

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 07 JANUARY 2011

**09/0559/PP: DEMOLITION OF EXISTING SPORTS PAVILION AND
CONSTRUCTION OF A 400M (8 LANE) OUTDOOR ATHLETICS TRACK
AND ERECTION OF INDOOR TRAINING FACILITY;**

and

**09/0794/PP: INSTALLATION OF A FOOTBRIDGE TO CONNECT THE
PROPOSED DEVELOPMENT AT QUEEN'S DRIVE WITH THE SCOTT
ELLIS PLAYING FIELDS**

**AT KILMARNOCK ACADEMY PLAYINGFIELDS, QUEEN'S DRIVE,
KILMARNOCK
BY EAST AYRSHIRE COUNCIL**

Report by Head of Planning and Economic Development

Click for Application details:

[http://eplanning.east-ayrshire.gov.uk/online/centralDistribution.do?action=dispatch&caseType=Application
&caseNo=09/0559/PP](http://eplanning.east-ayrshire.gov.uk/online/centralDistribution.do?action=dispatch&caseType=Application&caseNo=09/0559/PP)

[http://eplanning.east-ayrshire.gov.uk/online/centralDistribution.do?action=dispatch&caseType=Application
&caseNo=09/0794/PP](http://eplanning.east-ayrshire.gov.uk/online/centralDistribution.do?action=dispatch&caseType=Application&caseNo=09/0794/PP)

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposals comprise [i] an outdoor athletics area for various track and field activities, the erection of an indoor training complex, and associated parking facilities and boundary features. The indoor building will house netted areas for cricket and field sports; pits for long jump etc; as well as related service areas for showers, lockers, physiotherapy rooms etc. A covered running track is also proposed. Plant for the building would be contained in the upper roof area. It is proposed to culvert an existing smaller watercourse that transverses the site in a north-south direction. Also proposed is [ii] a new footbridge linking the main site with the Scott Ellis Playing Fields to the north. This is proposed as a single span pre-fabricated sectional deck, 2 metres wide, at grade level with existing ground levels. The bridge will be secured by concrete abutments below ground either side.

2. RECOMMENDATION

2.1 It is recommended that the applications be approved subject to conditions attached but that the issue of decision notices be withheld until the applications have been notified to and cleared by the Scottish Ministers in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

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 generally in compliance with the applicable policies in the Development Plan noting that this site is zoned for the provision of a sports park. The material considerations are generally supportive of the proposal. However, there is a statutory requirement to notify the applications to the Scottish Ministers because of the extant objection from SEPA on the basis of flood risk and culverting works. Conditions are proposed that seek to address the requirement for additional information and analysis and development would not commence until such information had been lodged and appropriately addressed.

3.3 These development proposals would also create a valuable community and educational resource which will promote sport and physical activity in line with national policy. The proposal will be beneficial to the physical education provision offered by Kilmarnock Academy, the general public and a range of local sporting clubs providing a first class sporting facility for a wide range of indoor and outdoor sports. The remaining school sports pitch will complement these facilities and the new footbridge will connect the athletics track to the wider area at Scott Ellis Playing Fields allowing improved access and use for the local community

3.4 SEPA has, however, objected to the principle of the proposed development at this location as the proposals constitute development in the floodplain. The site is at medium to high risk of flooding and is located entirely within the undeveloped / sparsely developed functional floodplain. Therefore, the proposal may place buildings and persons at flood risk contrary to the provisions of national planning policy guidance and advice, with particular regard to Scottish Planning Policy on Flooding and Drainage and Planning Advice Note 69. As already stated in this report, advice has however been sought from the Council's Roads and Transportation Service (Flooding Section) who have confirmed that such matters can be adequately conditioned to ensure that these are appropriately addressed prior to any work commencing on site.

CONTRARY DECISION NOTE

Should the Committee agree that these applications be refused contrary to the recommendation of the Head of Planning and Economic Development and on the basis of the principle of the proposals, then the applications will require to be referred to Council as that would be 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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Report by Head of Planning and Economic Development

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination two applications for planning permission, to be considered by the Northern Local Planning Committee under the scheme of delegation as the Council has an ownership interest in the land to which the applications relate.

2. APPLICATION DETAILS

2.1 **Site Description:** The applications are located on the site of the existing sports pavilion and playing fields used by Kilmarnock Academy at Queens Drive (A735), Kilmarnock. The area is open and largely flat, rising to the east as the site borders the A77. The site boundary has a number of mature trees around the western, eastern and northern boundaries. To the north is the River Irvine, and beyond that, Scot Ellis Playing Fields. The site area measures 6.4 hectares. At present, an existing culvert and site surface water discharge the run-off water for the site and surrounding area to a small watercourse which traverses the site in approximately a north-south direction, ultimately discharging to the River Irvine to the north of the site.

