

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE – 12 OCTOBER 2001

**00/0317/FL: PROPOSED CONSTRUCTION OF A SHARED USER (CYCLE, WALKER, WHEELCHAIR, HORSERIDER) ROUTE ALONG THE SECTION OF DISUSED RAILWAY LINKING EXISTING CYCLE ROUTE FROM IRVINE TO KILMARNOCK AT THE DISUSED RAILWAY LINE BETWEEN SPRINGSIDE AND KILMARNOCK
BY SUSTRANS, SCOTLAND**

Report by Head of Planning & Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as it has been subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises the route of the disused railway line from Kilmarnock to Irvine. The entire section involved is approximately 3 miles long, half of which is currently a footway surfaced in a mixed wearing course of consolidated hardcore binded with whin chips and whin dust. The half of the route from east of Knockentiber to Kilmarnock is still left as an abandoned rail line having rails removed but the sleepers still on the rail bed.

2.2 **Proposed Development:** It is proposed to create a shared user surface for walkers, cyclists, wheelchair users and horseriders which will link into the existing shared user surface route in North Ayrshire. The surface will be asphalted across a width of 2.5 metres along the old rail bed. Proposals also include the improvement of the route to make it more attractive to users and there are two areas of more significant engineering works at Greenhill Holdings, Knockentiber and at Western Road, Kilmarnock.

2.3 Greenhill Holdings comprise a group of houses between Kilmarnock and Knockentiber which are served by a minor road access which crosses an infilled railway bridge. It was initially intended to ramp the proposed footway up the embankment to the road surface and down the other side all on a gradient of 1:20 m to facilitate the shared surface. A revised proposal shows the construction of a subway through the infill which will negate the requirement for the ramp. The proposals include in this area “aggressive densely planted shrubbery” to prevent access to the Greenhill Holdings access road. At the Western Road (opposite Munro Place) it is proposed to construct a large ramp with a gradient of 1:22 which will descend from the embankment to the surface of the redundant railway. This ramp will be some 100 m long descending approximately 4.5 metres by a means of embanking works. The ramp will have lighting columns and resting levels for wheelchair users.

2.4 In addition to the more significant engineering works there are several areas where gates and bollard arrangements will be constructed to deter nuisance elements from abusing the proposed route as it is currently evident that abandoned fire damaged cars have been left at certain locations. The applicants advise that the aim of this project is to create a major new facility for walking, cycling and running in a safe, traffic-free environment. Target groups set to benefit include young people, those on low incomes, women and people who do not currently walk or cycle on a regular basis. In general the project aims to provide a quality, highly accessible safe and attractive walking and cycling facility linking the towns of Irvine and Kilmarnock and villages in between.

The applicants have also advised that the route will connect to the National Cycle Network at the Magnum Leisure Centre in Irvine and the Carlisle to Glasgow cycle route. When completed, it will provide not just a major leisure facility for local people, but also provide links between local communities, places of work, the coastline and the countryside.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Power have no objection and have provided a copy of their record plan detailing the location of Scottish Power apparatus.

Noted. Should Members choose to grant consent, an advisory note can be attached requiring the applicants to contact Scottish Power in this regard.

3.2 Transco have confirmed that the works may result in a requirement for protection or diversion works and it is likely that a site visit will be required prior to the commencement of works.

Noted. Should Members choose to grant consent it is recommended that the comments of Transco be attached as an appropriate advisory note.

3.3 Crosshouse Community Council initially confirmed that they were supportive of the proposal but have mentioned that security and maintenance issues should be borne in mind. They suggested the facility of a car park in the vicinity of the entrance to the railway in the north of Knockentiber at Barry Devlins yard. This would make walking much more accessible for mothers with children and other people both from Crosshouse and Kilmaurs. No comments have been received on the amended scheme.

Noted. There is not considered to be a need for a car park at this point.

3.4 Bonnyton and Woodstock and Kilmaurs Community Council have verbally advised that they have no objections to the revised scheme.

Noted.

3.5 The Knockentiber Community Association (in lieu of the disbanded Community Council) have no objection to make regarding the amended proposals.

