

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 09 SEPTEMBER 2011

**10/0917/PPP: PROPOSED CHANGE OF USE FROM AGRICULTURAL TO
RESIDENTIAL USE INCORPORATING MEANS OF ACCESS, OPEN
SPACE LANDSCAPING AND ASSOCIATED WORKS**

AT LAND AT NORTHCRAIGS, KILMARNOCK

BY HALLAM LAND MANAGEMENT LTD

Report by Head of Planning and Economic Development

Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/caseFile.do?category=application&caseNo=10/0917/PPP>

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Planning permission in principle is sought for the residential development on the site and the application incorporates a Masterplan highlighting the means of access, road layout, 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 the Masterplan and Phasing Plan will form part of the approved documents should consent be granted.

1.2 The site has two proposed means of access which are shown in the Masterplan from Southcraig Drive passing through the area of ground which benefits from consent for a mixed use development and access from the existing roundabout serving the business park.

1.3 To further support the application, a planning design statement and a 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 future 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 over time to develop sectors of the land in accordance with this phased approach, allowing the site to progress in a flexible manner.

1.4 As part of the formal pre-application consultation process, a community consultation event was held in September 2010, and the Masterplan prepared in conjunction with the community feedback on the proposal. The comments received during the community consultation process are noted within the Pre-Application Consultation Report included as part of the planning submission.

1.5 The proposed Masterplan indicates the basic layout of the site. The access road/spine road links with the secondary northern roundabout at the entrance to the Rowallan Business Park and runs on an east/west axis providing a main access route to the development. Various internal roads lead off this spine road to the north and south providing secondary link roads reducing the requirement for cul-de-sacs and increasing the permeability of the proposed layout. The main spine road is bounded on both sides with areas of green space creating the appearance of an avenue with tree planting proposed along the full length therefore creating a significant natural buffer strip with the residential units.

1.6 The areas of landscaping are continued within the proposal following sections of the internal road layout and creating areas of useable public open space and small squares. The landscaping and open space then continues along the periphery of the site creating a natural interface with the rural landscape to the north and west with a peripheral walkway shown through this area linking the full site. The southern boundary, where the site meets with the existing residential development of Southcraigs, has a significant area of landscaping, which again creates a natural buffer between the two developments. Three SUDS attenuation ponds are proposed indicatively along this southern boundary due to the topography of the site.

1.7 Paths will be provided throughout the landscaped and woodland buffer areas. 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 Strategic Planning Guidance within the Masterplan would be given a level of “material consideration” status to ensure the subsequent applications were designed in accordance with the overarching principles for the site.

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, 7.1 and 7.2 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. The material considerations are generally supportive of the proposal with the exception of those letters of representations; 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 for planning permission in principle 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 in principle which is to be considered by the Northern 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 largely of an area of agricultural ground on land to the west of and encompassing Northcraig Farm, positioned between the former Northcraigs reservoir to the north and the residential development of Southcraigs to the south. To the west the site bounds agricultural land and to the east the site surrounds and includes the buildings of Northcraig Farm. To the east of this, the site bounds with agricultural land under the ownership of the applicant which is subject to an associated planning application for the extension to the existing Rowallan Business Park. A further area of land to the south located between Southcraig Drive and the application site is noted as under the ownership of the applicant and has planning permission in principle for a mixed use development.

2.2 The application site measures 26.7 hectares primarily consisting of undulating agricultural land.

2.3 **Proposed Development:** Planning permission in principle is sought for the residential development on the site and the application incorporates a Masterplan highlighting the means of access, road layout, 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 the Masterplan and Phasing Plan will form part of the approved documents should consent be granted.

2.4 The site has two proposed means of access which are shown in the Masterplan from Southcraig Drive passing through the area of ground which benefits from consent for a mixed use development and access from the existing roundabout serving the business park.

2.5 To further support the application, a planning design statement and a 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 future 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 over time to develop sectors of the land in accordance with this phased approach, allowing the site to progress in a flexible manner.

2.6 As part of the formal pre-application consultation process, a community consultation event was held in September 2010, and the Masterplan prepared in conjunction with the community feedback on the proposal. The comments received during the community consultation process are noted within the Pre-Application Consultation Report included as part of the planning submission.

2.7 The proposed Masterplan indicates the basic layout of the site. The access road/spine road links with the secondary northern roundabout at the entrance to the Rowallan Business Park and runs on an east/west axis providing a main access route to the development. Various internal roads lead off this spine road to the north and south providing secondary link roads reducing the requirement for cul-de-sacs and increasing the permeability of the proposed layout. The main spine road is bounded on both sides with areas of green space creating the appearance of an avenue with tree planting proposed along the full length therefore creating a significant natural buffer strip with the residential units.

2.8 The areas of landscaping are continued within the proposal following sections of the internal road layout and creating areas of useable public open space and small squares. The landscaping and open space then continues along the periphery of the site creating a natural interface with the rural landscape to the north and west with a peripheral walkway shown through this area linking the full site. The southern boundary, where the site meets with the existing residential development of Southcraigs, has a significant area of landscaping, which again creates a natural buffer between the two developments. Three SUDS attenuation ponds are proposed indicatively along this southern boundary due to the topography of the site.

2.9 Paths will be provided throughout the landscaped and woodland buffer areas. Play facilities will also be proposed in the centrally located landscaped areas, albeit these features would be part of subsequent detailed applications.

2.10 The Strategic Planning Guidance within the Masterplan would be given a level of “material consideration” status to ensure the subsequent

applications were designed in accordance with the overarching principles for the site.

