

**EAST AYRSHIRE COUNCIL
NORTHERN LOCAL PLANNING COMMITTEE: 22 JUNE 2007
07/0150/FL: PLANNING APPLICATION TO VARY CONDITIONS 1, 2, 3 AND 8
OF PLANNING PERMISSION 03/0990/OL
AT LAND AT ALTONHILL, KILMAURS ROAD, KILMARNOCK
BY GEORGE WIMPEY STRATEGIC LAND**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought to vary conditions 1, 2, 3 and 8 of outline planning permission 03/0990/OL. The main focus of the proposed development will result in the increase in the number of dwellings approved in outline from 500 to a maximum of 625. The developer advises that the site has a capacity for additional units beyond the limit set by condition 3 of the original outline consent without compromising the quality of the development or prejudicing the Council's aspirations for the site. The main components of that outline approval are as follows:-

Roundabouts and Internal Road Layout

1.2 Two new roundabouts were proposed and one has been completed at Kilmaurs Road to the east of the existing gas compound. The second roundabout is proposed on Western Road adjacent to the Council's Cleansing Depot and Crathie Road. The second roundabout requires to be formed after 200 dwellings have been constructed on site and has yet to be constructed. Both roundabouts will service the residential and commercial developments. There is a main internal spine road off the southern arm of the proposed roundabout on Kilmaurs Road which should have no frontage development. The main internal spine road will terminate at the roundabout on Western Road. The internal road network will take access from the main spine road of each phase from a number of roundabouts located along the main spine road. The internal road design for each of the housing phases will be the subject of detailed applications for approval.

Phasing of Residential Development

1.3 The applicant originally indicated a site capacity of 450 – 500 houses. The overall residential area has been split into 12 housing sectors of varying size and shape. To-date, five phases have been granted detailed planning consent.

Drainage Layout

1.4 Two attenuation ponds are proposed in the south of the site adjacent to the existing Kilmarnock – Glasgow railway line. Surface water will be carried by a suitable flow path to the two attenuation ponds as part of a comprehensive Sustainable Urban Drainage System (SUDS).

Structural Landscaping

1.5 Structural planting is proposed along the western boundary. A 10 metre tree and shrub belt is proposed, with a 5 metre wide tree and shrub area along the rear gardens of residential properties on Auchencar Drive. Planting is further proposed along the southern boundary adjacent to the football pitches, the attenuation ponds, adjacent to Farm Road and the haulage yard. Planting is also proposed along the main internal spine road.

Open Space

1.6 Two strategic areas of open space and two football pitches are proposed. The first area of open space is sited in the northern area of the site and extends to approximately one hectare of designated public parkland and will include a play area. The second area of open space is located in the southern area of the site adjacent to the commercial/business area. This area will also include a play area. The play areas will incorporate equipment suitable for toddlers, junior children and teenagers. Two full-sized, serviced football pitches are proposed to the rear of the Council's Cleansing Depot. These football pitches will include permanent changing facilities and a car park. The existing public right of way from Farm Road is to be maintained within the development proposals for the site.

Local Shop

1.7 The applicant has proposed a local shop within the southern area of the site. An indicative location is shown on the layout plan adjacent to the main internal spine road and to the existing public right of way. The proposed retail unit will be approximately 200 square metres gross floor area and will meet the day to day convenience needs of local residents. The retail unit would be the subject of a future Reserved Matters application.

Commercial Development

1.8 The proposed commercial/business area includes the existing fire service facility which is now vacant and the George Wimpey training building on Western Road. The commercial area will be accessed from a new roundabout on Western Road and the main internal spine road. The applicant is proposing the

development of the site for Class 4 industrial or business uses or for the sale and display of motor vehicles as specified in the East Ayrshire Local Plan.

Conditions 1,2,3 and 8 of Planning Consent 03/0990/OL

1.9 The following conditions are proposed to be varied under the terms of this current application.

Condition 1. The proposed development shall be carried out in accordance with the application form and plans submitted on 21 October 2003, location plan received on 4 November 2003, master plan L (....) 0001 Rev P received 4 November 2003, hydrological report dated August 2003 and letter from George Wimpey dated 7 November 2003 roundabout, distributor road and catchment and detention basin details (drawing nos. 2003S0287-E-D001, E693/037, E6939/028, E639/025, E693/023 received on 21 October 2003) as revised by proposed distributor road layout (drawing No. E6939/021), water management Plan (drawing no. E6939/030) and SUDS Treatment and Attenuation Method Statement received on 23 January 2004, and letter from JBA Consulting dated 23 January 2004.