2.2 **Proposed Development:** The proposals comprise [i] an outdoor athletics area for various track and field activities, the erection of an indoor training complex, and associated parking facilities and boundary features. The indoor building will house netted areas for cricket and field sports; pits for long jump etc; as well as related service areas for showers, lockers, physiotherapy rooms etc. A covered running track is also proposed. Plant for the building would be contained in the upper roof area. It is proposed to

culvert an existing smaller watercourse that transverses the site in a north-south direction. Also proposed is [ii] a new footbridge linking the main site with the Scott Ellis Playing Fields to the north. This is proposed as a single span pre-fabricated sectional deck, 2 metres wide, at grade level with existing ground levels. The bridge will be secured by concrete abutments below ground either side.

3. CONSULTATIONS RECEIVED

3.1 East Ayrshire Council: Roads and Transportation (Traffic) Service has no objections to the proposals, subject to conditions on the construction of a new access, creation of a coach parking area, and cycle facilities being provided to the required standard.

These matters would require to be addressed by condition should Members decide to grant consent.

3.2 East Ayrshire Council: Roads and Transportation Service (Flooding) commented that part of the site lies within the flood risk outline area and could be at risk from flooding, but that the majority of the site lies outwith the 1:200 year flood plain area. A SUDS scheme has been requested which could allow a suitable discharge to the River Irvine, capable of containing a 1:200 year event. However, to date this information has not been received and this matter can be addressed by condition. Further information has also been requested regarding the proposed breach of the existing banks of the river. Information should also be sought in relation to the design details of the breach of the riverbank, the construction process and resultant liability thereof. Furthermore, details on any lost flood plain storage as a result of the development require to be fully quantified, as well as technical data on the construction of the bridge and access ramps provided.

Such matters can be covered by conditions should Members decide to grant consent. Attention is drawn to the comments of SEPA in this regard.

3.3 East Ayrshire Council: Environmental Health Service has no objections to the development but has submitted standard comments on noise, waste and drainage matters.

Such matters can be covered by conditions or advisory notes.

3.4 East Ayrshire Council: Countryside Access Officer has no objections, noting however that the existing pavilion should be checked for the presence of bats prior to demolition.

3.5 Scottish Water has no objections to the proposal, noting that if the applicants wish Scottish Water to adopt the drainage proposals these will have to be subject to agreement by Scottish Water. Such matters can be covered by advisory notes should Members decide to grant consent.

3.6 Scottish Power and Scotland Gas Networks have no objections to the proposal and have noted the position of their apparatus in the vicinity of the site.

3.7 Scottish Environment Protection Agency (SEPA) have objected to the applications on flood risk grounds and that insufficient information had been provided in relation to the justification for the proposed river engineering/culverting works. Early meetings were held between the applicants and SEPA, where SEPA requested additional information on both of these elements. Information has been submitted on flood risk; however, additional analysis is required and consequently SEPA maintain their objection on flood risk grounds. As an organisation, SEPA have a presumption against culverting for land gain, and require a detailed justification from the applicants in support of such works. The justification remains to be provided and consequently SEPA maintain their objection to the culverting works proposed.

Land re-grading to provide a development platform is also proposed, as well as a new habitat creation area, however at the time of writing this report, no details have been submitted in terms of post development site topography and therefore SEPA are unable to fully assess the effect of this element on the floodplain. Given the history of flooding in the vicinity, this is considered by SEPA to be critical to their assessment of the proposal.

In respect of the bridge proposed, information remains outstanding sufficient to validate the design of the bridge and its ability to accommodate the 1:200 year flood event.

There are a number of areas in respect of which SEPA require additional information in the absence of which, they maintain two objections, on flood risk and on proposed culverting works. These matters can be addressed by condition but the SEPA objections mean that the proposals will require to be referred to the Scottish Ministers prior to any decision notices being released should members choose to grant consent.

3.8 Transport Scotland, in its capacity regarding trunk roads do not object to the proposal.

3.9 Sport Scotland observe that the development is in line with the provisions of national policy and overall would improve playing capacity in the area, noting that the bridge should improve connections between the existing Scott Ellis playing fields and the new facilities. They made comment on the surface of the pole vault facility and provided observations on the design of the running track.

3.10 West of Scotland Archaeology Service notes that there are no recorded sites in the area, but due to the greenfield nature of the site, there is the possibility that buried unrecorded material may be found on site. A

suspensive condition is proposed that will allow a scheme of investigation to be carried out prior to the site works commencing.

This matter can be addressed by condition should Members decide to grant consent.

3.11 Piersland & Bentinck Community Council welcomes the proposal but has a few concerns on access and the proposed footbridge. In terms of access, the Community Council are concerned that during larger events, vehicles will find it difficult to exit the site. In terms of the new footbridge, the Community Council have concerns that there are already youths congregating in the vicinity of the Scott Ellis Playing Fields at night, and public safety may be compromised - suggesting that access to the bridge could be limited to hours of daylight only.

The proposals have been assessed by the Roads and Transportation Service, in light of the Transport Assessment submitted and there are no unresolved issues regarding trip generation or the ability for vehicles to exit the site after an event. Should Members decide to grant consent to install the bridge, it would be for the applicants to ensure the management of the facility is monitored to ensure access is provided in a safe and reasonable manner.