3. CONSULTATIONS RESPONSES

3.1 East Ayrshire Council Environmental Health Service has no objections in principle to the proposed development but has the following comments to offer:

- (i) Noisy work on the site during construction should be restricted to 0700 and 1900 hours Monday to Friday, 0800 and 1300 hours on Saturdays, with no noisy work on Sundays.
- (ii) Noise from the works during construction should at no time cause the underlying background noise level LA90(1 hour) to rise by more than 3 dB(A), measured at the nearest noise sensitive locations.
- (iii) Suitable dust suppression measures should be introduced where appropriate during the construction phase.
- (iv) All waste arising from the works during construction should be disposed of to the satisfaction of the Waste Management Authority, and otherwise by burning.
- (v) All drainage should be completed to the satisfaction of SEPA and/or Scottish Water.
- (vi) The Contaminated Land Officer has not identified any specific area of concern but has suggested the inclusion of a general caveat on any conditions of approval to the effect that if any unsuspected contamination is encountered during the proposed works, the Council should 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.

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

3.2 East Ayrshire Council Environmental Health Service (Contamination Section) has no objection in principle to the application and states that the contaminated land data base has not identified any specific area of concern but, due to the sensitive nature of the development advises that soil sampling and soil gas monitoring be conducted to assess the potential for soil contamination and the presence of soil gas as part of the ground condition report which will be required in granting the building warrant.

The comments do not relate to any direct threat of contamination and therefore the monitoring in terms of soil and soil gas can be carried out as part of the building warrant process rather than take the form of a suspensive planning condition in any planning consent granted.

3.3 East Ayrshire Council Roads and Transportation Service has no objections on the internal road layout but recommends the following:

- (i) It should be ensured that the SUDS scheme is capable of attenuating the 1 in 200 year event is produced if discharge is to a watercourse, EAC Roads would require it to be limited to the rate of 4.5ltrs/sec/ha.
- (ii) The flood route to the SUDS system requires to be established and verified.
- (iii) Scottish Water technical approval will be required at the detailed planning stage for all drainage proposals including connection to the public drainage network.
- (iv) SEPA approval will be required at a detailed planning stage
- (v) The secondary access from Rowallan Business Park should be constructed prior to any internal development works.

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 planning consent be granted. 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.

Traffic Assessment

The traffic distributor road and all other areas of the development that are expected to fall within the likely adoption limits will require Roads Construction Consent approvals prior to any works commencing on site. Additionally a Construction Traffic Management Plan for the development will require to be agreed with the Roads Network Management Section prior to the implementation of any on-site works. The proposed development is considered acceptable on traffic and accessibility grounds subject to the agreement of conditions requiring the developer to provide the appropriate traffic infrastructure as detailed below:

- (vi) The provision of a traffic distributor road from the Rowallan Business Park roundabout running south west and providing the main means of access to both the proposed residential and mixed-use sites.
- (vii) The provision of dropped kerbs and tactile paving at all junctions on the distributor road.
- (viii) The provision of 3m joint footway/cycleway on both sides of the distributor road.
- (ix) The provision of bus infrastructure measures along the length of the distributor road with the installation of a suitable temporary bus turning head at the westernmost extent of the distributor road.
- (x) The developer must liaise with SPT and local bus operators to investigate the provision of local bus services within the development site

- (xi) The internal layout will be designed as suitable for 20mph zones with appropriate traffic calming facilities to ensure full compliance.

Detailed design of the above features will be required prior to the issue of any Road Construction Consent.

The above requirements of the Roads and Transportation Service can be secured by appropriate conditions attached to any planning consent granted for the proposed development.

3.4 East Ayrshire Council Roads and Transportation Service (Flooding Section) has no objections to the proposed development and confirm that the submitted information includes a FRA which concludes that there are no identifiable sources of flooding to the site and it would only remain to ensure that a SUDS scheme capable of attenuating the 1:200 year event is produced. If discharge is to a watercourse, it should be limited to the rate of 4.5ltrs/sec/ha. Finally the Flood route to the SUDS requires to be established, checked and proved possible.

There are no outstanding flooding issues to note and all those points noted should be covered by suspensive condition to any consent granted.

3.5 The Access Panel has raised no objection to the consultation however state they will provide detailed comments at the detailed application stage.

3.6 East Ayrshire Council Department of Education and Social Services has no objections to the proposed development and confirms that the Department of Education and Social Services has an obligation to provide services including educational and social care provision in line with legislative requirements and the development of additional housing within this area would not impact on the requirement for delivery. The current educational provision in the authority area would have the capacity to incorporate any additional children requiring education.

3.7 Scotland Gas Networks has not raised any objections to the proposed development but has provided information in relation to a high pressure gas main at the western boundary of the site and advise that the building proximity distance from the Eaglesham to Onthank (E07) Pipeline is 14 metres and from the Harelaw to Onthank TRS (G17) Pipeline is 28 metres.

A condition and advisory note can be attached to any consent granted for the proposed development advising the applicant to make early contact with SGN regarding the potential impact of the proposed development on its apparatus.

3.8 Scottish Power Energy Networks has not raised any objections to the proposed development but has provided information in relation to its apparatus in the locality of the site.

A note can be attached to any consent granted for the proposed development advising the applicant to make early contact with SPEN regarding the potential impact of the proposed development on its apparatus.

3.9 The Architectural Heritage Society of Scotland has not raised any objections to the proposed development and provide the following comments:

(i) As the site is at the edge of the Burgh it is important to ensure that the layout provides a defensible boundary and is visually appropriate when adjoining open fields. The latter is also important when this site bounds an industrial site to the east. In this respect we are of the opinion that the landscaping buffer currently shown on the Masterplan is insufficient.

(ii) Lessons must be learned from the characterless high density development in the section of Southcraigs to the south where cul-de-sacs, no centre, and few if any recreational facilities give no sense of community for family houses and residents.

(iii) Few details are shown for phase 2 of the proposed residential area. As Northcraigs Farm was built before 1857 we would commend further study as to its retention and reuse perhaps for business/office use appropriate to a residential area.

(iv) Given that the recommendation is to make Finished Floor Levels 0.6m above ground level then we recommend that the development is mixed in size with some 1.5 or even single storey houses built.

The comments noted above can be covered by condition or by advisory notes and attached to any consent granted.