Noted.

3.6 Strathclyde Police have advised that the revised arrangements at both Greenhill Holdings and Western Road are now acceptable. At Greenhill Holdings the previous security concerns are now met with an underpass which has good clear visibility and clear line of sight and is centrally located within the pathway. At Western Road the simplified path arrangement is also much improved without the loop path. This reduces the potential for people to congregate at the underpass. They have advised that the opening up of the former railway makes the whole area more accessible to the general public and reduces the opportunity for concealment when in the past it has been used by criminals as a means of travelling to or from locations to commit crime. It should also be noted however on the other hand, that the route will offer the criminal alternative means of committing crime such as attacks on the person. Good housekeeping throughout the lifespan of the route should be encouraged ensuring that it remains a safe environment for people to use and enjoy.

Noted. An advisory note bringing this matter to the applicants attention would be appropriate if Members choose to grant consent.

3.7 Kilmarnock Forum on Disability have not responded to the consultation letter at the time of writing.

Noted.

3.8 East Ayrshire Council Roads and Transportation Division have advised that Roads Construction Consent will be required for the underpass in terms of the structural and lighting design.

Noted. An appropriate advisory note can be attached to any grant of planning consent advising the applicants to make early contact with the Roads Division.

4. REPRESENTATIONS

There are five objections to the scheme as amended.

4.1 The revised notification details a description which differs from that of the original application form and neighbour notification. Such action is queried as being intentional or inconsistency.

The revised neighbour notification submitted by the applicant is more concise and omits the reference in the application description to horseriders. The spirit of the development remains however the same and the neighbour notification was accompanied by a covering letter prepared by the applicants which clearly stated that the neighbour notification was being re-served regarding the amendments to the planning application. It is considered that there is no dubiety in respect of what the proposed works comprise.

4.2 Since the original application was submitted, residents have been made aware of a substantial housing development towards the Kilmarnock end of the paths and a housing development at Knockentiber. These developments have considerable and far ranging implications for Greenhill Holdings as regards usage of the facility. Sustrans' supporting statement expects usage to include schools; athletic clubs; organised sporting activities, skateboarders etc.

Sustrans expect the cycle paths to be an inclusive community facility. It is noted that the residents of Greenhill Holdings are part of that community and that their properties were purchased to retain a degree of privacy and quiet, not to have their fundamental civil liberties and human rights violated in such a manner.

The proposed development has been amended to take account of the initial security concerns of the residents at Greenhill Holdings. In this regard, it is no longer proposed to make use of the access road and instead to create a subway through the infilled bridge beneath the access road. This should negate any requirement for users of the route to approach the properties at Greenhill Holdings and will minimise disturbance to the residents. The applicants have indicated on the embankment their intention to plant what they refer to as "aggressive" shrubbery to deter users of the route from trying to access the road. It is recommended that appropriate conditions be attached to any grant of planning consent regarding the submission of details of this planting and details of boundary treatment to prevent unauthorised access.

4.3 They note that Sustrans has had comprehensive consultation with local people, groups, councils, agencies, authorities and businesses. They have not however extended this courtesy to the properties of Greenhill Holdings; those properties most directly affected.

The residents of Greenhill Holdings have been consulted through the planning process. Their concerns regarding security and the ramping up of the adjacent access road have been taken into account by Sustrans and have resulted in the revised scheme which will result in an underpass at Greenhill Holdings.

4.4 The Strathclyde Police report dated 20 December 2000 stated that the development would introduce 'crime' generators to their properties and coupled with Sustrans advising that ten of thousands of users are anticipated; this generates even more concern about security. The following details are requested:-

- a) an 8 ft high palisade security fence between the length of the properties along the cycle path to define a divide and prevent trespass;
- b) as recommended in the police report, a CCTV system should be installed with security systems to these isolated properties and linked to the local police;

- c) a wall to be reinstated along the top of the proposed underpass or at least security fencing as opposed to a post and wire fence which can be easily scaled.

