papers should contact Marion Fergusson, Senior Planning Officer on 01563 576769.

Implementation Officer: Hugh Melvin

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 09/0098/OL

Location Land at Fardalehill, West of Bonnyton,

Nature of Proposal:

Name and Address of Applicant: Lands Improvement
1 Buckingham Place
LONDON SW1E 6HR

Name and Address of Agent

Officer's Ref: Marion Fergusson
(01563) 576779

The above application for PLANNING PERMISSION IN PRINCIPLE should be granted subject to the following conditions:

Direction under Section 59 (5) of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc, (Scotland) Act 2006

Duration of Consent

The Council as Planning Authority hereby directs that formal application(s) for the Approval of Matters Specified in Conditions as specified below shall be submitted to, and approved by, the Planning Authority before commencement of development. For the proposed phased development hereby approved, the first application for Approval of Matters Specified in Conditions shall have been made no later than 5 years from the date of this permission and all such subsequent applications for the totality of this proposed development shall have been made not later than 14 years from the date of this permission or, if later, within 6 months from when an earlier approval for the same matters was refused or dismissed on appeal. Notwithstanding this, the proposed development shall be commenced within 2 years from the date of approval of the first application for such matters.

Justification – The Council has made this direction having had due regard to regard to the provisions of the development plan and other material considerations relevant to the proposed development, and to enable the Planning Authority to control the development in detail in compliance with

Section 21 of the Planning etc. (Scotland) Act 2006, and Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended)

1. The development hereby permitted shall be carried out in general accordance with the following documents unless otherwise agreed in writing with the Planning Authority:
 - a. The Environmental Statement;
 - b. The Drainage Impact Assessment;
 - c. The Flood Risk Assessment;
 - d. The Remediation Strategy;
 - e. The Transport Assessment;
 - f. The Strategic Design Guidance Document, dated 6th February 2009,
 - g. The approved plan reference FARHILL-APP/ARROVAL/PLAN, dated 06.06.2011

REASON: To ensure compliance with the approved documents.

2. Notwithstanding the provisions of the planning application, the maximum number of dwellings to be constructed within the development site shall not exceed 500 and the maximum number of dwellings completed shall not exceed 400 units by 2017 unless otherwise agreed in writing with the Planning Authority.

REASON: To ensure compliance with the East Ayrshire Local Plan.

3. A separate Construction Traffic Management Plan for Phase A and B of the development shall be submitted and agreed with the Council prior to commencement of works on site. Bonnyton Road shall not be used by construction traffic, unless otherwise agreed in writing by the Council.

REASON: In the interests of road safety and the operational planning of the site.

4. Prior to the construction of the 51st dwelling on site, an Infrastructure Delivery Plan shall be submitted and agreed with the Council. The Infrastructure Delivery Plan shall comprise a delivery timetable for infrastructure improvements set out in Condition 6. The approved works shall thereafter be carried out in accordance with the agreed timescales, unless otherwise agreed in writing with the Planning Authority.

REASON: In the interests of road safety and the operational planning of the site.

5. Detailed design for the infrastructure works set out below shall be submitted to and approved in writing by the Planning Authority. The identified improvements shall be implemented in accordance with the

timetable set out in the Infrastructure Delivery Plan, unless otherwise agreed in writing.

- Moorfield Development Roundabout;
- Munro Avenue/Irvine Road junction;
- Dalespark Roundabout;
- Development Access Roundabout on B7081 Irvine Road;
- Main spine road within the development;
- Footway improvements on Irvine Road;
- Combined footway/cycleway between the western boundary of the site and Dalespark Roundabout; and
- Cycle links to the N73 Cycle Route.

REASON: In order that the Planning Authority consider these aspects in detail.

6. The infrastructure works identified in condition 5 shall incorporate appropriate street lighting, geometry, footways, drainage and will require the submission of a Stage 2 Road Safety Audit for any alterations carried out by the developer under Section 56 of the Roads (Scotland) Act 1984 as per the Roads Development Guidelines. Following completion of all roads construction, a Stage 3 Road Safety Audit shall also be required.

REASON: In the interests of road safety.

7. Details of the general arrangement of works required to the infrastructure identified below, shall be submitted and approved by the Local Authority in advance of Condition 3, unless otherwise agreed in writing with the Council.

- Moorfield Development Roundabout;
- Munro Avenue/Irvine Road junction;
- Dalespark Roundabout; and
- Development Access Roundabout on B7081 Irvine Road.

REASON: In order that the Planning Authority consider these aspects in detail, and in the interests of road safety.

8. The internal development spine road shall be constructed to traffic distributor standard with an adjacent swale and remote cycleway.

REASON: In terms of compliance with the design standards in the Roads Development Guide.

9. Traffic calming measures within the development site and associated signage at the periphery, shall meet the legislative requirements of a self-enforcing 20 mph zone at locations to be agreed in writing with the

Planning Authority prior to occupation of the first dwelling in each Planning Delivery Zone.

REASON: In the interests of road safety.

10. All new roads and streets will require Road Construction Consent in terms of Section 21 of the Roads (Scotland) Act 1984 from East Ayrshire Council and submission of a road bond.

