

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 10 FEBRUARY 2004

03/0990/OL: PROPOSED OUTLINE PLANNING APPLICATION FOR A RESIDENTIAL AND COMMERCIAL DEVELOPMENT, 2 NO. FOOTBALL PITCHES WITH CHANGING FACILITIES, A LOCATION FOR A SHOP, ASSOCIATED STRATEGIC OPEN SPACE AND PLAY AREAS, 2 NO. SITE ACCESS ROUNDABOUTS, SUDS PONDS AND DISTRIBUTOR ROAD AT LAND AT ALTONHILL, KILMARNOCK BY GEORGE WIMPEY STRATEGIC LAND

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for residential and commercial development and improved access. The applicant has submitted a master plan which outlines the planned development of the residential area and commercial development. The master plan provides a comprehensive and co-ordinated development strategy for the application site in order to avoid piecemeal development. The main components are as follows:-

Roundabouts and Internal Road Layout

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

Phasing of Residential Development

1.3 The applicant has indicated a site capacity of 450 – 500 houses. The overall residential area has been split into 12 housing sectors of varying size and shape.

Drainage Layout

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

Structural Landscaping

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

Open Space

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

Local Shop

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

Commercial Development

1.8 The proposed commercial business area includes the existing fire service facility which is now vacant. The commercial area will be accessed from a new roundabout on Western Road and main internal spine road. The applicant is proposing the development of the site for Class 4 industrial or business uses or

for the sale and display of motor vehicles as specified in the East Ayrshire Local Plan.

2. RECOMMENDATION

2.1 It is recommended that the application should be approved subject to the conditions indicated on the enclosed sheet and that the issuing of the planning decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in Section 7.2 of the report.

3. CONCLUSIONS

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

3.2 There are material considerations relevant to this application as indicated in Section 6 of the report and they are generally supportive of the proposal. The master plan has provided details of how the site is to be developed strategically such as internal roads and footpath access, drainage, structural landscaping and public open space. Approval of this development will allow the wider objectives of the Council to be met through the development of identified housing and commercial/business sites. The highest possible quality of development has been promoted through the design brief and the legal agreement. This along with upgrades of water/sewerage infrastructure is of considerable significance for the redevelopment of the whole area.

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 outline planning application which is to be considered by the Development Services Committee under the scheme of delegation because it concerns a large scale residential development which does not accord with the Adopted East Ayrshire Local Plan.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is approximately 40.83 hectares in area and extends from the Kilmaurs Road in the north to Western Road in the south. The site encompasses a corridor of land at its northern end extending south from Kilmaurs Road before widening as it abuts Western Road, East Ayrshire Council Cleansing Depot and the Kilmarnock to Glasgow railway line on its south boundary. To the west of the site there is farmland and Altonhill Farm and to the east are residential properties located on Auchencar Drive and a nursing home. To the south east there is vacant land and Farm Road leading to a haulage yard/repair depot. The majority of the site is agricultural land, although the site includes a fire service training facility which is now vacant. The land from the nursing home to the Western Road is of poor agricultural quality. The levels of the site vary from Kilmaurs Road in the north decreasing in level towards the southern boundary at Western Road

2.2 **Proposed Development:** Outline planning permission is sought for residential and commercial development and improved access. The applicant has submitted a master plan which outlines the planned development of the residential area and commercial development. The master plan provides a comprehensive and co-ordinated development strategy for the application site in order to avoid piecemeal development. The main components are as follows:-

Roundabouts and Internal Road Layout

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

Phasing of Residential Development

2.4 The applicant has indicated a site capacity of 450 – 500 houses. The overall residential area has been split into 12 housing sectors of varying size and shape.

Drainage Layout

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

Structural Landscaping

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

Open Space

2.7 The applicant is proposing two strategic areas of open space and two football pitches. The first area of open space is sited in the northern area of the site and extends to approximately one hectare of designated public parkland and will include a play area. The second area of open space is located in the southern area of the site adjacent to the commercial/business area. This area will also include a play area. The play areas will include equipment suitable for toddlers, junior children and teenagers. Two full-sized, serviced football pitches

are proposed to the rear of the Council's Cleansing Depot. These football pitches will include permanent changing facilities and a car park. The existing public right of way from Farm Road is to be maintained within the development proposals for the site.

Local Shop

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

Commercial Development

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

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objections and has made the following comments:-

(i) The amended details for the distributor road junction spacing and traffic calming are now acceptable.