Condition 2. Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the under mentioned matters hereby reserved.

- a) The layout of the site;
- b) The size, height, design and external appearance of the proposed dwellinghouses, commercial/industrial units and shop;
- c) The means of drainage and sewage disposal;
- d) Details of the access arrangements;
- e) The provision for open space and associated maintenance arrangements;
- f) The provision for car parking;
- g) The boundary walls/fences to be erected;
- h) The landscaping of the site and associated maintenance arrangements;
- i) Existing and finished site levels/floor levels;
- j) The provision, design and drainage of 2 full-sized serviced football pitches, the design and layout of changing facilities and associated car parking;
- k) The final location of the shop.

Condition 3. Consent is hereby granted for no more than 500 houses within the application site boundary.

Condition 8. No more than 200 new dwelling houses or an extent of commercial/business development having an equivalent industrial discharge, shall be constructed on site or connected to the public sewage system until such time as the applicant has provided the Planning Authority with written confirmation from Scottish Water that the sewerage system is capable of accommodating the remaining 250 - 300 houses approved under this consent and/or the commercial development approved under the terms of this consent.

1.10 Should members be minded to grant planning consent for the variation of conditions 1,2,3 and 8 of planning consent 03/0990/OL, Condition 1 requires to be varied to ensure the proposed development is carried out in accordance with the amended approved plans which detail an amended layout. Condition 2 requires the submission of details relevant to reserved matters, as the planning consent is in outline only. Condition 3 limits the outline consent to granting no more than 500 dwellings, which requires to be varied to 625 dwellings, taking into account the proposed changes by the applicant. Finally Condition 8 requires to be altered to reflect the proposed change in the number of dwellings, ensuring the sewerage system is capable of accommodating the revised number of dwellings.

1.11 Transportation Assessment and Drainage Impact Assessment have also been received in support of the application

2. RECOMMENDATION

2.1 It is recommended that the application should be approved subject to the updated conditions indicated on the enclosed sheet and that the issuing of the planning decision notice 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 Section 7.2 of the report.

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report the application is predominantly in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 There are material considerations relevant to this application as indicated in Section 6 of the report and they are generally supportive of the proposal. The master plan has provided details of how the site is to be developed strategically such as internal roads and footpath access, drainage, structural landscaping and

public open space. Approval of this development will allow the wider objectives of the Council to be met through the development of identified housing and commercial/business sites. The highest possible quality of development has been promoted through the design brief and the legal agreement. This along with upgrades of water/sewerage infrastructure is of considerable significance for the redevelopment of the whole area. The increased number of residential units can be controlled by phasing arrangements to ensure compatibility with the Local Plan and infra-structural issues. This increase in housing numbers is also considered to be acceptable in this instance as the quality of the development has been safeguarded by a Design Brief, which will form part of an amended legal agreement. Furthermore, this approval is in outline only and the final design and layout of the final phases to be developed at Altonhill will require to be assessed by the submission of a detailed planning application.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development the application will not require to be referred to the Parent Planning Committee as it would not represent a significant breach of 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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AT LAND AT ALTONHILL, KILMAURS ROAD, KILMARNOCK
BY GEORGE WIMPEY STRATEGIC LAND**

Report by Head of Planning and Economic Development

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation because it concerns the variation of conditions to a large scale residential development which was granted Planning Consent by the former Development Services Committee.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is approximately 40.83 hectares in area and extends from the Kilmaurs Road in the north to Western Road in the south. The site encompasses a corridor of land at its northern end extending south from Kilmaurs Road before widening as it abuts Western Road, East Ayrshire Council Cleansing Depot and the Kilmarnock to Glasgow railway line on its south boundary. To the west of the site there is farmland and Altonhill Farm and to the east are residential properties located on Auchencar Drive and a nursing home. To the south east there is vacant land and Farm Road leading to a haulage yard/repair depot. The majority of the site was formerly agricultural land, although the site also includes the former fire service training facility on Western Road. The levels of the site vary from Kilmaurs Road in the north decreasing in level towards the southern boundary at Western Road. To-date detailed planning consent has been granted for 253 units in 4 phases of the total 12 phases development, with a total of 191 dwellings having been completed or currently under construction.