REASON: In order that the development road network is completed to an agreed standard.

11. Prior to construction of the first dwelling within each agreed Planning Delivery Zone details of resident and visitor parking levels shall be submitted to and approved in writing by the Planning Authority (based on the principles contained in Designing Streets and the Roads Development Guide). The approved details shall thereafter be implemented in accordance with the approved details prior to occupation of the first dwelling in each Planning Delivery Zone.

REASON: In terms of compliance with the parking levels and design standards in the Roads Development Guide and Designing Streets.

12. Prior to the occupation of the first dwelling, details of the new bus stop infrastructure required on the B7081 adjacent to and within the development, shall be submitted to and agreed in writing with the Planning Authority. The bus stop facilities shall include raised height boarding kerbs, shelters, and real-time bus information provision and shall be implemented in accordance with timescales agreed with the Planning Authority.

REASON: In the interests of servicing public transport provision for the site.

13. The Developer shall liaise with SPT and bus operators to explore the provision of new or extended bus services to the development site.

REASON: In the interests of securing public transport provision for the site.

14. Prior to occupation of any houses within Phase A or Phase B of the development, a detailed Green Travel Plan for each separate phase of the development shall be submitted and agreed with the Planning Authority.

REASON: To ensure compliance with Policy T6 of the East Ayrshire Local Plan.

15. The existing No Waiting/No Loading restrictions on the B7081 Irvine Road at its junction with Munro Avenue will require to be extended westwards to allow the junction to operate as proposed within the approved TA. The developer will be responsible for all costs associated

with the making and installation of the Order. These works shall be undertaken to coincide with the junction improvement works at this location as intimated in condition 6, above.

REASON: To facilitate the required junction improvements required for Irvine Road/Munro Avenue.

16. The existing 30 mph on the B7081 Irvine Road will require to be extended beyond the proposed roundabout access. The developer will be responsible for all costs associated with the making and installation of the necessary speed limit orders. Following completion of the spine road between Irvine Road and Bonnyton Road, Bonnyton Road (at the spine road) and the existing minor road between Bonnyton Road and Irvine Road are to be stopped up. These works shall be undertaken prior to the occupation of the first dwelling house.

REASON: In the interests of road safety.

17. Prior to construction of the first dwelling the applicant shall provide the Planning Authority with written confirmation from Scottish Water that the sewerage system is capable of accommodating the connection of this approved decision.

REASON: In the interests of adequate servicing of the site.

18. Construction works shall be restricted to 7am-7pm Monday to Friday; 8am-1pm on a Saturday and not at all on a Sunday, unless otherwise agreed in writing with the Planning Authority.

REASON: In the interests of surrounding amenity.

19. All waste arising from construction works shall be disposed of in accordance with details to be agreed in writing with the Waste Management Authority and otherwise than by burning.

REASON: In the interests of surrounding amenity.

20. With the exception of those hedges identified as requiring removal on the approved plans, no further hedges surrounding the application site shall be removed without the prior written approval of the Planning Authority.

REASON: In the interests of retaining wildlife corridors in and around the site.

21. With the exception of those trees identified as requiring removal on the approved plans, no further trees shall be felled, lopped, have roots cut, or be the subject of any other works without the prior written consent of the Planning Authority.

REASON: In the interests of retaining wildlife corridors in and around the site.

Phase A & B Conditions

22. Prior to the construction of any dwelling in Phase A or B, a phasing plan shall be submitted to the Planning Authority for approval to demonstrate the general phasing arrangements of the Phase concerned. The plan shall identify individual Planning Delivery Zones within the Phase concerned and development shall proceed in accordance with the approved plan, unless otherwise agreed in writing with the Planning Authority.

REASON: In order that the Planning Authority consider these aspects in detail.

23. Prior to construction of any dwelling within each agreed Planning Delivery Zone, unless otherwise agreed in writing, further planning applications for each Zone shall be separately made in accordance with the phasing plan approved under condition 22 and shall be submitted to the Planning Authority for approval in respect of the following matters specified:-

- (i) The layout of the proposed development parcel(s), including all roads, footways, parking and turning areas;
- (ii) The siting, size, height, design and external appearance of all buildings and other structures;
- (iii) Proposed play areas including the type and location of play equipment, seating, fences, walls, litter bins; and surface treatment;
- (iv) The proposed number of dwellings in the planning delivery zone;
- (v) The means of access to the planning delivery zone;
- (vi) Details of the proposed landscape planting in the planning delivery zone together with associated maintenance arrangements; and
- (vii) The design and location of all walls/fences to be erected.

REASON: The approval is in principle only, and in order that the Planning Authority consider these aspects in detail.

24. Prior to the commencement of development in either Phase A or B, the developer shall submit a further Site Investigation report (based on the recommendations of the August 2008 Site Investigation and Reclamation Strategy), identifying any necessary remedial works. Those works shall be carried out in accordance with details and timescales agreed with the Planning Authority. On completion of these remedial works a verification statement should be supplied, documenting all remedial actions which were undertaken at the site, including copies of the consignment notes for any material removed from the site to landfill, or validation test results for soils which are to be

reused on site. The statement should be formulated in line with CLR 11 Model Procedures for the Management of Land Contamination.