The Police have been consulted on the revised scheme and do not raise any adverse security issues. As indicated previously, appropriate conditions can be attached to any grant of planning consent regarding submission of details of planting and boundary treatment to prevent unauthorised access to adjacent residential properties at Greenhill Holdings. The revised scheme at Greenhill Holdings has lessened the security concern and as a result it is considered that the provision of CCTV system would be an unreasonable requirement to impose on the applicant.

4.5 The plans detail the removal of rail –ins or barriers to allow easier access for wheelchair users and whilst this is understandable, it is considered that with a bit more thought, such access could be achieved whilst blocking access to motorcycles and cars.

It is understood that this refers to a bridge west of Greenhill Holdings. The works here are not on the public road and relate to the provision of lead in rails on the route as a matter of safety for users. There is no intention to do works on the public road at this location and the works are being carried out as the road goes under the cycle route at this point. Sustrans advise that works are at an early stage and are not finalised. A condition can be attached to any grant of planning consent requiring further details to be submitted for approval.

5. DEVELOPMENT PLAN STATUS

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 Structure Plan and Adopted Kilmarnock Local Plan. The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Policy T1 of the Approved Ayrshire Structure Plan is relevant and states that the Ayrshire Councils shall seek to maximise facilities for walking and cycling as an alternative means of transport. The proposal is therefore compliant with this policy.

5.3 Notwithstanding the age of the Adopted Local Plan the proposal would fall to be considered against this document and its associated policies. There are however no relevant policies and therefore greater weight should be placed on the 'other material considerations' as identified in Section 6 of this report.

6. OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations are the East Ayrshire Local Plan Finalised Version with Modifications (EALP), NPPG 17 Transport and Planning the consultation responses and letters of representation.

6.2 East Ayrshire Local Plan Finalised Version with Modifications

The Council has agreed that the EALP should be as a prime material consideration. The proposal falls to be considered against Policies T1 and TL R7. Policy T1 states that the Council will Actively seek to integrate and achieve improvements to the local and strategic road, rail, cycle and footpath infrastructure within East Ayrshire and to improve links with the national networks in line with the Local Plan's Transport Development Strategy. The reason for this policy is to provide an improved and integrated transport infrastructure as a means of expanding and improving the local economy.

Under Policy TL R7 the Council will, through the Paths for All Initiative and in association with relevant bodies, landowners and tenants, seek to develop a definitive strategic and local footpath and cycleways network. In particular, the Council will, in association with neighbouring Local Authorities, relevant bodies and landowners encourage the creation and promotion of strategic long distance cycle routes and footpath links, connecting local routes and footpaths with the national cycle and footpath networks. Priority will be given to the development and promotion of new circular routes and footpath links between settlements, especially where these utilise existing disused railway lines, forestry access roads, minor country roads etc. The reason for this policy is to maintain and secure improved access to the countryside for both local residents and visitors.

The proposal is fully compliant with these policies and will result in the creation of a cycle route which will connect into the strategic Glasgow and Carlisle route. The proposal will result in minimal visual change to the countryside as it will largely utilise an existing disused railway line.

National Planning Policy Guideline 17 Transport and Planning

6.3 This NPPG encourages safe cycling facilities to benefit people of all ages, promoting healthy lifestyles and which are of particular value to young people, giving them independence and reducing the need for car journeys. The National Cycling Strategy aims to double cycle use from 1996 to 2002 and to double it again by 2012. The National Lottery has provided funding for the creation of a National Cycle Network which aims to demonstrate high quality routes. In rural areas cycle networks should serve and link neighbouring villages and in some areas provide a potentially important tourist facility. Cycle Networks and pedestrian routes may include use of redundant railways or space alongside canals and rivers. Where appropriate routes shared with pedestrians or horseriders should be considered where space allows. There should be design requests for wheelchair use of pedestrian/cycle route.

The proposed shared user route is in keeping with the principles of NPPG 17.