4. REPRESENTATIONS

4.1 Two letters of objection have been received in connection with this application, and one of these was subsequently withdrawn. The outstanding letter of representation is summarised below:-

4.2 The objector writes on behalf of Kilmarnock Academy Parent Council, noting that the proposed facility would not provide for the daily sports curriculum of Kilmarnock Academy. Currently, the Academy has access to three pitches and this proposal would limit access to one pitch. Furthermore, the ground is currently retained for Kilmarnock Academy use, and the proposal would limit the use of the land for athletic purposes, and there is no application of green space for daily use by the school.

4.3 Additionally, there are no details on hockey and football pitches or on the design of the bridge. In summary, the use of the facility may lead to the ground being lost to the school

The ownership of the ground or any legal rights is not a relevant planning consideration. Overall, it is considered that this modern facility would be of benefit to pupils, but it is recognised this would come with the loss of some pitch ground. It is also noted that Sport Scotland have not objected as detailed in Section 3.9 above and that the application is consistent with the terms of national policy in relation to sport. The Council's Leisure

Services have advised that Kilmarnock Academy will have priority access to the new athletics facilities, changing facilities and indoor training hall, in addition to access to the grass pitches which will be enhanced by the re-location of the cricket square. The new facilities will fully support the Academy's curriculum needs and the new athletics facilities will be considerable improvement on the existing grass athletics facilities.

For the construction period, Kilmarnock Academy have been offered use of Scott-Ellis playing fields on a temporary basis, this is one of several options the school are currently exploring.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 The Development Plan comprises the Ayrshire Joint Structure Plan 2007 and the East Ayrshire Local Plan (EALP) 2010. There are no policies of specific relevance in the Structure Plan.

East Ayrshire Local Plan 2010

5.2 Under Policy 'KILMARNOCK 6', the Council will positively support and encourage the development of the site as a Kilmarnock Sports Park, providing a fully integrated, indoor and outdoor sporting and recreational facility to meet the needs of East Ayrshire.

The proposed development will provide a fully integrated indoor and outdoor sporting and recreational facility to meet the needs of Kilmarnock Academy and the wider community and is therefore appropriate to Kilmarnock 6.

5.3 With regard to Policy CS6, there will be a presumption against development on those safeguarded areas of public and private recreational or amenity open space as identified on the Local Plan maps. However, the following types of development within these areas may be considered appropriate, subject to compliance with all appropriate Council Development Promotion and Design Guidance:

- (ii) Creation of all-weather sports facilities;

Part of the proposals involve development on an area of protected open space which is currently used for recreational and amenity purposes. However the proposals will provide a new all weather athletics track and sports pitch as well as indoor sporting and training facilities for the use of Kilmarnock Academy and the general public.

- (iii) Development of pavilions or other ancillary facilities to serve any existing or proposed outdoor sport and recreational activities in the area; and

The proposals will also provide a new indoor training facility, which along with the new athletics track and sports pitch, will serve any existing or proposed outdoor sport and recreational activities in the area.

5.4 In terms of Policy CS8, the Council will not be supportive of the redevelopment of playing fields and sports pitches, except where one of the following circumstances applies:

- (iv) the playing field or sports pitch area which would be lost as a result of the proposed development would be replaced by:

the upgrading of an existing playing field to provide a better quality facility, either within the same site or at another location which is convenient for its users and which maintains or improves the overall playing capacity in the area;

The majority of the development will be built on existing playing fields, however the proposed development will upgrade the playing fields to provide a better quality within the same site which is convenient for its users and which maintains or improves the overall playing capacity in the area. The proposed bridge provides for improves linkage and access to sports facilities.

5.5 Through Policy ENV21, the Council will ensure that all new development proposals:

- (i) are free from significant flood risk from any source;
- (ii) do not themselves materially increase the probability of flooding elsewhere;
- (iii) do not add to the area of land which requires protection by flood prevention measures;
- (iv) do not take place on, or affect the ability of functional flood plains to attenuate the affects of flooding by storing flood water;
- (v) do not compromise major options for future river management;
- (vi) do not give rise, through the introduction of necessary flood prevention measures, to any deterioration in the ecological status of the particular watercourse or body affected by the development; and
- (vii) meet all of the relevant provisions of Scottish Planning Policy Flooding and Drainage, including the requirements of the Risk Framework detailed in the document.

Land raising, with compensatory storage, which permanently elevates a site above the functional flood plain of a water course, or elsewhere where

flooding is an issue, will not generally be considered appropriate. Developments which do not meet these requirements will not be supported by the Council. However, developments in the undeveloped functional flood plain could be considered acceptable in certain circumstances where a development location is essential for operational reasons and a lower risk location is not achievable, and for some recreational, sporting, amenity and nature conservation uses.

The current proposals are located within the flood plain and in an area identified as medium to high risk of flooding. In relation to SPP Flooding and Drainage and given that the proposed site is not essential for operational reasons; the proposal is contrary to this policy. SEPA has been consulted and have registered their objections in principle to the application as the proposal constitutes development in the floodplain.