2.2 **Proposed Development:** Full planning consent is sought to vary conditions 1, 2, 3 and 8 of outline planning permission 03/0990/OL. The main focus of the proposed development will result in the increase in the number of dwellings approved in outline from 500 to a maximum of 625. The developer advises that the site has a capacity for additional units beyond the limit set by condition 3 of the original outline consent without compromising the quality of the development or prejudicing the Council's aspirations for the site. The main components of that outline approval are as follows:-

Roundabouts and Internal Road Layout

2.3 Two new roundabouts were proposed and one has been completed at Kilmaurs Road to the east of the existing gas compound. The second roundabout is proposed on Western Road adjacent to the Council's Cleansing Depot and Crathie Road. The second roundabout requires to be formed after 200 dwellings have been constructed on site and has yet to be constructed. Both roundabouts will service the residential and commercial developments. There is a main internal spine road off the southern arm of the proposed roundabout on Kilmaurs Road which should have no frontage development. The main internal spine road will terminate at the roundabout on Western Road. The internal road network will take access from the main spine road of each phase from a number of roundabouts located along the main spine road. The internal road design for each of the housing phases will be the subject of detailed applications for approval.

Phasing of Residential Development

2.4 The applicant originally indicated a site capacity of 450 – 500 houses. The overall residential area has been split into 12 housing sectors of varying size and shape. To-date, five phases have been granted detailed planning consent.

Drainage Layout

2.5 Two attenuation ponds are proposed in the south of the site adjacent to the existing Kilmarnock – Glasgow railway line. Surface water will be carried by a suitable flow path to the two attenuation ponds as part of a comprehensive Sustainable Urban Drainage System (SUDS).

Structural Landscaping

2.6 Structural planting is proposed along the western boundary. A 10 metre tree and shrub belt is proposed, with a 5 metre wide tree and shrub area along the rear gardens of residential properties on Auchencar Drive. Planting is further proposed along the southern boundary adjacent to the football pitches, the attenuation ponds, adjacent to Farm Road and the haulage yard. Planting is also proposed along the main internal spine road.

Open Space

2.7 Two strategic areas of open space and two football pitches are proposed. The first area of open space is sited in the northern area of the site and extends to approximately one hectare of designated public parkland and will include a play area. The second area of open space is located in the southern area of the site adjacent to the commercial/business area. This area will also include a play

area. The play areas will incorporate equipment suitable for toddlers, junior children and teenagers. Two full-sized, serviced football pitches are proposed to the rear of the Council's Cleansing Depot. These football pitches will include permanent changing facilities and a car park. The existing public right of way from Farm Road is to be maintained within the development proposals for the site.

Local Shop

2.8 The applicant has proposed a local shop within the southern area of the site. An indicative location is shown on the layout plan adjacent to the main internal spine road and to the existing public right of way. The proposed retail unit will be approximately 200 square metres gross floor area and will meet the day to day convenience needs of local residents. The retail unit would be the subject of a future Reserved Matters application.

Commercial Development

2.9 The proposed commercial/business area includes the existing fire service facility which is now vacant and the George Wimpey training building on Western Road. The commercial area will be accessed from a new roundabout on Western Road and the main internal spine road. The applicant is proposing the development of the site for Class 4 industrial or business uses or for the sale and display of motor vehicles as specified in the East Ayrshire Local Plan.

Conditions 1,2,3 and 8 of Planning Consent 03/0990/OL

2.10 The following conditions are proposed to be varied under the terms of this current application.

Condition 1. The proposed development shall be carried out in accordance with the application form and plans submitted on 21 October 2003, location plan received on 4 November 2003, master plan L (...) 0001 Rev P received 4 November 2003, hydrological report dated August 2003 and letter from George Wimpey dated 7 November 2003 roundabout, distributor road and catchment and detention basin details (drawing nos. 2003S0287-E-D001, E693/037, E6939/028, E639/025, E693/023 received on 21 October 2003) as revised by proposed distributor road layout (drawing No. E6939/021), water management Plan (drawing no. E6939/030) and SUDS Treatment and Attenuation Method Statement received on 23 January 2004, and letter from JBA Consulting dated 23 January 2004.

Condition 2. Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the under mentioned matters hereby reserved.