3.10 The Scottish Environment Protection Agency (SEPA) had originally objected to the application on the grounds of flooding, but has now withdrawn its objection and wish to make the following comments:

(i) SEPA has previously reviewed the application information and it is thought that the flood risk assessment (FRA) is robust and provides acceptable design flow estimates of 0.22m³/s, 0.59m³/s and 0.72m³/s for burns 1, 2 and 3 respectively.

(ii) The FRA demonstrates that although Burn 2 may be undersized with respect to the peak design flow by approximately 0.12m much of the burn will preferentially drain via the natural flow path to the west of the burn prior to entering the culvert on Southcraig Drive. Therefore the actual peak flow and water level is likely to be lower than that noted in the FRA.

(iii) Whilst no information on the culvert capacity calculations has been provided for us to verify, the FRA recognises that the burn 2 Wallacetown Avenue culvert is likely to be undersized with respect to the 200year design flow.

(iv) According to planning drawing 1393-201-001 (dated 02/07/10) in the event of the culvert overtopping the water will flow over Wallacetown Avenue prior to following the natural drainage path to the west of burn 2. This flow would then rejoin the existing burn at the Southcraig Drive culvert. As such the FRA recommends that consideration should be given at the design stage of the proposed development. SEPA supports this recommendation provided the proposal has a neutral effect on flood risk at the site and elsewhere. It is likely that it would require a license under the Controlled Activities Regulations (CAR) as an engineering activity so further guidance should be sought in this regard.

(v) The FRA recommends in section 4.2 of the report that for buildings close to the watercourse a freeboard level of 0.6m above the peak 200 year flood level should be maintained at all times. It is understood that no development is proposed within the functional floodplain as determined within the FRA but if the proposal alters during the detailed design stage SEPA should be re-consulted and appropriate flood management measures provided to ensure a neutral effect on flood risk.

(vi) Furthermore final ground levels for buildings should be at least 0.2m above the adjacent bank levels. It is recommended that the Flood Prevention Authority (FPA) comment on the acceptability of this freeboard allowance for flood control purposes. SEPA would recommend that the finished ground levels should be designed to slope away from the buildings to ensure that surface water is shed away from the external walls and does not form ponds at the back of the buildings.

(vii) It is acknowledged that SUDS measures are proposed for the development. It is recommended that the FPA satisfy themselves that the post development run off and management are appropriate for flood control purposes. For information SEPA recommends any proposed mitigation measure should contain the 1:200 year flood to ensure there is no increase in flood risk downstream of the development.

(viii) SEPA would also support the recommendation that the existing culverts should be kept in good condition by means of a robust maintenance plan to prevent the risk of blockage. SEPA also recommend this maintenance is discussed and agreed with the FPA.

(ix) Based on the information provided at this time it is considered that the proposal complies with the principles of Scottish Planning Policy (SPP) and Sustainable Flood Management.

The comments noted above by SEPA can be covered by condition or by advisory notes and attached to any consent granted.

3.11 West of Scotland Archaeological Service (WOSAS) states that there are no recorded archaeological sites within the proposed development area, although Northcraig is mapped by Wm. Roy (c.1755) but because

development is proposed for previously undeveloped land and is large in scale there is a potential for significant unrecorded sub surface archaeological deposits to be present on site.

WOSAS would therefore recommend the attachment of an appropriate condition to any consent the Council may grant, so as to properly control the detailed measures to be brought forward to deal with the archaeological issues arising from the development operations in this area. The most appropriate form of condition to use in these circumstances would be a negative suspensive condition such as that suggested for the outline application. WOSAS recommends the following wording, which reflects recent experience and current best practice:

“No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.”

The requirements of WOSAS can be addressed by a suspensive condition in any consent granted.

3.12 Scottish Natural Heritage has no objections to the application and makes the following comments:

The Ecological Impact Assessment (August 2010) identifies the importance of the area proposed for development as being of local value for breeding birds and foraging habitat for bats. SNH is satisfied with the conclusions of the habitat report which finds no evidence of otter, badger or red squirrel within the development site or immediate environs and agrees that this is largely a reflection of the surrounding habitat which is predominantly intensively managed farmland with little wildlife value.

Bats

The report concludes that the site has limited value for bats. It does however identify a number of potential roosting opportunities both in the infrastructure associated with the farm and within an ash tree referred to in the protected species report (TN 8). Whilst the surveys conclude that these opportunities are not in current use by bats it is possible that they may become active in the future. They also represent opportunities which will be no longer available once the development of the site is complete. It is SNH's view that any tree felling site clearance and demolition of existing walls and built features associated with this development will result in the loss of valuable feeding area, of commuting opportunities, roosts and of potential hibernation sites.

These losses should be addressed by means of the provision of alternatives as part of a mitigation plan for the site providing similar resources within the developed landscape.

Otter

The 2010 survey concludes that no evidence of otter was discovered within the survey area. Fenwick Water which runs less than 500m from the development site is known to support otter. Small burns running through the development site may represent important commuting routes between Fenwick Water and the reservoir. SNH therefore advises that safe working practices are adopted during the construction phase to minimise any impacts to otter which may pass through the site.

Badgers

The EclA report also concludes an absence of badger records from within the study area but describes the habitat immediately surrounding the survey area as providing ideal for foraging badgers.

Water vole

SNH agrees that the habitat within the development site is unsuitable for water vole. The reservoir may provide more suitable habitat but we are satisfied that the impacts arising from this development are unlikely to significantly affect the local water vole populations.

Birds

The bird surveys highlight the local importance of the site for a number of red listed and LBAP bird species including common grasshopper warbler, common starling, northern lapwing, house sparrow, song thrush, and yellow hammer. It is SNH's view that this places an emphasis on the importance of maintaining / improving hedgerows along the site boundary following completion of the development as well as seeking to maximise the opportunities for creation and maintenance of hedgerows and other green corridors within the development site.