Should the Council be minded to approve the proposal, the application would require to be notified to Scottish Ministers under the Town and Country Planning (Scotland) Notifications Direction 2009.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principle material considerations relevant to the determination of these applications are the consultation responses, letter of objection, Scottish Planning Policy (SPP) in relation to flooding and drainage and sport provision, PAN69 "Planning and Building Standards Advice on Flooding" and the impact on the amenity of the area.

Consultation Responses

6.2 No issues have been raised in the consultation process which warrant refusal of the applications. The objection from SEPA can be addressed by conditions.

Letter of objection

6.3 The issues raised by the objector relate primarily to legal matters, which are outwith consideration in the planning process. There are no objections to the proposals from Sports Scotland who advise that the proposals are in line with national policy for sport.

Impact on the amenity of the area

6.4 The proposals will not adversely affect the amenity of the surrounding area as it is already in use for sporting purposes and appropriate screening and boundary treatments are proposed.

The Applicant's Supporting Statement

6.5 The applicants have noted that the facility would be used by school groups and the local community and clubs. Weekend use would be anticipated for coaching and training courses. Larger scale events would also be hosted at various times throughout the year.

Scottish Planning Policy (SPP) on Flooding and Drainage

6.6 The central purpose of Scottish Planning Policy (SPP) in relation to flooding and drainage is to prevent further development which would have a significant probability of being affected by flooding or which would increase the probability of flooding elsewhere. Planning Authorities must take the probability of flooding from all sources and the risks involved into account in determining planning applications.

6.7 Paragraph 203 of SPP states that new development on functional flood plain will not only be at risk itself but will add to the risk elsewhere. Cumulative effects will arise from proposals which individually may seem of little consequence. Built development should only take place on functional floodplains where it will not affect the ability of the flood plain to store and convey water, where the development will not be at risk of flooding and where the development will not increase the risk of flooding elsewhere. Piecemeal reduction of the floodplain must be avoided because of cumulative effects on storage capacity.

6.8 Paragraph 206 of SPP states that a development which requires additional flood alleviation or prevention measures to address flood risk from any source is likely to be acceptable only outside or adjoining boundary of medium to high risk areas.

Given that the proposal under consideration is located in the functional floodplain in an area of medium to high risk of flooding and that SEPA have objected to the principle of the development in the floodplain, it is considered that the proposal would need to be subject to further clarifications in order to become consistent with the provisions of SPP Flooding and Drainage.

Planning Advice Note (PAN) 69

6.9 This advice takes as a starting point the responsibilities of local authorities and developers in ensuring that future built development is not located in areas with a significant risk of flooding, including functional flood plains. However PAN 69 does indicate that design, forms of construction and materials can play a part in providing potential flood mitigation measures.

6.10 Paragraph 38 states that planning authorities have a duty to take account of flooding issues where flooding is a material consideration in a

planning decision and that planning applications can be refused on the grounds of flood risk.

In this case, as previously stated, the site of the proposed development is located within the functional floodplain on a site that is at medium to high risk of flooding and SEPA has objected to the principle of development in the floodplain, as well as objecting to the culverting works. The issue of flooding is a significant material consideration in the determination of this application and further clarifications should be obtained through the use of conditions to secure an appropriate built form.

Scottish Planning Policy (SPP) on Sport

6.11 In relation to open space and physical activity, SPP maintains that planning authorities should support, protect and enhance open space and opportunities for sport and recreation and that where there is a need for new indoor or outdoor sports or recreation facilities in the area, sites should be identified in the development plan.

Sport Scotland have confirmed as detailed in Section 3.9 of this report, that in relation to sports provision these proposals are in line with national policy. As detailed in Section 5 above, the sites have been identified for a sports park in the Development Plan.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 The Council is the applicant, and therefore has an interest in the applications. The Council also has an ownership interest. In respect of land ownership the Council is not required to notify Scottish Ministers as the application is not a significant departure from the Development Plan under the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

7.2 Noting the above and in terms of the Direction, where the development proposals have been subject to consultation with government agencies such as SEPA and where SEPA has advised against the granting of planning permission; as in this case, the application must be referred to the Scottish Ministers prior to any decision notices being released.

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 generally in compliance with the applicable policies in the Development Plan noting that this site is zoned for the provision of a sports park. The material

considerations are generally supportive of the proposal. However, there is a statutory requirement to notify the applications to the Scottish Ministers because of the extant objection from SEPA on the basis of flood risk and culverting works. Conditions are proposed that seek to address the requirement for additional information and analysis and development would not commence until such information had been lodged and appropriately addressed.