REASON: In the interests of the remediation of the site ground conditions.

25. Prior to the commencement of any development in each agreed Planning Delivery Zone, details of earthworks shall be submitted to the planning authority for approval. Details shall include existing and proposed levels (in relation to a fixed datum, preferably ordnance) and contours in relation to surrounding vegetation and landform (with datum levels). Unless otherwise agreed in writing with the Planning Authority, earthworks shall be carried out in accordance with the approval details.

REASON: In order that the Planning Authority consider these aspects in detail.

26. Prior to the construction of any dwelling in Phase A or B full details of the location and design of the surface water drainage scheme and the foul water scheme to be installed in the Phase concerned shall be submitted to and agreed in writing by the Planning Authority, reflecting the details submitted in the Drainage Impact Assessment, drawing references 44762829/0152(A) and 44762829/0151(A). Unless otherwise agreed in writing with the Planning Authority, the works shall be carried out in accordance with the approval details.

REASON: In order that the Planning Authority consider these aspects in detail.

27. Before occupation of the first dwelling within each agreed Planning Delivery Zone the surface and foul water drainage systems approved under condition 26 shall be installed for each Planning Delivery Zone and thereafter maintained in accordance with the approved details.

REASON: In the interests of adequate servicing of the site.

28. Details of the attenuation ponds designed to accommodate a 1:200 year flood event shall be submitted and approved by Local Planning Authority. Unless otherwise agreed in writing with the Planning Authority, development shall be carried out in general accordance with the approval details.

REASON: In the interests of adequate servicing of the site.

29. Before the occupation of any dwelling within each planning delivery zone the surface and foul water drainage systems as approved shall be installed for each phase of built development and thereafter maintained in accordance with the approved details.

REASON: In the interests of adequate servicing of the site.

30. All foul and curtilage drainage will be offered to Scottish Water for adoption. The extent of adoption will be agreed in writing with Scottish Water and submitted to the Planning Authority for approval.

REASON: In the interests of adequate servicing of the site.

31. Prior to the commencement of development a detailed surface water flood routing plan will be submitted and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Planning Authority, development shall be carried out in general accordance with the approval details.

REASON: In the interests of adequate servicing of the site.

32. No development shall take place in the areas identified on drawing reference: 44762829/0142 within the FRA unless otherwise agreed in writing with the Planning Authority.

REASON: In the interests of flood protection.

33. Confirmation in writing that all finished floor levels of adjacent housing are a minimum of 500mm above the inundation level of the and additionally that the construction of the air brick is a minimum of 300mm above the 200 year flood levels, shall be submitted to and approved by the Planning Authority in writing prior to the construction of any of the dwellings on site and implemented thereafter in accordance with the approved details.

REASON: In the interests of flood protection.

34. Prior to commencement of development within a development parcel at risk of pluvial flooding, details, setting the floor levels above any flood relief routes, shall be submitted to and approved by the Planning Authority in writing prior to the construction of any of the dwellings on site and implemented thereafter in accordance with the approved details.

REASON: In the interests of flood protection.

Reason for the Decision

The proposal is compliant with the Development Plan and after careful consideration of representations, consultations responses and other relevant factors it is considered that the material considerations do not, on balance, indicate that the application should be refused contrary to the Development Plan.

Advisory notes

(1) Drilling into coal seams and abandoned mine workings has serious health and safety implications. The applicant is reminded that any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. The Coal Authority would recommend that the applicant attains a mining report (available from the Coal Authority Mining Information tel 0845 762 6848 or www.groundstability.com) and carried out a full site investigation.

(2) The applicant is advised to contact East Ayrshire Council Leisure Services in respect of possible improvements to the National Cycle Route 73 on land within their control, which may be of benefit to users of the application site and the surrounding area.

(3) The applicant should make early contact with Scotland Gas Networks with respect to Building proximity distance is given by Scotland Gas Networks as 21m in terms of the Onthank to Crosshouse High Pressure Pipeline, however the applicant should note that this distance may be varied by the Health and Safety Executive at a later date once detailed plans are submitted.

(4) All new roads and streets will require Road Construction consent in terms of Section 21 of the Roads (Scotland) Act 1984, and the submission of a roads bond.

(5) The applicant will endeavour to notify the Local Planning Authority in writing of any dealings/agreements made with landowners in regard to drainage routes that fall outside of the redline boundary.

(6) All attenuation ponds shall be vested with Scottish Water if policy allows for this adoption to take place.



Title/Location **Irvine Road**
 Kilmarnock
 Application No. 09/0098/OL

East Ayrshire Council
 Department of Neighbourhood Services
 Planning & Economic Development Service
 The Johnnie Walker Bond
 15 Strand Street
 Kilmarnock KA1 1HU
 Tel: (01563) 576790 Fax: (01563) 554592
 E-Mail : Planning@east-ayrshire.gov.uk
 Com Date: 15/06/2011



Key
 **Application Site**