Red Squirrel

SNH is satisfied with the conclusions that the development site offers no habitat suitable for red squirrel.

Mitigation Measures:

In order to minimise the impacts of this development SNH advises that planning consent be approved subject to the following conditions:

- (i) **Condition 1:** If more than 12 months elapses between the approval of planning consent and the commencement of works on the ground then

protected species surveys will need to be repeated in the 12 month period immediately prior to works taking place. This is of particular importance with regard to buildings/infrastructure which may be scheduled for alteration/demolition as highlighted by the surveys as having potential to support bats and or trees which are scheduled to be felled such as the ash tree identified in TN8 of the protected species survey. If bats otters or badgers are discovered then EPS/Protected species licenses will be required from SNH in order for development to proceed legally.

Reason: In order that protected species data is sufficiently up to date. If development is not progressed for a number of years following the approval of planning consent the picture with regard to protected species may have changed. SNH require up to date information to ensure that the work can proceed without any offences under the Habitats Regulations 1994 (as amended) being committed.

(ii) **Condition 2:** Any vegetation clearance required as part of this development should be undertaken outside of the period 1st March to 31st July (inclusive) to avoid the bird breeding season and potential damage/destruction of active nests. If vegetation clearance is required inside of this period then works must be immediately preceded by a nesting birds survey. Only if no nesting birds are identified can clearance works proceed at this time. Any nesting birds identified by these pre works surveys should be protected by means of a buffer zone as determined by a suitably qualified ecologist and maintained until birds have finished breeding or have left the nest.

Reason: To prevent any offences under the Wildlife and Countryside Act 1981 (as amended) being committed.

(iii) **Condition 3:** Developers should be required by East Ayrshire Council to submit and subsequently implement proposals for the creation and enhancement of opportunities for biodiversity with specific regards to birds. This should include maintenance/reinstatement of development site boundary hedges and increasing their value with mature native trees and shrubs. Proposal should also seek to identify new opportunities for the creation of green corridors within the development site through the implementation of sympathetic intelligent planting and making the most of existing features where possible.

Reason: To provide alternative nesting roosting and foraging opportunities and safeguard the wildlife interest associated with the area.

(iv) **Condition 4:** Safe methods of working are developed and implemented throughout the construction period including construction method statements incorporating safe methods of working and seasonal considerations, tool box talks to inform contractors, timings of works etc

Reason: To ensure that all possible measures are taken to minimise impacts throughout the construction phase.

SNH is also keen to see that developments recognise and support the Central Scotland Green Network, a national priority in the National Planning Framework.

The comments made by SNH can be attached as planning conditions to any consent granted.

3.13 Scottish Water has no objections to the proposal but notes that planning approval does not guarantee a connection to Scottish Water infrastructure and note that Amlaird Water Treatment Works that serves the proposed development may be able to supply the new demand. The Water network has limited capacity available for new demand. The developer should discuss their development with Scottish Water.

The above comments made by can be attached as planning advisory notes to any consent granted.

3.14 Southcraigs and Dean Community Council has objected to the proposed development on the following grounds:

(i) Housing – there is currently no demand or requirement for housing in the above area.

This is not a valid planning ground of objection. The application site is noted with the Adopted East Ayrshire Local Plan 2010 as an identified residential development site and as part of the strategic expansion of Kilmarnock.

(ii) Road Safety – The proposed new Northcraig spine road would have a significant adverse effect on the existing road network, levels of traffic likely to increase by approximately 1000 cars from the residential area, notwithstanding heavy vehicles accessing the proposed industrial park.

The application is accompanied by an independent Traffic Assessment and has been assessed by the Council's Roads and Transportation Service. No road safety issues have been raised which can not be addressed through the imposition of appropriate conditions in any consent granted.

(iii) Existing Residential Amenity – The proposed development would have significant adverse impact on over subscribed nursery and school facilities. We believe that substantial investment is required especially in early years provision and now even more so if an additional 500 houses are planned.

The Council's Department of Education and Social Services has been formally consulted on the application and has not raised concerns regarding service provision.

(iv) SUDS & Sewerage – We understand the existing sewerage system to be at capacity and feel that the proposed development will over burden the existing system. Major investment is required to prevent flooding and overloads both of which would have an obvious significant negative impact on existing property.

The proposal has been assessed in terms of the potential flooding issues and a separate Flood Risk Assessment has been submitted. Both SEPA and the Council's Flooding Engineer have not raised any significant issues relating to flooding which can not be addressed via condition.

(v) Planning Process – Having reviewed the application on line the applicant does not appear to have submitted a Pre-Application Consultation Report as required by the Planning etc (Scotland) Act 2006. We do note within the submitted Design and Access statement that the applicant refers to a public consultation event but provides no details on issues that were raised.

A Public Consultation Event was held in advance of the submission of the application and advertised in the Kilmarnock Standard. This event was organised and held by the applicant and agent as a requirement of the Planning (Scotland) Act 2006. A subsequent Pre-Application Consultation Report was submitted as part of the documents accompanying the application.

4. REPRESENTATIONS

4.1 In addition to the objection received from Northcraig and Dean Community Council, 14 letters of representation (including one from Southcraigs Residents Association) have been received in connection with this application raising points of objection which are summarised below:

4.2 There would be nowhere to educate this new and significant addition to the population. Current schools within the area are at capacity.

As part of the consultation process and noted within section 3.6 of the report East Ayrshire Council's Department of Education and Social Services has considered the proposal and has not raised any issues relating to the impact on the education provision with the additional number of houses.

4.3 There has been insufficient notification of all affected by the development. While there is a dreadful limitation on statutory requirements for notification of planning I feel that since this is a large development it is without doubt going to have an effect on those living in Southcraigs. As such they should be notified personally in writing rather than just a select few.