- l) The layout of the site;
- m) The size, height, design and external appearance of the proposed dwellinghouses, commercial/industrial units and shop;
- n) The means of drainage and sewage disposal;
- o) Details of the access arrangements;
- p) The provision for open space and associated maintenance arrangements;
- q) The provision for car parking;
- r) The boundary walls/fences to be erected;
- s) The landscaping of the site and associated maintenance arrangements;
- t) Existing and finished site levels/floor levels;
- u) The provision, design and drainage of 2 full-sized serviced football pitches, the design and layout of changing facilities and associated car parking;
- v) The final location of the shop.

Condition 3. Consent is hereby granted for no more than 500 houses within the application site boundary.

Condition 8. No more than 200 new dwelling houses or an extent of commercial/business development having an equivalent industrial discharge, shall be constructed on site or connected to the public sewage system until such time as the applicant has provided the Planning Authority with written confirmation from Scottish Water that the sewerage system is capable of accommodating the remaining 250 - 300 houses approved under this consent and/or the commercial development approved under the terms of this consent.

2.11 Should members be minded to grant planning consent for the variation of conditions 1,2,3 and 8 of planning consent 03/0990/OL, Condition 1 requires to be varied to ensure the proposed development is carried out in accordance with the amended approved plans which detail an amended layout. Condition 2 requires the submission of details relevant to reserved matters, as the planning consent is in outline only. Condition 3 limits the outline consent to granting no more than 500 dwellings, which requires to be varied to 625 dwellings, taking into account the proposed changes by the applicant. Finally Condition 8 requires to be altered to reflect the proposed change in the number of dwellings, ensuring the sewerage system is capable of accommodating the revised number of dwellings.

2.12 A Transportation Assessment and Drainage Impact Assessment have also been received in support of the application.

3. CONSULTATIONS AND ISSUES RAISED

- 3.1 East Ayrshire Council Roads and Transportation Division have no objections subject to the following:

The developer agrees to a contribution of £10,000 to road widening works at Munro Avenue;

The developer agrees to a contribution of £20,000 to the Council's ongoing development, calibration and fine-tuning costs of the SCOOT system;

The developer agrees to a contribution of £10,000 to the future maintenance of the Western Road cycleway;

The developer has verbally advised that they are happy to contribute to the road improvements highlighted in the Transport Assessment. This contribution will require the existing Section 75 legal agreement (approved under the outline consent) to be amended to reflect the developer's contribution.

- 3.2 Scottish Water have no objections to the proposed development although have advised that the developer should make contact with Scottish Water to discuss the impact of the proposed development.

Noted.

- 3.3 East Ayrshire Council's Department of Educational and Social Services have no adverse comments or objections to make regarding the proposed development although have advised this may cause capacity issues for pre-school education at Cairns Nursery and in relation to the provision of denominational secondary education at St Josephs Academy. It is also noted that additional school transport may be required.

Noted.

- 3.4 North West Kilmarnock Community Council have not responded to their consultation letter at the time of writing this report.

Noted.

- 3.5 Network Rail have advised that the applicant should provide a 1.8 metre high concrete post and weldmesh fence along the mutual boundary to reduce the risk of trespass onto the railway. All surface and foul water arising from the proposed works should be collected and diverted away from rail property and all operations including the use of cranes or other mechanical plant working adjacent to rail property must be carried out at all times in a 'fail safe' manner

with no materials or plant capable of falling within 3 metres of the nearest rail of the railway line or where the railway is electrified within 2.75 metres of overhead electrical equipment or supports. Trees/shrubs to be planted adjacent to the railway boundary should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leafed deciduous species should not be planted adjacent to the railway boundary. New lighting to be erected adjacent to the operational railway shall be formed so as to preclude the potential for train drivers to be dazzled. The location and colour of lights should not give rise to the potential for confusion with the signalling arrangements on the railway.

The requirements of Network Rail were addressed, as part of the outline planning consent however will be re-stated, as appropriate, by attaching a note if planning consent is granted or addressed when dealing with the detailed elements of the development.

3.6 National Grid advise that the risk proposed by the development is negligible with regards their operational electricity transmission network and operational gas transmission network.

Noted.

4. REPRESENTATIONS

4.1 No objections have been received as a result of the statutory neighbour notification and public advertisement process.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

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

5.2 Policy RES1 encourages and supports the residential development of those Development Opportunity Sites identified for housing purposes on the individual Local Plan maps and reserves them for residential and associated recreational and amenity open space development.