6.4 The issues raised in terms of the consultation responses and letters of representations are addressed in Section 3 and 4 of this report. Strathclyde Police have not objected regarding the revised proposals and it is considered that the concerns of the objectors can be addressed by attaching conditions to any grant or planning consent.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 The Council may make a financial contribution to the above development and it also owns part of the proposed route. Therefore it is obliged to notify the Scottish Executive under the Town and Country Planning (Notification of Planning Applications) (Scotland) Direction 1997 if it intends to grant planning permission and there are a substantial body of objections together with the proposed development being deemed to be contrary to the Adopted Local Plan.

The proposal is not contrary to any policies in the Adopted Local Plan and a substantial body of objections has not been received; notification to the Scottish Executive is not therefore necessary.

8. CONCLUSIONS

8.1 As indicated in Section 5 of this report, there are no relevant policies in the Adopted Local Plan. The proposed is consistent with the Approved Ayrshire Joint Structure Plan. On this basis and in terms of Section 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application can be considered to be compatible with the Development Plan and should be approved on that basis unless material considerations indicate otherwise. There are material considerations and these are generally supportive of the proposal.

8.2. The proposed cycle route is in keeping with Policies T1 and TLR7 of the EALP which encourages the development of strategic and local footpath and cycleways networks. It is considered that the proposed development is acceptable. It presents an important link to a growing network of similar routes and will link into an existing route in North Ayrshire and accords with the Council's current policy position which seeks to actively encourage such projects. With regard to the comments of the objectors, the initial proposal has been amended to address their concerns regarding security and privacy. Strathclyde Police have no adverse comments to the revised proposal. Furthermore the attaching of conditions to any grant of planning consent regarding appropriate planting and boundary treatment can alleviate concerns of security, privacy and unauthorised access. The proposed shared surface will provide improved access to the countryside for all members of the community and will provide a safe traffic-free facility for people cycling, walking or horseriding.

9. RECOMMENDATION

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

**Alan Neish
Head of Planning & Building Control**

FMF/FD
3 October 2001

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Letters of Representation.
4. Consultation Replies.
5. East Ayrshire Local Plan Finalised Version with Modifications.
6. Adopted Kilmarnock Local Plan.
7. Approved Ayrshire Joint Structure Plan.
8. Approved Strathclyde Structure Plan.

Anyone wishing to inspect the above papers please contact Ian Walker on 01563 576769.

EAST AYRSHIRE COUNCIL

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BY SUSTRANS, SCOTLAND**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to create a shared user surface for walks, cyclists, wheelchair users and horseriders which will link into the existing shared user surface route in North Ayrshire. The surface will be asphalted across a width of 2.5 m along the old rail bed. Proposals also include the improvement of the route to make it more attractive to users and there are two areas of more significant engineering works at Greenhill Holdings, Knockentiber and at Western Road, Kilmarnock.

1.2 Greenhill Holdings comprise a group of houses between Kilmarnock and Knockentiber which are served by a minor road access which crosses an infilled railway bridge. It was initially intended to ramp the proposed footway up the embankment to the road surface and down the other side all on a gradient of 1:20 m to facilitate the shared surface. A revised proposal shows the construction of a subway through the infill which will negate the requirement for the ramp. The proposals include in this area “aggressive densely planted shrubbery” to prevent access to the Greenhill Holdings access road. At the Western Road (opposite Munro Place) it is proposed to construct a large ramp with a gradient of 1:22 which will descend from the embankment to the surface of the redundant railway. This ramp will be some 100 m long descending approximately 4.5 metres by a means of embanking works. The ramp will have lighting columns and resting levels for wheelchair users.

1.3 In addition to the more significant engineering works there are several areas where gates and bollard arrangements will be constructed to deter nuisance elements from abusing the proposed route as it is currently evident that abandoned, fire damaged cars have been left at certain locations.

The applicants advise that the aim of this project is to create a major new facility for walking, cycling and running in a safe traffic-free environment. Target groups set to benefit include young people, those on low incomes, women and people who do not currently walk or cycle on a regular basis. In general the project aims to provide a quality, highly accessible safe and attractive walking and cycling facility linking the towns of Irvine and Kilmarnock and villages in between.