The application has been both neighbour notified to all those individual properties bounding the site and also been the subject

to an advertisement in the Kilmarnock Standard. This allows for members of the public to view the application and provide representations accordingly. In addition to the statutory notification there was a Public Consultation Event which was held in advance of the submission of the application and likewise advertised in the Kilmarnock Standard. This event was organised and held by the applicant and agent as a requirement of the Planning (Scotland) Act 2006. In this regard, the statutory obligations in respect of pre-application community engagement and neighbour notification procedures have been fully met.

4.4 The development will have a detrimental impact to the environment. It is our strong believe that the development will lead to the destruction of wildlife habitats and have a major impact on the numerous birds and animals which either visit or inhabit the area.

The Ecological Impact Assessment submitted in support of the application concludes that the site has limited value for protected species. Scottish Natural Heritage has assessed the site and agrees that 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 advises that mitigation measures should be conditioned to any consent granted to ensure that an updated survey has been undertaken within 12 months of the development works commencing to ensure there are no protected species present. SNH has not objected to the proposed development.

4.5 There is an unnecessary development at times when existing homes are not selling. In the current economic climate it is clear that there is little requirement for more houses in Kilmarnock.

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.

4.6 More houses at Northcraig will encourage more people to spend in Glasgow rather than the local town.

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.

4.7 I have a real concern over the danger from the construction traffic.

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.

4.8 Road Safety – The additional traffic created by this suggested development coming into Southcraigs Drive will create a huge hazard for children in this area. This is a main route for children and school busses.

A detailed Transport Assessment has been submitted as part of the application submission which assesses the potential transport implications, including safety of the proposed development. The assessment has not raised any safety issues as a result of the proposal which has been independently verified by the Council's Roads and Transportation Service.

4.9 The roundabout at Glasgow Road is currently extremely congested and I would submit that it is inadequate for the current level of traffic, let alone being made to service an additional 500/600 houses plus a proposed Business Park.

The Transport Assessment submitted with the application indicates that all surrounding junctions, with modifications where necessary, will be able to accommodate the proposed development.

4.10 The single road access/egress to the Southcraigs estate via Southcraigs Drive also poses a potential safety risk. Expansion of the estate would lead to more traffic and further risk of traffic jams which would pose a huge access problem in the event of a fire or medical emergency in the estate.

As noted above the Transport Assessment has been submitted, which indicates that all surrounding junctions, with modifications where necessary, will be able to accommodate the proposed development.

4.11 What about the existing levels of privacy I am entitled to? Depending upon the footprint of the developments proposed there is a potential for my own privacy and that of my neighbours to be completely overshadowed.

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

4.12 Depending upon the layout of the proposed development there is the possibility that car headlights, child play areas and the like depending on the layout could affect the existing properties causing considerable discomfort and intrusion upon existing resident living arrangements and security.

As already indicated above such issues would be considered at a detailed planning stage. However the Masterplan layout identifies a buffer strip of landscaping around the periphery of the site therefore creating a distance between the new development and those existing residential properties.

4.13 Are there any guarantees that if approved the builders would not be allowed to leave a half built/ at worst derelict site that will be detrimental to this area?

The application details state the development will be undertaken on a phased basis. This would mean that phases would be built rather than the site as a whole.

4.14 Further development will lead to urban sprawl which is normally avoided in any Council's plan.

The application site is noted within the Adopted East Ayrshire Local Plan 2010 as a residential development opportunity site and therefore the principle of housing has essentially already been established through the development plan process. The site, although extending the settlement boundary, is part of the planned strategic expansion of Kilmarnock.

4.15 I do not know what type of housing will be built. I believe that the Council have to have a certain percentage of social and affordable housing built with any new development. This can often lead to property developers buying cheap housing and renting them out often to people who have complete disregard for residents who have been living in the area and paying their council taxes.

The Adopted East Ayrshire Local Plan 2010 does not have a specific policy relating to Affordable Housing and therefore this would not be a planning requirement. In terms of the specific house types, conditions attached to any consent granted will require the formation of a design guide detailing the house styles and material finishes. Clearly there would be an opportunity to comments on house types as part of subsequent detailed applications for the site.

4.16 There is already an over provision of housing in the area with many houses remaining un-sold after several months on the property market. Adding to this surplus will only lead to a further stagnation of the market with many houses remaining empty for long periods of time.

As noted above, 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. It would not be a material planning ground to consider the impact of the development on the housing market.

4.17 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.

4.18 The potential road safety impacts during site construction.

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

4.19 With the increased building on green agricultural land there is a real risk that this will increase the flooding risk in the area as natural flood plains are built upon.

The Council's Flooding Section and SEPA have no objections to the proposal at this stage in relation to flooding of the site.

4.20 I am very concerned about the impact this development will have on my property specifically with regards to flooding. In particular as my rear garden area is the lowest point between the existing development and the site, the use of SUDS in this proposal and its effect on the existing drainage and the disruption to the existing field drainage and bund arrangement both during construction and after development.

The potential impact relating to flooding has been detailed in the Flood Risk Assessment (FRA) the details of which have been by the Council's Flood and Drainage engineers and SEPA. No significant issues have been raised; however conditions will be attached to any consent granted relating to flood prevention and the locations and operation of the SUDS system. Such details will be considered at the detailed planning application stage. A planning condition can be attached to any consent granted to ensure mitigation measures are approved by the Planning Authority relating to surface water run off from the proposed development to those adjacent existing dwellings.

4.21 I am concerned about the capacity of the water and sewerage system.

Scottish Water has raised no objection to the proposal but does advise the applicant to make early contact with Scottish Water due to potential infrastructure upgrading works required.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 For the purposes of this application the development plan comprises the adopted East Ayrshire Local Plan 2010 (EALP) and the approved 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 EALP as Site 319H with a capacity of 600 units (500 units scheduled for development prior to 2017 with 100 units programmed for 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, back land locations will not be considered acceptable.