Noted.

(ii) The development has two potential access points and there is a need to restrict the scale of the development until both these access points are available. They recommend that only 200 no. dwellings be permitted off a single access point.

A condition can be attached to any grant of planning consent to meet the above requirement.

(iii) Pedestrian access to the development should be addressed from the proposed Kilmaurs Road roundabout to the existing footpath and a similar link onto Altonhill Avenue.

The provision of pedestrian footways and cycle links to Kirkland Avenue and Auchencar Drive can be addressed by means of a legal agreement.

(iv) The application layout plan indicates a mineshaft within the development site, the Roads Division require details of the geotechnical report to ensure that any underground workings do not affect the proposed road route. The proposed ground stabilisation works should be indicated where there are roads within the zone of influence. These matters will be taken up with the developer at road construction consent stage, however it would be advisable to assess these matters at the earliest stage to ensure that the development does not require significant amendment as a result of the road construction requirements.

The applicant is aware of the above requirements of the Roads Division and although they will be addressed through the Road Construction Consent, the submission takes account of the mineshaft in general terms.

The Roads Division consider that the application does not provide sufficient information to be assured that the proposed design can address the drainage issues. In particular:-

(v) The condition of the existing culvert under the railway has not been fully assessed, the assumed capacity is not sufficient for this critical outfall constraint. Failure to determine the actual capacity of these culverts could have a significant affect not only on the flood risk to the residential properties but the stability of the railway embankment.

It is recommended that a negative suspensive condition be attached to any grant of planning consent requiring no work to commence on site until further detailed analysis has been carried out to assess fully the capacity of the culverts and establish what further works may be required to prevent there being any flood risk to the residential properties or damage to the adjacent railway embankment.

(vi) The proposed attenuation ponds are indicated as the only SUDS treatment for the development. This must be confirmed as being acceptable by SEPA as developments of the type proposed may require 2 or even 3 levels of treatment rather than the single proposed.

SEPA has no objection in principle to the proposed SUDS features for the site. They have indicated that these must be checked once the finalised development is agreed. A condition can be attached to any grant of planning consent to provide details of the final design of the SUDS system.

(vii) There is no indication of how the post development run off will reach the attenuation ponds. The normal road surface water drainage systems would not be capable of transporting rainfall run-off involved for a 200 year event which the attenuation ponds are intended to accommodate. The road surface drainage systems being designed for a 30 year rainfall event, it is expected that individual housing roads and the distributor road will surcharge in the 200 year event causing local flooding in individual roads or severe flooding at particular low lying areas where the surcharge from several roads accumulates. The Roads Division require drainage assessment to determine the flooding routing of this surcharge and ensure that it flows through non-critical areas to reach the attenuation ponds.

The applicant's agent has provided additional information in the form of a SUDS treatment and attenuation method statement. It has indicated that the 2 attenuation ponds will remain dry during good weather conditions but will fill up during rainfall events. SUDS will be provided in the vicinity of each housing area and a corner pipe will convey the treated water to the attenuation ponds. Typical SUDS features will consist of filter trenches and swales.

The detailed design and arrangement of these features will be undertaken to suit the final layouts in each of the housing areas and will be approved by Scottish Water and SEPA. Surface water sewers will be designed using the parameter of no flooding during an annual storm probability of 3.33% (sewers will be designed for 30 year flood event). Flooding may occur during more severe storms and a method of conveying this flood water to the attenuation ponds will require to be provided. This may be done by allowing the flood water to run along roads through the housing areas towards the attenuation ponds. Road design will therefore require to be carefully managed to ensure that there is a continuous fall towards the ponds with no low spots within any of the housing areas. Where road layouts do not suit this requirement then other features such as swales will be provided to enable the flood water passage to the ponds. Any housing in close proximity to the flood routes will require adequate freeboard above the flood level.

(viii) The road geometry has several low points due to the vertical alignment where if the surcharge were allowed to gather there may lead to inundation of surrounding residential properties. The road design will therefore be critical in providing a suitable flow path for the surcharge and may require intermediate attenuation areas before reaching the ponds at the railway line.

See response to (vii). The detailed design of the road network is essential to the workings of the SUDS system.

(ix) The SUDS design to be provided for individual housing development areas will not be designed for the 200 year event but will be designed for a 5 year event 30 minute storm, events of greater intensity by passing these systems into the normal 30 year event road drainage system.