8.3 These development proposals would also create a valuable community and educational resource which will promote sport and physical activity in line with national policy. The proposal will be beneficial to the physical education provision offered by Kilmarnock Academy, the general public and a range of local sporting clubs providing a first class sporting facility for a wide range of indoor and outdoor sports. The remaining school sports pitch will complement these facilities and the new footbridge will connect the athletics track to the wider area at Scott Ellis Playing Fields allowing improved access and use for the local community

8.4 SEPA has, however, objected to the principle of the proposed development at this location as the proposals constitute development in the floodplain. The site is at medium to high risk of flooding and is located entirely within the undeveloped / sparsely developed functional floodplain. Therefore, the proposal may place buildings and persons at flood risk contrary to the provisions of national planning policy guidance and advice, with particular regard to Scottish Planning Policy on Flooding and Drainage and Planning Advice Note 69. As already stated in this report, advice has however been sought from the Council's Roads and Transportation Service (Flooding Section) who have confirmed that such matters can be adequately conditioned to ensure that these are appropriately addressed prior to any work commencing on site.

9. RECOMMENDATION

9.1 It is recommended that the applications be approved subject to conditions attached but that the issue of decision notices be withheld until the applications have been notified to and cleared by the Scottish Ministers in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

CONTRARY DECISION NOTE

Should the Committee agree that these applications be refused contrary to the recommendation of the Head of Planning and Economic Development and on the basis of the principle of the proposals, then the applications will require to be referred to Council as that would be a significant departure from Council policy.

Alan Neish
Head of Planning and Economic Development

22 December 2010

MF/LS

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application forms and plans
2. Statutory Notices and Certificates
3. East Ayrshire Local Plan 2010
4. Letter of objection
5. Consultation responses
6. Scottish Planning policy on Flooding & Drainage and on Sport
7. Planning Advice Note (PAN) 69

Anyone wishing to inspect the above papers should contact Marion Fergusson, Senior Planning Officer on 01563 576779.

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 09/0559/PP

Location	Kilmarnock Academy Playingfields Queen's Drive Kilmarnock East Ayrshire
Nature of Proposal:	Demolition of existing sports pavilion and construction of a 400m (8 lane) outdoor athletics track and erection of indoor training facility
Name and Address of Applicant:	EAC Director Of Neighbourhood Services London Road Kilmarnock KA3 7BU
Name and Address of Agent	David Nimbley EAC Asset Improvement Service Lugar Offices Rigg Road Cumnock East Ayrshire KA18 3JQ

Officer's Ref: Marion Fergusson
01563 576769

Subject to notification to the Scottish Ministers.

The above application for Planning Permission should be Approved subject to the following Conditions:

1. Notwithstanding the approved drawings and technical information, and prior to the commencement of any works on site, a full justification detailing the principle and reasoning underpinning the proposed breaching of the existing banks of the River Irvine shall be submitted to, and agreed in writing by, the Planning Authority, and the agreed details adhered to on site thereafter. Any proposed bank protection measures must also be justified and agreed by the Planning Authority in the same manner.

Reason: In order to confirm that the development can proceed without prejudice to the proper control of flood risk.

2. Notwithstanding the approved drawings and technical information, and prior to the commencement of any works on site, quantitative details of the loss of flood plain storage, the effect of such loss and any compensatory

measures, shall be submitted to, and agreed in writing by, the Planning Authority.

Reason: In order to confirm that the development can proceed without prejudice to the proper control of flood risk.

3. Notwithstanding the approved drawings and technical information and prior to the commencement of any works on site, the applicant shall demonstrate, through a revised Flood Risk Assessment, or other appropriate information, that where development is proposed on the functional floodplain, it will [i] not be capable of affecting the ability of the flood plain to store and/or convey water, and [ii] will not increase the risk of flooding elsewhere. Such Assessment or details shall be submitted to, and agreed in writing by, the Planning Authority prior to the commencement of development and adhered to on site thereafter.

Reason: In order to confirm that the development can proceed without prejudice to the proper control of flood risk.

4. A Sustainable Urban Drainage system, which provides attenuation to suit the discharge rate of 4.5 ltr/sec/ha, and which contains the 1:200 year flood event, shall be submitted to, and agreed in writing by, the Planning Authority, prior to the commencement of any works on site, and the details adhered to on site thereafter.

Reason: In order that the Planning Authority can be fully assured that the proposed drainage mechanisms conform to the principles of Sustainable Urban Drainage.

5. Prior to the commencement of any works on site, a detailed justification of the proposed diversion of any existing culverts, surface water sewers, or un-named watercourses on site shall be submitted to, and agreed in writing by, the Planning Authority, and the details contained within such justification shall be adhered to on site thereafter.

Reason: In order to confirm that the development can proceed without prejudice to the proper control of flood risk.

6. Details of the proposed river engineering in particular in relation to [i] how these works affect the river Irvine and its banks, and [ii] the proposed diversion of the existing culvert, surface water sewer and un-named watercourse on site, and [iii] the status and condition of the affected watercourse, its riparian area and culvert, shall be submitted to, and agreed in writing by, the Planning Authority prior to the commencement of any works on site, and such details adhered to on site thereafter.

Reason: In order to confirm that the development can proceed without prejudice to the proper control of flood risk.

7. Notwithstanding the approved drawings and technical information, and prior to the commencement of any works on site, a full justification for the principle of the compensatory habitat creation area shall be submitted to, and agreed in writing by, the Planning Authority and the details adhered to on site thereafter. In particular, an embankment enclosing the habitat creation area will be required which will be designed as a water retaining embankment with top of embankment levels comparable to those of the existing embankment which is proposed to be breached.