As the proposal is for planning permission in principle, it is not possible to determine if the proposal complies with the required level of public open space as per the provisions of the Local Plan. However as part of the Masterplan layout large areas of open space have been shown along the full periphery of the site and within the central section following the main spine road. In addition to these smaller areas of public open space will break up the build form at the detailed planning application stage

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 for planning permission in principle it is not possible to determine if the proposal complies with the private open space provisions of the Local Plan however, as above, this would be considered at the detailed planning 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. The Supplementary Planning Guidance for Developer Contributions indicates that for this development, the developer contribution will be £4,123 per unit.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The material considerations relevant to the determination of this application are the consultation responses, the letters of representation, the impact on the amenity of the area, the planning history, the Design Statement and Scottish Planning Policy.

Consultation Responses

6.2 No significant adverse 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 conditions in any consent granted for the proposed development.

Letters of Representation

6.3 The issues raised in the letters of representation generally relate to the principle of residential development on this land, the issues relating to the potential traffic implications and those layout and design issues which are not part of the consideration of the present application for planning permission in principle. The principle of the residential development on this site has already been established within the EALP, which has been the subject of an extensive consultation process and subsequent independent examination by the Scottish Ministers. Any decision not to approve residential use on this site would be a significant departure from Council policy. In terms of the traffic implications it is considered that such concerns have been adequately addressed in Section 4 of this report.

Impact on the amenity of the area

6.4 The proposal will ultimately have an impact on the visual amenity of the surrounding area and the existing residential development of Southcraigs as the application represents a significant expansion of the northern periphery of Kilmarnock. However information included in the Masterplan that accompanies the application proposes that the site has a high level of natural boundary screening with both the rural and existing urban interface. This will assist in reducing the immediate visual impacts and create a softer rural boundary. The details of such landscaping and areas of screening will be considered at a later stage along with the proposed building designs, heights, densities, materials etc and overall landscaping of open spaces.

Planning History

6.5 The application site has not been subject of any previous planning application. Planning Application Ref: 10/0918/PPP for the proposed change of use from agricultural land to class 4 business use forming an extension to the existing business park with associated means of access, open space, landscaping and associated work on land directly adjacent to the east, is pending consideration.

6.6 Additionally an application for Planning Permission in Principle (Ref: 09/0541/PPP) for a neighbourhood centre comprising community facilities (creche, library and medical centre), retail units, pub/restaurant and associated access and roads was approved by Northern Local Planning Committee subject to conditions on 28 October 2011. This proposal forms part of the identified project within the Supplementary Planning Guidance on Developer Contributions for Southcraigs/Northcraigs.

Design Statement

6.7 A detailed design statement has been submitted with the application which highlights the evolution of the Masterplan from the identification of site constraints through to proposed road layout and areas of open space. This document provides reasoning and justification behind the proposed layout.

Scottish Planning Policy (SPP)

6.8 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.

6.9 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.

6.10 In March 2011, the Chief Planner for the Scottish Government wrote 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 There are no financial implications for the Council in the determination of this application. Legal implications will arise as the applicant would be obliged to enter into a legal agreement with the Council to ensure a commitment to the developer contributions, in accordance with the Local Plan policy RES29. In terms of planning permission in principle where the number of units is not stated the applicant will be required to enter into a Section 75 Legal Agreement with the council to establish the principle of an appropriate contribution being made at an agreed future point in time.

7.2 In this regard the applicant has confirmed that the identified project set out in the Supplementary Planning Guidance (provision of community hall, library and outdoor recreation space), as detailed in section 5.8, falls on land owned by the applicant and which has been the subject to an approved planning application (ref: 09/0541/PPP). Due to the ownership interests of the land to which the project has been identified on being the same as the applicant for this application the applicant has agreed to build out the proposed project. The Section 75 legal agreement will therefore control the terms and conditions of this contribution.

7.3 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. 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. The material considerations are generally supportive of the proposal with the exception of those letters of representations; 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, 7.1 and 7.2 of this report.

CONTRARY DECISION NOTE

Should the Committee agree that this application for planning permission in principle 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

22 August 2011

RG/RG
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 Robin Ghosh, Senior Planning Officer on 01563 553505.

Implementation Officer: Hugh Melvin

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 10/0917/PPP

Location	Land at Northcraigs, Kilmarnock
Nature of Proposal:	Proposed change of use from agricultural to residential use incorporating means of access, open space, landscaping and associated works
Name and Address of Applicant:	Hallam land Suite 2/L Willow House Strathclyde Business Park Bellshill
Name and Address of Agent	Mackay Planning PO Box 12 145 Kilmarnock Road Glasgow

Officer's Ref: Robin Ghosh
(01563) 553505

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 Approved Masterplan drawing ref: PL02
- b. The Approved Phasing Plan drawing ref:PL03
- c. The Flood Risk Assessment (by Terrenus)
- d. The Master Plan Design Statement
- e. The Transport Assessment; (by Waterman Boreham)
- f. The Ecological Assessment (by Heritage Env Limited)
- g. The Sustainable Drainage System Assessment (by Terrenus)
- h. The Stage 1 Report (by Terrenus)

REASON: To ensure compliance with the approved documents.

2. Notwithstanding the provisions of the planning application, the development shall progress as per the details of the approved phasing plan unless otherwise agreed in writing with the Planning Authority.

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

3. 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 specified:

- (a) The layout of the site including the proposed phasing of development.
- (b) The size, height, design and external appearance of the proposed dwellinghouses;
- (c) The means of drainage and sewage disposal including details of proposed sustainable urban drainage systems to be installed on site;
- (d) Details of the access arrangements;
- (e) The provision for open space and associated maintenance arrangements;
- (f) The provision for car parking which shall be provided in line with the Roads Development Guide 1996
- (g) The design and location of all boundary walls/fences to be erected;
- (h) The landscaping of the site, provision of open space, equipped play areas and associated maintenance arrangements;
- (i) Existing and finished site levels/floor levels.

Reason: The approval is in outline only and in order that the Planning Authority consider these aspects in detail.