The application relates to Development Opportunity Site 136H. The application is therefore acceptable in terms of this policy. However, the Local Plan indicates the site capacity to be for 350 dwellings. The original outline consent for the site is for up to 500 units,

therefore the proposed variation of the outline consent to increase this to a maximum of 625 units, represents a significant increase in the proposed number of dwellings than the number indicated in the Local Plan. The increase in numbers can be controlled by phasing arrangements to ensure compatibility with the Adopted Local Plan and infra-structural issues. Given the density of the completed phases to-date it is clear that the remaining phases can accommodate the proposed increase in number of dwellings. The proposed increase from 500 to a maximum of 625 dwellings is also considered to be acceptable in this instance as the quality of the development has been safeguarded by a Design Brief, which will form part of an amended legal agreement.

5.3 Policy RES 19 requires all housing developers to provide areas of recreational and amenity open space as an integral part of their development proposals and to make provision for the future maintenance of these areas. Schedule 3 of the Local Plan states that all developments over 350 houses are required to incorporate open space to meet the National Playing Field standard of 2.43 hectare per 1,000 people.

It is proposed that the site have two strategic areas of open space which will incorporate play areas for teenagers, junior children and toddlers. The first area of open space is sited in the northern area of the site and extends to approximately one hectare of designated public parkland. The second area of open space is located in the southern part of the site and is 1.5 hectares in area. Two full-sized, serviced football pitches are proposed in the southern half of the site.

These football pitches will include permanent changing facilities and a car park. The proposed development therefore meets the terms of the above policy and is unaltered from the original outline planning consent.

5.4 Policy RES 3 expects housing developers to enter into Section 75 Agreements in appropriate circumstances in terms of elements of phasing associated landscaping. The Altonhill site is identified in EALP as a site in which a Section 75 Agreement will be requested. The terms of the Section 75 legal agreement are discussed in section 7.2 of the report.

The terms of the Section 75 legal agreement are discussed in section 7.2 of this report.

5.5 Policy RTC 7 is relevant with regard to the proposed shop and permits a local shop or shops not exceeding a total of 200m² gross floor area and falling within Class 1 of the Use Classes Order requiring to meet the day to day convenience needs of local residents.

The outline development, previously approved, made provision for a local shop not exceeding 200m² to meet day to day convenience needs. The implementation, size and role of the local shop will be achieved through the variation to this planning consent by way of the updated Section 75 Legal Agreement.

5.6 The part of the proposal which relates to commercial/business activity area adjacent to Western Road is consistent with Site 232M in the EALP. The development of the site for Class 4 industrial or business uses or for the sale and display of motor vehicles is encouraged and supported.

The proposed development complies with the above designation, and remains unaltered from the original approved outline planning consent in this regard.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultation responses and representations detailed in Section 3 of the report, the Planning History and the Design Brief for the site.

Consultation Responses

6.2 The consultation responses have been addressed in Section 3 of the report and do not raise any issues that would warrant the refusal of this application.

Planning History

6.3 99/0776/OL: Proposed Development of Land for Residential and Industrial/Commercial Purposes at Altonhill/Western Road, Kilmarnock, by George Wimpey Strategic Land Management. The applicant appealed the non-determination of this application. The appeal was subsequently withdrawn by the applicant. This application included an area of open space for housing owned by the Council which is no longer included within this present application.

6.4 KL/W/OL/83/167B: Proposed Residential Development of 170 houses together with recreational facilities land at Altonhill, Kilmarnock was granted consent on 25 January 1994. This consent has now expired. A Section 75 Agreement (Section 50 Agreement at that time) was associated with this consent

which restricted the number of dwellinghouses to 170 houses, the density of the development, the quality of materials, open space, phasing and structural planting. This earlier Agreement will require to be discharged before the new Section 75 Agreement is registered.

6.5 03/0990/OL: Outline planning consent for a residential development, associated road works, open space provision; commercial development to the frontage of the application site at Western Road and SUDs detention basins, sports pitches and local shop. A Section 75 Legal Agreement and design brief also form part of the consent. It is this consent that the current application seeks to vary.

Design Brief

6.6 A design brief was prepared for the application site to help to achieve the highest possible quality of development. The design brief addresses issues such as the existing infrastructure and services, housing layout, design and materials, open space and landscaping, footpath links, road and parking layouts. Any revised Section 75 Agreement required as a result of a grant of planning consent would include a revised design brief and the applicants would be required by means of the updated legal agreement to meet the terms of the design brief.

