

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 06 FEBRUARY 2004

**03/0966/LA: PROPOSED GROUND STABILISATION WORKS AND
GROUTING WORKS
AT WESTERN ROAD, KILMARNOCK
BY EAST AYRSHIRE COUNCIL**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 This application involves a Notice of Intention to Develop by the Council. It concerns ground stabilisation and grouting works to an area of open space. The works will involve boreholes being drilled on a 3.5 metres grid pattern to cover the area which requires consolidation and then filling them with weak concrete in the areas identified blue and green on the submitted plans. These areas have been recommended by the engineer as requiring grouting works so they can have the potential to accommodate future building works be built upon in the future. The other areas identified white on the submitted plans have been deemed by the engineer as not requiring stabilisation or grouting works. The buildings of the Hunter Sports Centre and Ardbeg Keep Well Clinic are unaffected by the above works although a major coal seam is in close proximity to these buildings which has been extensively worked in the past. Initially investigation has shown that no grouting works are required as this is a shallower seam to the other coal seam requiring grouting works. However further test holes will be taken to ensure that no grouting works are required when the other works are being undertaken to the site. In terms of roads and car parking these are not deemed to be within a zone of sensitivity requiring the need to consolidate old workings. However it is their intention to incorporate 'geogrids' to evenly distribute load into the road construction to take account of the variability of the sub grade. Grouting works will be undertaken at angles thereby dispensing with the need for Road Closures.

2. RECOMMENDATION

2.1 The application has been advertised under the Development by Planning Authorities (Scotland) Regulations 1981-1984 and since no objections have been received the proposal has deemed consent from the Scottish Ministers. It is recommended that the applicants be advised that the proposal as submitted is acceptable subject to the conditions indicated on the attached sheet.

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report the application is not contrary to the Adopted East Ayrshire Local Plan.

3.2 As indicated in Section 6 of the report there are material considerations relevant to this application and they are supportive of the works. The works if undertaken would allow the area to be developed in the future, this redevelopment is the subject of a separate application and any approval for the application now before Committee would not prejudice the separate consideration of the outstanding proposal. Nor would it imply any particular outcome for that application. Conditions can be attached to ensure that the proposed works do not have a detrimental impact on adjacent residential properties in terms of the displacement of surface water and noise.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control the application would not require to be referred to the Development Services Committee as it would not constitute a significant departure from Council policy.

Alan Neish
Head of Planning and Building Control

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

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Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application under the Notice of Intention to Develop procedures which is to be considered by the Local Planning Committee under the scheme of delegation as it is of area significance.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is 18,800 square metres in area and is located within the north-western area of Kilmarnock. The application site includes the Hunter Sports Centre and Ardbeg Keep Well Clinic. The majority of the application site is an open space area with pathways. The site also includes the centre section of Ardbeg Avenue and Corrie Crescent. The application site is largely surrounded by residential properties, although the Morven Centre abuts the southern boundary.

2.2 **Proposed Development:** This application involves a Notice of Intention to Develop by the Council. It concerns ground stabilisation and grouting works to an area of open space. The works will involve boreholes being drilled on a 3.5 metres grid pattern to cover the area which requires consolidation and then filling them with weak concrete in the areas identified blue and green on the submitted plans. These areas have been recommended by the engineer as requiring grouting works so they can have the potential to accommodate future building works be built upon in the future. The other areas identified white on the submitted plans have been deemed by the engineer as not requiring stabilisation or grouting works. The buildings of the Hunter Sports Centre and Ardbeg Keep Well Clinic are unaffected by the above works although a major coal seam is in close proximity to these buildings which has been extensively worked in the past. Initially investigation has shown that no grouting works are required as this is a shallower seam to the other coal seam requiring grouting works. However further test holes will be taken to ensure that no grouting works

are required when the other works are being undertaken to the site. In terms of roads and car parking these are not deemed to be within a zone of sensitivity requiring the need to consolidate old workings. However it is their intention to incorporate 'geogrids' to evenly distribute load into the road construction to take account of the variability of the sub grade. Grouting works will be undertaken at angles thereby dispensing with the need for Road Closures.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objections subject to further details of the existing ground conditions and the proposed method of stabilisation for areas where an extension to the existing road will be constructed ie the turning heads on Ardbeg Avenue and Corrie Crescent. The submitted drawings do not indicate any stabilisation of the ground on which the roads will be extended. Road Construction Consent will not be granted without assurance that the area was stabilised appropriately. The Roads Division recommend discussions take place prior to the commencement of the works as construction traffic could have an effect on road safety of the surrounding road network to ensure that an agreed method of work can be adopted.

The applicant's agent has indicated that the roads and parking are not within a zone of sensitivity dictating the need to consolidate old workings. It is their intention to incorporate "geogrids" to evenly distribute load into the road construction to take account of the variability of the sub-grade. A note can be attached advising the developer to contact the Roads Division regarding any requirements concerning access to the site and road safety issues.

3.2 Scottish Water and Scottish Environment Protection Agency have no adverse comments to make regarding the proposed works.

Noted.

3.3 East Ayrshire Council's Environmental Health and Waste Management Division have commented that precautions should be taken to ensure the satisfactory disposal of any groundwater displaced during grouting operations in order to avoid any contamination issues arising.

The applicant's agent has indicated that all necessary measures will be taken to control the displacement of groundwater expelled during grouting operations to prevent contamination of adjacent ground and uncontrolled discharge to drains, watercourses or ground water. The contractor will liaise and agree with Scottish Environment

Protection Agency, the measures required to ensure protection of drains, water courses and ground water.

In view of the presence of existing housing all around the general site area, all necessary precautions shall be undertaken for the avoidance of nuisance eg noise during the necessary operations.