4. If ground contamination is encountered during construction works, work shall immediately cease and the Council immediately notified. No further development shall be undertaken on site until a comprehensive contaminated land investigation has been submitted to, and approved in writing by, the Planning Authority. The investigation shall be conducted in line with BS 10175: 2001 code of practice for "The investigation of potentially contaminated sites" and will contain details of proposals to deal with contamination (if present) to include:

- (i) The nature, extent and type(s) of contamination on the site;
- (ii) A site specific risk assessment of all relevant pollutant linkages.
- (iii) Remedial measures to treat/remove contamination to ensure the site is fit for the use proposed.
- (iv) Measures to deal with unsuspected contamination discovered during construction works.

Reason: To ensure potential risks arising from previous site uses have been fully assessed.

5. Should contamination be present in terms of Condition 11 above, prior to any further site development, the developer shall submit a report, confirming that the remedial works have been carried out in accordance with the remediation plan.

Reason: To provide verification that remediation of the site has been carried out in accordance with the remediation plan and to the Authority's satisfaction.

6. Prior to the commencement of any development works on site full details of the following matters shall be submitted to and approved in writing by the Planning Authority and thereafter implemented as approved:

- (i) Notwithstanding the provisions of condition 3(b) a design guide shall be prepared for the development of the residential units in all phases which shall include a mix of single, 1.5 storey and 2 storey units and a mixed external finishing material palette to create site identity and character. The design guide shall also include details of an area based density of the development.
- (ii) Notwithstanding the details of the Masterplan document, all houses positioned adjacent to the main spine road and buffer strip shall have active frontage towards the spine road.
- (iii) The landscaping plan for the overall site shall include details of the specific mature tree planting along the main spine road. In addition to tree planting the landscaping plan shall include hedge

6. Notwithstanding the provisions of condition 3(d) and 3(f) the traffic infrastructure shall include:

- (i) The provision of dropped kerbs and tactile paving at all junctions on the distributor road.
- (ii) The provision of 3m joint footway/cycleway on both sides of the distributor road.
- (iii) The provision of bus infrastructure measures along the length of the distributor road with the installation of a suitable temporary bus turning head at the westernmost extent of the distributor road.
- (iv) The developer must liaise with SPT and local bus operators to investigate the provision of local bus services within the development site
- (v) The internal layout will be designed as suitable for 20mph zones with appropriate traffic calming facilities to ensure full compliance.

Reason: In the interests of road safety and provision of adequate transport links.

7. No development shall commence on site until a drainage scheme, to include surface water disposal, has been agreed in writing by the Planning Authority in consultation with Scottish Water. The development thereafter shall be implemented in accordance with the agreed scheme.

Reason: In the interests of ensuring an adequate drainage scheme to protect public and environmental health.

8. Prior to the commencement of construction works on site the provision of the traffic distributor road from the Rowallan Business Park roundabout running west and providing the main means of access to both the proposed residential and mixed-use sites shall be implemented with all construction traffic using this route.

Reason: In the interests of road safety and directing construction traffic from existing residential area.

9. Prior to commencement of any works on site, a Construction Traffic Management Plan for development shall be submitted to, and approved by the Planning Authority in consultation with the Roads Authority.

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

10. Construction works shall be restricted to between 7am and 7pm Monday to Friday; between 8am and 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.

11. 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.

12. Prior to the commencement of any development in each Phase, 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.

13. Details of the SUDS 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. If discharge is to a watercourse this shall be limited to the rate of 4.5ltrs/sec/ha.

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

14. Prior to the commencement of any development works on site details of the flood route to the SUDS shall be established and checked.

REASON: In the interests of flood protection.

15. Prior to the commencement of any development works on site details of mitigation works to prevent surface water runoff from the development site passing into the existing surrounding residential development (specifically with regard to those properties in Fair Isle Place and Tronda Gardens) shall be submitted to and approved in writing by the Planning Authority in consultation with the Council's Flooding Engineer and thereafter implemented on site as per the approval.

Reason: To prevent additional surface water runoff from the development site to existing residential properties.

16. If more than 12 months elapses between the approval of the detailed planning consent and the commencement of works on the ground then protected species surveys shall be repeated in the 12 month period immediately prior to works taking place. This is of particular importance with regard to buildings/infrastructure which may be scheduled for alteration/demolition as highlighted by the surveys as having potential to support bats and or trees which are scheduled to be felled such as the ash tree identified in TN8 of the protected species survey. If bats otters or badgers

are discovered then EPS/Protected species licenses will be required from SNH in order for development to proceed legally.

Reason: In order that protected species data is sufficiently up to date. If development is not progressed for a number of years following the approval of planning consent the picture with regard to protected species may have changed. SNH require up to date information to ensure that the work can proceed without any offences under the Habitats Regulations 1994 (as amended) being committed.

17. Any vegetation clearance required as part of this development should be undertaken outside of the period 1st March to 31st July (inclusive) to avoid the bird breeding season and potential damage/destruction of active nests. If vegetation clearance is required inside of this period then works must be immediately preceded by a nesting birds survey. The details of the survey shall be submitted to and approved in writing by the Planning Authority in consultation with Scottish Natural Heritage (SNH). Only if no nesting birds are identified can clearance works proceed at this time. Any nesting birds identified by these pre works surveys should be protected by means of a buffer zone as determined by a suitably qualified ecologist and maintained until birds have finished breeding or have left the nest.

Reason: To prevent any offences under the Wildlife and Countryside Act 1981 (as amended) being committed.

18. Prior to the commencement of any development works on site a maintenance plan for the existing culverts within the application site shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA and implemented as approved thereafter.

Reason: In the interests of flood prevention.

19. No buildings or ground working shall take place within a distance of 14 metres from the gas pipeline E07: 324mm Eaglesham to Onthnank and within a distance of 28 metres from the gas pipeline G17: 457mm Harelaw to Onthank. The exact positions of the above pipelines shall be confirmed with Scottish Gas Networks prior to any works commencing on site.