Applicant's Supporting Statement

6.7 The applicant has submitted a supporting statement as part of the planning application stating that the site has capacity for additional units beyond the limit set by Condition No. 3, without compromising the quality of the development or prejudicing the Council's aspirations for the site, as articulated within the outline planning permission and approved Design Brief.

6.8 The applicant states that such an approach is fully in accordance with Government Guidance, of the Finalised Joint Ayrshire Structure Plan 2006, and Adopted East Ayrshire Local Plan.

6.9 The applicant states that the Structure Plan identifies Kilmarnock as a Core Investment Area and directs a significant amount of new housing towards the town. By maximising the development capacity of committed residential sites, the requirement for new greenfield releases will be proportionally reduced. It is the applicants opinion that given the locational suitability of the Altonhill site for residential purposes, it is more logical and sustainable to allow additional residential units within the site, provided that this increase can be accommodated in full accordance with development control standards and other guidance, than to release new, potentially more remote, greenfield sites.

6.10 The applicant has lodged a supporting Transport Assessment and Drainage Impact Assessment, both of which fully assess the implications for this increase and the developer believes that there are no transportation or drainage/flooding implications which would prevent the grant of planning permission.

6.11 The applicant has also lodged a revised Masterplan/Phasing Plan which takes account of the proposed increase of residential units. This revised Masterplan/Phasing Plan will supersede the current Masterplan/Phasing Plan which is attached to the legal agreement.

6.12 In assessing the actual capacity of the site the applicant states that full consideration has been given to the Design Brief attached to the legal agreement. An Indicative Site Layout Plan, is submitted which, amongst other matters, demonstrates that the proposed increase in residential units will not compromise or prejudice the ability of subsequent 'reserved matters' proposals to meet the requirements contained within the Design Brief.

6.13 In particular, the developer notes that the Council requires 25% of the total site capacity to be 'high amenity' housing i.e., 3-4 bedroom detached houses at lower than normal densities. This includes the requirement for a minimum of 150sq.mtrs. of secluded private open space (garden ground) and a 4 metre distance between houses, for every 'high amenity' dwelling.

6.14 Given that no 'high amenity' houses have been provided within the first 5No. phases, the applicant acknowledges, in terms of high amenity housing, that 25% of the site capacity of 625 units (i.e., 156 units) will be provided for within the remaining phases. The Indicative Site Layout Plan confirms that this can be achieved.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application.

7.2 Legal implications would arise from the Council entering into a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant. This would simply provide an updated legal agreement to reflect the changes in the number of units approved, with the addition of the contribution of £40,000 towards roads improvements in the vicinity of the application site. The update heads of agreement are as follows:-

- Implementation of this and any other subsequent development in accordance with the design brief.

- Provision, phasing and implementation of the residential development, strategic open space, strategic play areas, football pitches with changing facilities, car park, structural planting.
- The construction of pedestrian footways and cycle routes linking the housing site with Kirkland Avenue/Altonhill Avenue and Auchencar Drive, and the phasing thereof.
- Implementation of landscaping of new roundabouts at Western Road and Kilmaurs Road.
- Provision, location, phasing and implementation of a local shop not exceeding 200 square metres gross floor area and falling within Class 1 of the Use Classes Order required to meet the day to day convenience needs of local residents.
- Adequate servicing provision of the housing site by public transport.
- Provision, phasing and implementation of the main distributor road and other internal roads.
- Design and implementation of the Sustainable Urban Drainage System.
- Restricting to 200 or an industrial development of equivalent discharge levels, the number of new houses that can be accommodated without upgrading the public sewerage system and obtaining consent from Scottish Water for connection to the public sewerage and water infrastructure systems.
- Securing a contribution of £10,000 to road widening works at Munro Avenue; a contribution of £20,000 to the Council's ongoing development, calibration and fine-tuning costs of the SCOOT system and a contribution of £10,000 to the future maintenance of the Western Road cycleway.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report the application is predominantly in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

8.2 There are material considerations relevant to this application as indicated in Section 6 of the report and they are generally supportive of the proposal. The master plan has provided details of how the site is to be developed strategically such as internal roads and footpath access, drainage, structural landscaping and public open space. Approval of this development will allow the wider objectives of the Council to be met through the development of identified housing and commercial/business sites. The highest possible quality of development has been promoted through the design brief and the legal agreement. This along with upgrades of water/sewerage infrastructure is of considerable significance for the redevelopment of the whole area. The increased number of residential units can be controlled by phasing arrangements to ensure compatibility with the Local Plan and infra-structural issues. This increase in housing numbers is also considered to be acceptable in this instance as the quality of the development has been safeguarded by a Design Brief, which will form part of an amended legal agreement. Furthermore, this approval is in outline only and the final design and layout of the final phases to be developed at Altonhill will require to be assessed by the submission of a detailed planning application.