Reason: In order to confirm that the development can proceed without prejudice to the proper control of flood risk.

8. Prior to any works breaching the existing embankment, the new enclosed embankment shall be constructed, in line with the approved details, as per condition 7 above.

Reason: To ensure that existing flood levels are properly controlled and the proper control of flood risk is not prejudiced.

9. Prior to the commencement of any works on site, details of the freeboard levels of the running track and the sports facility buildings, car park and access road, and the finished floor levels, where appropriate, shall be submitted to, and agreed in writing by, the Planning Authority, and such details as are agreed shall thereafter be adhered to on site.

Reason: In order to confirm that the development can proceed without prejudice to the proper control of flood risk.

10. Prior to the commencement of any works on site, details of all landraising on the site and the earthworks associated in forming the habitat creation area shall be submitted to, and agreed in writing by, the Planning Authority, and the details adhered to on site thereafter.

Reason: In order to confirm that the development can proceed without prejudice to the proper control of flood risk.

11. Prior to the commencement of any development on site, details shall be submitted to and approved in writing by the Planning Authority regarding inspection liability and on-going maintenance responsibility for the designed water retaining embankment; and the details shall thereafter be adhered to on site.

Reason: In order to confirm that the development can proceed without prejudice to the control of flood risk.

12. Prior to the commencement of any works on site, full details of the new private access shall be submitted to and approved by the Planning Authority in writing and implemented thereafter in accordance with the details as approved.

Reason: In the interests of road safety.

13. Prior to the commencement of any works on site, full details of the coach parking facilities shall be submitted to and approved by the Planning Authority in writing and shall be implemented thereafter in accordance with the details as approved.

Reason: In the interests of road safety.

14. Prior to the commencement of any works on site, full details of the cycle facilities shall be submitted to and approved by the Planning Authority in writing and shall be implemented thereafter in accordance with the details as approved.

Reason: In the interests of road safety.

15. Prior to the demolition of the existing sports pavilion, the building shall be checked for evidence of bat habitation.

Reason: In order to fulfil the obligations pertaining under the Nature Conservation (Scotland) Act 2004 in relation to bat protection,

16. Prior to the commencement of any works on site, the developer shall secure the implementation of an archaeological watching brief which shall be carried out during all ground disturbance, details of which including a method statement for the watching brief and the name of the organisation undertaking the brief, shall be submitted to and approved in writing by the Planning Authority prior to the commencement of construction works and shall be implemented as approved thereafter.

Reason: To ensure that any buried archaeological remains within the area of the development are adequately considered and recorded.

17. Noisy work during construction shall be restricted to 7am-7pm Monday to Friday; 8am-1pm on a Saturday and with no noisy working taking place on a Sunday.

Reason: In order to protect the amenity of the surrounding area.

18. Noise arising from the works should not cause the underlying background noise level LA90(1Hour) to rise by more than 3 dB, measured at the nearest noise sensitive location.

Reason: In order to protect the amenity of the surrounding area.

19. All drainage shall be completed to the satisfaction of SEPA and Scottish Water and confirmation of this shall be supplied to the Planning Authority.

Reason: In order to provide a satisfactory drainage system relative to the development and to ensure drainage infrastructure is properly maintained.

20. All waste arising from construction works shall be disposed of to the satisfaction of the Waste Management Authority and otherwise than by burning.

Reason: in order to protect the amenity of the surrounding area.

Advisory Notes:

1. The applicants are reminded of their duty under the Nature Conservation (Scotland) Act 2004 in relation to bat protection, with particular reference to the possibility of bats roosting in the existing pavilion.

2. If any suspected contamination is discovered, the Council shall be informed accordingly along with any required remedial measures formulated to address the risk of exposure to key receptors and subsequent confirmation of completion of works.

3. An appropriate water storage solution is recommended for the development. Details of such can be discussed with Scottish Water's Customer Connections Department on 0141 355 5511.

4. The cycle facilities should be based on the Roads Development Guidelines, which indicate 1 cycle space for every 8 vehicle spaces.

5. The applicant should make early contact with Scotland Gas Networks as the development may affect their apparatus in the area. Scotland Gas Networks can be contact on 0141 418 4093.

6. The developer shall make early contact with East Ayrshire Council's Roads and Transportation Service at Greenholm Street, Kilmarnock or on 01563 573568 with regard to any traffic management, road construction or other works administered by that Service.

7. The applicant should make early contact with SP Energy Networks as the development may affect their apparatus in the area. They can be contacted on 0141 567 4155.

8. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.

9. The applicant is advised that due to the requirement to secure further information and clarification on [i] flood risk [ii] river engineering works, and [iii] the diversion and culverting of the un-named watercourse on site; SEPA note

that it is still undecided as to whether the proposal is potentially capable of being authorised under the Water Environment (Controlled Activities) (Scotland) Regulations 2005, as amended. Please note that such CAR requirements for River engineering works may affect the detailed design and layout of the proposed development.