A condition can be attached to meet the requirements of Environmental Health.

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

Noted.

4. REPRESENTATIONS

4.1 There are no letters of representation received in respect of the proposed development.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

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

5.2 The application site is protected by Policies TLR 8 and TLR 9 of the EALP. Policy TLR 8 presumes against development on safeguarded areas of public and private recreational or amenity open space areas.

The following types of development on existing areas of maintained amenity or recreational open space will be considered appropriate subject to compliance with all appropriate Council Development Promotion and Design Guidance:

- (i) laying out of new playing fields, bowling greens, putting greens;
- (ii) creation of all-weather sports facilities;
- (iii) creation of new children's play areas; and

- (iv) development of pavilions or other ancillary facilities to serve any existing or proposed outdoor sport and recreational activities in the area.

5.3 Policy TLR 9 permits the development of both private and public recreational or amenity open space only in exceptional circumstances where:

- (i) the retention or enhancement of the facilities can best be achieved by the redevelopment of part of the site and where the development would not adversely affect the overall sporting, recreational and amenity value of the site itself; or
- (ii) alternative provision of equal community benefit and accessibility can be made available within close proximity to the site; or
- (iii) there is a clear, long-term excess of pitches, playing fields and amenity open space in the wider area.

The proposed development involves ground stabilisation and grouting works the intention of which is to enable the site to be developed in the future and which proposal is the subject of a separate application yet to be considered. It is considered that the stabilisation and grouting works in themselves are not contrary to the local plan in that, if implemented, they do not preclude the use of the ground above for leisure purposes.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations to the determination of this application are the consultation responses and the representations detailed in Sections 3 of the report and planning history of the site.

Consultation Replies

6.2 None of the consultees have raised any negative issues which would materially affect the determination of this application.

Planning History

6.3 03/0969/LA: Proposed Alterations to Hunter Centre and Ardbeg Clinic to Form Neighbourhood Services Centre including Housing, Social Work, GP's, Dentistry, Day Care, Nursery, Community Room, Gyms, Info Point, Support Workers, West Road, Kilmarnock.

The proposed ground stabilisation and grouting works would enable a proposed neighbourhood services centre to be constructed. This

application has yet to be considered by the Development Services Committee.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

7.2 The application is not required to be referred to the Scottish Ministers as no letters of objection have been received and it is not contrary to the Adopted Local Plan.

8. CONCLUSIONS

8.1 As indicated at Section 5 of the report the application is not contrary to the Adopted East Ayrshire Local Plan.

8.2 As indicated in Section 6 of the report there are material considerations relevant to this application and they are supportive of the works. The works if undertaken would allow the area to be developed in the future, this redevelopment is the subject of a separate application and any approval for the application now before Committee would not prejudice the separate consideration of the outstanding proposal. Nor would it imply any particular outcome for that application. Conditions can be attached to ensure that the proposed works do not have a detrimental impact on adjacent residential properties in terms of the displacement of surface water and noise.

9. RECOMMENDATION

9.1 The application has been advertised under the Development by Planning Authorities (Scotland) Regulations 1981-1984 and since no objections have been received the proposal has deemed consent from the Scottish Ministers. It is recommended that the applicants be advised that the proposal as submitted is acceptable subject to the conditions indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control the application would not require to be referred to the Development Services Committee as it would not constitute a significant departure from Council policy.

Alan Neish
Head of Planning and Building Control

28 January 2004
(PC/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Approved Ayrshire Joint Structure Plan.
4. Adopted East Ayrshire Local Plan.
5. Planning Application No: 03/0969/LA.

Anyone wishing to inspect the above papers please contact Pamela Clifford on 01563 576772.

Implementation Officer: Dave Morris

030966LA

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0966/LA

Site of Proposal:	Western Road KILMARNOCK
Nature of Proposal:	Proposed Ground Stabilisation Works and Grouting Works
Name & Address of Applicant:	East Ayrshire Council London Road KILMARNOCK KA3 7BU
Name & Address of Agent:	Wren Rutherford ASL 1 Barns Street AYR KA7 1XB

DPOs Reference: PC/MMM

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

1. The proposed works shall be undertaken between the hours of 08:00 and 18:00 hours Monday to Friday, 08:00 and 17:00 hours on Saturday and at no times on a Sunday.

REASON To prevent noise and disturbance to adjacent residential properties during unsociable hours.

2. Notwithstanding the submitted details, details of measures to prevent the displacement of surface water to adjacent residential properties during the proposed works shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented prior to works commencing on site.

REASON To prevent the displacement of surface water to adjacent residential properties.

3. Notwithstanding the submitted details shown on drawing no. AL(200)104, consent is granted for the ground stabilisation and grouting works only and a separate application is required for the development of a neighbourhood services centre on the site.

REASON To retain control over the development of the site.

4. Notwithstanding the submitted plans, details of the treatment of the site following the completion of the ground stabilisation and grouting works shall be submitted to and approved by the Planning Authority prior to the commencement of development and shall be implemented as approved thereafter.

REASON In the interests of the amenity of the area.

5. Notwithstanding the submitted plans, details of the diversion of the footways through the site to ensure access from and to Western Road to Ardbeg Avenue, Corrie Crescent and adjacent areas when ground stabilisation and grouting works are being undertaken, shall be submitted to and approved by the Planning Authority and implemented prior to the works commencing on site.

REASON To ensure adequate access through the site during the approved workings being undertaken.

NOTE:- It is recommended that prior to the commencement of development on site contact with the Council's Roads and Transportation Division (Tel: 01563 5766310) regarding construction traffic to ensure that an agreed method of work is adopted.

**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.**