9. RECOMMENDATION

9.1 It is recommended that the application should be approved subject to the updated conditions indicated on the enclosed sheet and that the issuing of the planning decision notice 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 Section 7.2 of the report.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development the application will not require to be referred to the Parent Planning Committee as it would not represent a significant breach of Council policy.

Alan Neish
Head of Planning and Economic Development
14 June 2007

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Adopted East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan.
6. Planning Application No: 03/0990/OL

Anyone wishing to inspect the above papers please contact Barry Douglas on 01563 576770.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

07/0150/FL

Site of Proposal:	Land at Altonhill KILMARNOCK
Nature of Proposal:	Planning Application to Vary Conditions 1, 2, 3 and 8 of planning permission 03/0990/FL
Name & Address of Applicant:	George Wimpey Strategic Land Trident House Renfrew Road PAISLEY PA3 4EF
Name & Address of Agent:	Farningham McCreadie Partnership Ltd 65 York lace EDINBURGH EH1 3JD

DPOs Reference: BD/RH

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

1. That Condition 1 of the outline consent ref. 03/0990/OL dated 30/08/2004 is hereby amended to read as follows:-

The proposed development shall be carried out in accordance with the application form and plans submitted on 21 October 2003, location plan received on 4 November 2003, master plan L (...) 0001 Rev P received 4 November 2003, hydrological report dated August 2003 and letter from George Wimpey dated 7 November 2003 roundabout, distributor road and catchments and detention basin details (drawing nos. 2003S0287-E-D001, E693/037, E6939/028, E639/025, E693/023 received on 21 October 2003) as revised by proposed distributor road layout (drawing No. E6939/021), water management plan (drawing no. E6939/030) and SUDS Treatment and Attenuation Method Statement received on 23 January 2004, letter from JBA Consulting dated 23 January 2004 and preliminary site plan A032014 received on 26 February 2007.

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

2. That condition 2 of outline consent ref. 03/0990/OL dated 30/08/2004 is hereby amended to read as follows:-

Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the under mentioned matters hereby reserved.

- a) The layout of the site;
- b) The size, height, design and external appearance of the proposed dwellinghouses, commercial/industrial units and shop;
- c) The means of drainage and sewage disposal;
- d) Details of the access arrangements;
- e) The provision for open space and associated maintenance arrangements;
- f) The provision for car parking;
- g) The boundary walls/fences to be erected;
- h) The landscaping of the site and associated maintenance arrangements;
- i) Existing and finished site levels/floor levels;
- j) The provision, design and drainage of 2 full-sized serviced football pitches, the design and layout of changing facilities and associated car parking;
- k) The final location of the shop.

REASON The approval is in outline only.

3. That condition 3 of outline consent ref. 03/0990/OL dated 30/08/2004 is hereby amended to read as follows:-

Consent is hereby granted for no more than 625 houses within the application site boundary.

REASON To enable the Planning Authority to control the development in the interests of the amenity of the area.

4. That Condition 8 of outline consent ref. 03/0990/OL dated 30/08/2004 is hereby amended to read as follows:-

No more than 200 new dwellinghouses or an extent of commercial/business development having an equivalent industrial discharge, shall be constructed on site or connected to the public sewage system until such time as the applicant has provided the Planning Authority with written confirmation from Scottish Water that the sewerage system is capable of accommodating the remaining 425 houses approved under this consent and/or the commercial development approved under the terms of this consent.

REASON To ensure that adequate drainage is provided.

5. That conditions numbers 4, 5, 6, 7, 9, 10,11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 and associated notes of the outline consent ref. 03/0990/OL remain valid and are unaffected by this consent now granted.

REASON To enable the Planning Authority to control the development in the interests of the amenity of the area.

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