Reason for the Decision

The proposed development is consistent with the zoning of the site for a Sports Park under policy "Kilmarnock 6" and, whilst there are matters to be resolved prior to the commencement of development including issues pertaining to flood risk, these can be addressed with the use of suspensive conditions. The material considerations are not such as to outweigh the policy support for this proposal.

TP24

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 09/0794/PP

Location	Kilmarnock Academy Playingfields Queen's Drive Kilmarnock East Ayrshire
Nature of Proposal:	Installation of a footbridge to connect the proposed development at Queen's Drive with the Scott Ellis playing fields.
Name and Address of Applicant:	Director of Neighbourhood Services Eac Headquarters London Rd Kilmarnock KA3 7BU
Name and Address of Agent	Asset Improvement Services per David Nimbley Lugar Council Offices Rigg Rd Lugar Cumnock KA18 3JQ

Officer's Ref: Marion Fergusson
01563 576769

Subject to notification to the Scottish Ministers

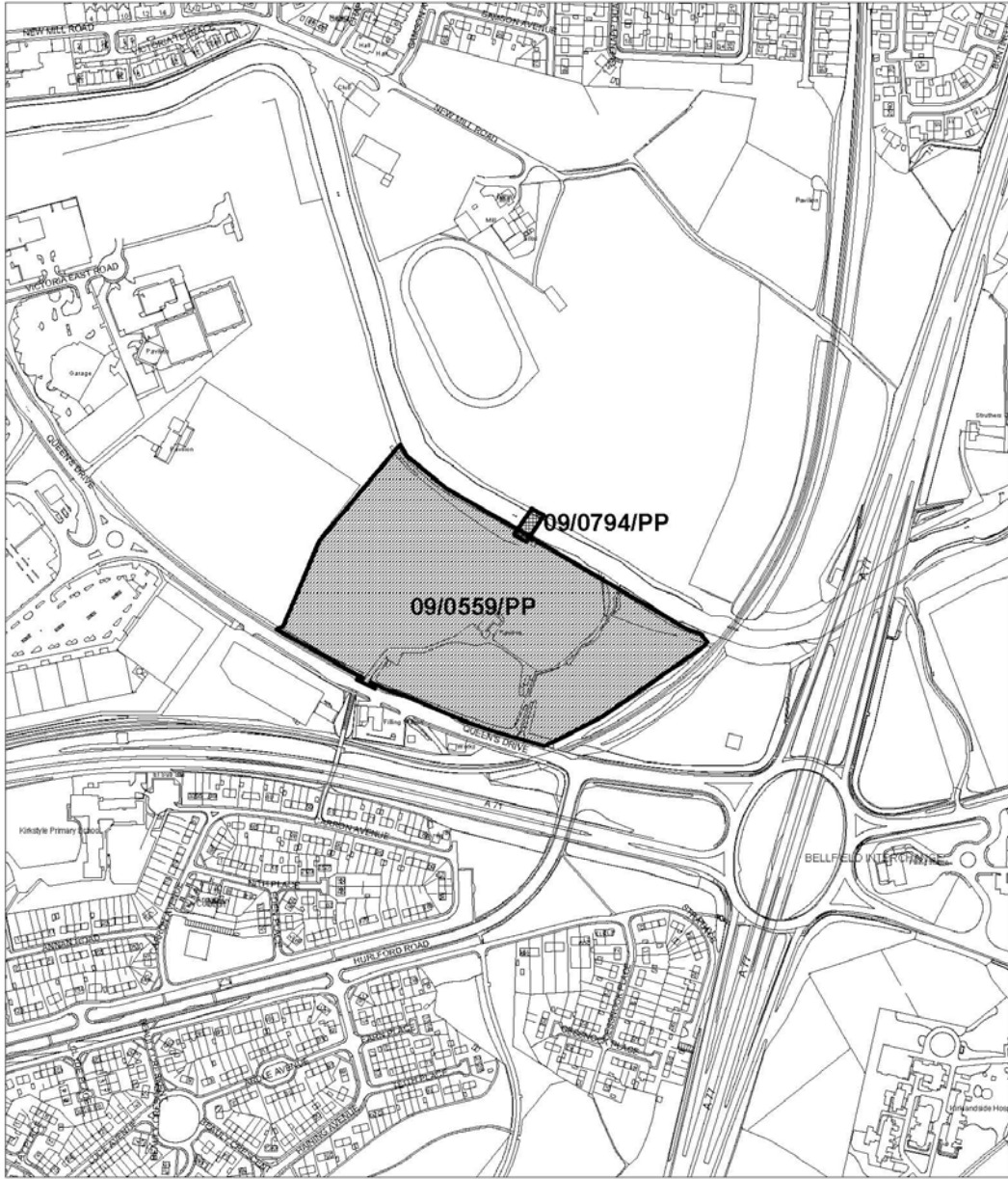
The above application for Planning Permission should be approved subject to the following condition:



1. Notwithstanding the approved drawings and technical information, and prior to the commencement of any works on site, details on the volume of lost flood plain capacity, raised access path and the resultant effect on flood levels caused by the works required in connection with the footbridge, shall be submitted to, and agreed in writing by, the Planning Authority, and the details adhered to on site thereafter.