Reason: In the interests of safety and protecting Scottish Gas apparatus.

Additional Advisory Notes

1. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency regarding drainage of the site and to confirm the request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS. 15. Scottish Water technical approval will be required for all drainage proposals including connection to the public drainage network.

2. Any proposed discharges of surface water at this site must comply with the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2005, as amended.
3. The applicant is advised to contact Scottish Power and Scottish Gas Networks in relation to their apparatus in the area.
4. The applicant is advised to make early contact with Scottish Water regarding the connection to the water and waste water network.

Reason for the Decision

The proposal is compliant with the Development Plan and after 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.



STATUS - PLANNING



- GREENBELT BOUNDARY
- LANDSCAPE CORRIDOR
- PLUS AREA
- ACTIVE PRODUCE
- OUTLINE BY AREA

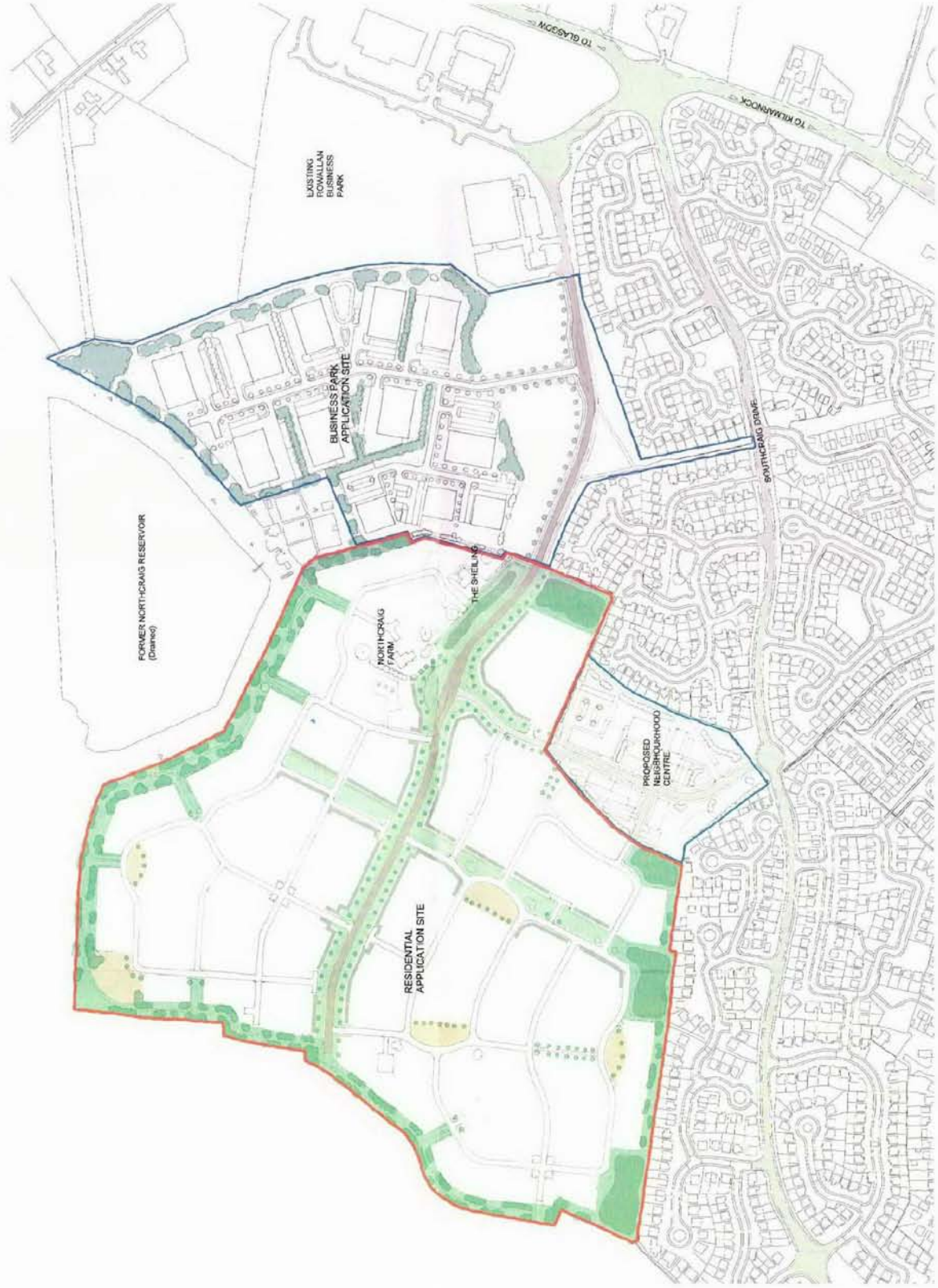
18 JUL 2011

gd lodge architects



Company Number: 137 West Hill Street Glasgow G1 2JK
 Tel: 0141 332 6004 Fax: 0141 332 9933
 gd@gd-lodge.co.uk www.gd-lodge.co.uk

CLIENT: HULLMILAND
PROJECT: SOUTHCRAG DRIVE, ELMARNOCK

DESCRIPTION: Residential Application Site
DATE: June 2011
DESIGNED BY: JLN
CHECKED BY: JLN
SCALE: 1:2000 (A1) approx
PROJECT NO.: 2336
REVISION: PL 102





<p>Title/Location</p> <p>Southcraig Drive, Southcraigs, KILMARNOCK</p> <p>Application No. 10/0917/PP</p>	<p>East Ayrshire Council</p> <p>Department of Neighbourhood Services Planning & Economic Development Service The Johnnie Walker Bond 15 Strand Street Kilmarnock KA1 1HU</p> <p>Tel: (01563) 576790 Fax: (01563) 554592</p> <p>E-Mail : Planning@east-ayrshire.gov.uk</p> <p>Com Date: 9/9/2011</p>
<p>Key</p> <p> Application Site</p>	

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