The applicants have also advised that the route will connect to the National Cycle Network at the Magnum Leisure Centre in Irvine and the Carlisle to Glasgow cycle route. When completed, it will provide not just a major leisure facility for local people, but also provide links between local communities, places of work, the coastline and the countryside.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As indicated in Section 5 of this report, there are no relevant policies in the Adopted Local Plan. The proposed is consistent with the Approved Ayrshire Joint Structure Plan. On this basis and in terms of Section 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application can be considered to be compatible with the Development Plan and should be approved on that basis unless material considerations indicate otherwise. There are material considerations and these are generally supportive of the proposal.

3.2 The proposed cycle route is in keeping with Policies T1 and TLR7 of the EALP which encourages the development of strategic and local footpath and cycleways networks. It is considered that the proposed development is acceptable. It presents an important link to a growing network of similar routes and will link into an existing route in North Ayrshire and accords with the Council's current policy position which seeks to actively encourage such projects. With regard to the comments of the objectors, the initial proposal has been amended to address their concerns regarding security and privacy. Strathclyde Police have no adverse comments to the revised proposal. Furthermore the attaching of conditions to any grant of planning consent regarding appropriate planting and boundary treatment can alleviate concerns of security, privacy and unauthorised access. The proposed shared surface will provide improved access to the countryside for all members of the community and will provide a safe traffic-free facility for people cycling, walking or horseriding.

Alan Neish
Head of Planning & Building Control

NOTE: This document combines key section of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation of decision making by the Planning Authority.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

00/0317/FL

Site of Proposal: Disused Railway Linking Existing Cycle Route
From Irvine to Kilmarnock

Nature of Proposal: Proposed Construction of Shared Use Route

Name & Address of Applicant: Sustrans, Scotland
162 Fountainbridge
EDINBURGH
EH3 9RX

Name & Address of Agent:

DPOs Reference: FMF/FD

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

1. The proposed development shall be carried out in accordance with the application form received on 11 May 2000 and the amended plans (Drawing No. 733/L-K8/8A, 14, 15-19) received by the Planning Authority on 12 September 2001.

REASON

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

2. A landscaping scheme for all the areas coloured blue on the approved plan shall be submitted to and approved by the Planning Authority prior to commencement of any development, and shall be implemented prior to the cycle route being brought into operation.

REASON

To ensure that landscaping is provided, to an adequate standard, and that it is subsequently maintained, in the interest of residential and visual amenity.

3. Notwithstanding the plans hereby approved, further details of the proposed boundary treatment especially in relation to the bridge at the access road to Greenhill Holdings, and gate/bollard arrangements shall be submitted to and approved by the Planning Authority prior to the commencement of the development and shall be thereafter implemented prior to the shared surface being brought into use.

REASON

In the interest of visual amenity and security.

4. The location and design of all directional and promotional signage shall be submitted to and approved by the Planning Authority prior to the commencement of the development. The signage shall be implemented on a phased basis to be agreed by the Planning Authority and shall be erected on site prior to the use of the shared surface to which it relates.

REASON

In the interests of visual amenity.

5. Prior to any work commencing on site, further details of the works to the underbridge to the west of Greenhill Holdings as shaded orange on the approved plans shall be submitted to and approved by the Planning Authority and thereafter all works shall be carried out in accordance with the approved details.

REASON

To enable the Planning Authority to control the development in the interests of visual amenity and public safety.

NOTES

1. It is recommended that the applicant makes early contact with Scottish Power, Greenholm Street, Kilmarnock KA1 4YE regarding the location of their apparatus.
2. It is recommended that the applicant makes early contact with Transco, 95 Kilbirnie Street, Glasgow G5 8JD (0141 418 4121) regarding setting up a site visit prior to the commencement of works on site to discuss whether protect or diversion of their plant is required.
3. Strathclyde Police have advised that good housekeeping throughout the lifespan of the route is to be encouraged, ensuring that the facility remains a safe environment for people to use and enjoy. The applicants are strongly advised to note this advice and make the appropriate arrangements.
4. It is recommend that the applicant makes early contact with the Roads & Transport Division of East Ayrshire Council regarding the necessary Roads Construction Consent for the underpass.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**

AGENDA