Reason: In order to confirm that the development can proceed without prejudice to the proper control of flood risk.

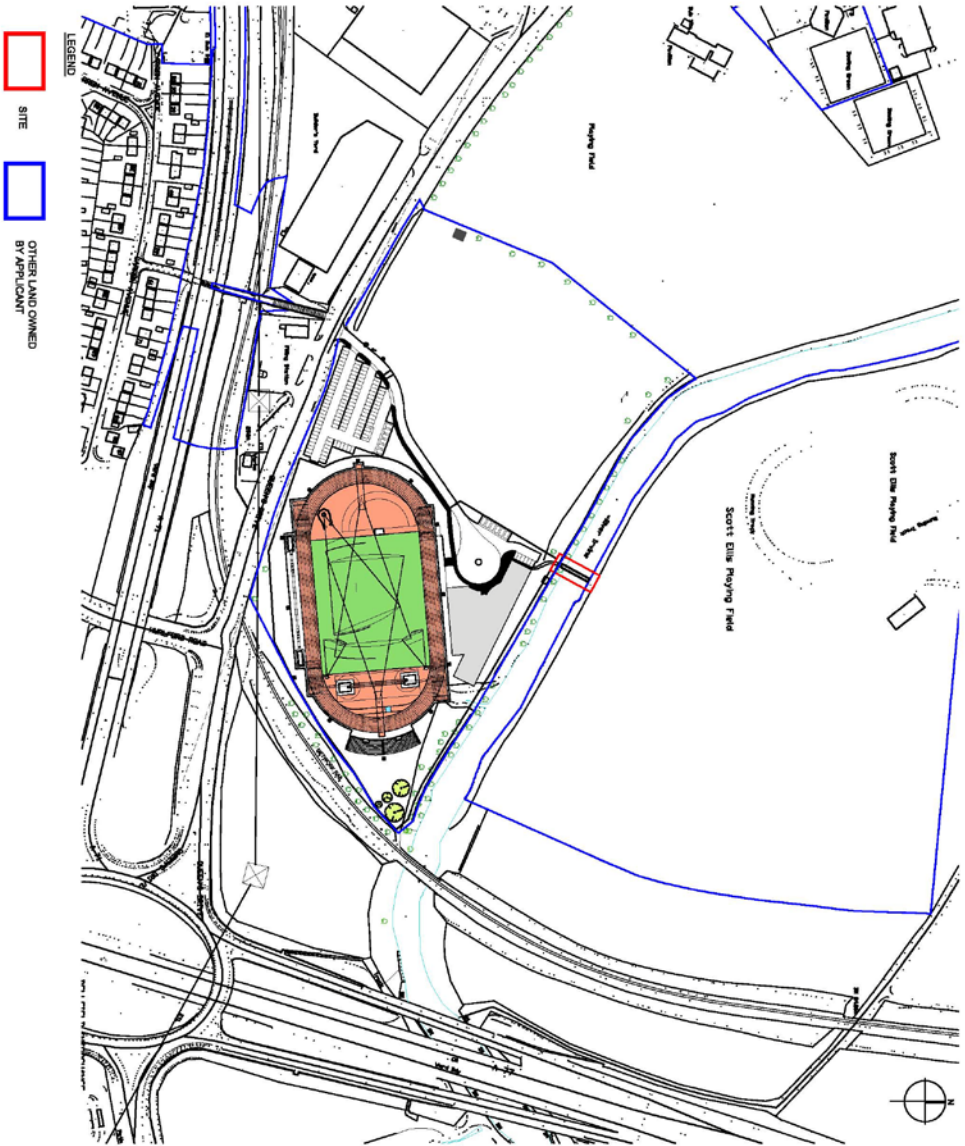
Reason for the Decision

The proposed development is consistent with the zoning of the site for a Sports Park under policy "Kilmarnock 6" and, whilst there are matters to be resolved prior to the commencement of development including issues pertaining to flood risk, these can be addressed with the use of suspensive conditions. The material considerations are not such as to outweigh the policy support for this proposal.



<p>Title/Location Kilmarnock Academy, Playingfields Queens Drive Kilmarnock Application No. 09/0794/PP 09/0559/PP</p>	<p>East Ayrshire Council Department of Neighbourhood Services Planning & Economic Development Service. 6 Croft Street Kilmarnock KA1 1JB Tel: (01563) 576790 Fax: (01563) 576774 E-Mail : Planning@east-ayrshire.gov.uk Com Date: 7/1/2011</p>
<p>Key</p> <p> Application Site</p>	<p style="text-align: center;"></p>

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Project
KIMARNOCK ATHLETICS FACILITY
QUEENS DRIVE, KILMARNOCK

Client
LEISURE SERVICES

Drawing Title
PROPOSED BLOCK PLAN

Project File No 08/065/NS/SI
Drawn by RGM
Checked by

Drawing Status PLANNING
Date 10/09
Scale 1:2500

Sheet No. 10411
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