See response to (vii). The detailed housing layout will require to be designed to ensure that surface water reaches the attenuation ponds without inundation of low points within the development site.

3.2 Scottish Water objects to the proposed development as it drains to the public sewerage system. This is due to the cost of providing infrastructure to serve the development being outwith Scottish Water's "reasonable cost" obligations in terms of the Sewerage (Scotland) Act 1968. They would remove their objection if the applicant bears the cost of the increase in capacity of Scottish Water's existing infrastructure to accommodate their development and/or promotes a scheme that does not compromise the quality and quantity of discharge from the existing sewerage system.

Notwithstanding the above, Scottish Water has already agreed that the foul flow from 200 houses or the equivalent industrial discharge can connect to the public sewerage system. Any development greater than the above would invoke the above conditions.

The applicant has been in discussion with Scottish Water for many years regarding the proposed development and the infrastructural constraints in this area. It is recommended that a condition be attached to any grant of planning consent limiting the proposed development to 200 houses or the equivalent industrial discharge until the infrastructure has been upgraded to the satisfaction of Scottish Water.

3.3 Transco have advised that a High Pressure gas pipeline exists within the application site. The pipeline is the Eaglesham to Kilmarnock pipeline with a diameter of 450 mm with a building proximity distance of 3 metres. This pipeline has been laid within a casement of 20 feet either side of the pipeline.

A condition can be attached to any grant of planning consent requiring a minimum building proximity distance of 3 metres for any future development.

3.4 Health and Safety Executive does not advise on safety grounds against the granting of planning permission but as the development is within the consultation distance of a major hazard pipeline they advise contacting the pipeline operator.

See Section 3.3 above.

3.5 The Coal Authority have advised that there are 7 mine entries within 20 metres of the development and there are workings in 11 seams of coal at shallow to 160 metre depth, the last date of working being 1916.

A note can be attached to any grant of planning consent advising the applicant of the advice of the Coal Authority.

3.6 Powersystems and East Ayrshire Council's Department of Educational and Social Services have no adverse comments to make regarding the proposed development.

Noted.

3.7 East Ayrshire Council's Environmental Health and Waste Management Division have no objections in principle to the proposed development. Site construction/engineering works should not cause any nuisance (noise etc) to adjacent householders. The site master plan indicates old mine shafts in the designated public open space area between sites H1 and H4 which will require to be capped. Records show an old shaft directly adjacent to the car park area and changing pavilion serving the proposed football pitches. Can the applicants confirm whether any remedial works are required in this instance?

The buildings at West Hillhead directly adjacent to the proposed development site are currently used for the garaging and servicing of heavy commercial vehicles. The provision of a shelter belt of trees and public open space areas on some sides to separate these premises from housing is welcomed, although the southern end of development area H10 will still be relatively close.

At this stage of the development, the precise layout of the proposed housing is not known, however, the site layout design should take cognisance of the need to ensure adequate and accessible bin storage accommodation provision in the light of the Council's imminent progression towards a 3 bin re-cycling system.

The advice of Environmental Health with regard to controlling any nuisance to adjacent householders in terms of site construction works and ensuring adequate bin storage can be addressed by attaching conditions to any grant of planning consent. With regard to their comments regarding the close proximity of housing to the adjacent haulage yard, only the southern boundary of Housing Sector 10 is adjacent to the haulage yard and heavy structural planting along the boundary can remediate against potential problems in terms of noise, dust and general disturbance. This can be addressed through a condition attached to the planning consent and within the legal agreement.

3.8 East Ayrshire Council's Economic Development Division would support this development. The development will result in currently under-utilised land being brought into beneficial use, which will contribute to the ongoing regeneration of the northern area of Kilmarnock. It will be very important to ensure that any development which takes place is complementary to and not negatively competitive with other existing business locations in the area.

Noted.

3.9 West of Scotland Archaeology Service have advised that there are no recorded archaeological sites within the development area, this may be due to inadequate survey or recording in the past or to a genuine absence of archaeological sites in the area. There is the site of a farmstead marked on OS First Edition maps (dated 1860) near Hillhead Steading which is not recorded but does require to be investigated before it is destroyed by development. They would expect evidence of medieval or later remains in the area to have left some trace. They recommend that there should be a prior archaeological evaluation of the application area and before the grant of outline planning consent. The assessment should take the form of archaeological trial trenching of areas likely to be affected by development and targeted towards areas of likely archaeological potential judged by reference to desk-based work, detailed topography and soils. A 5% sample of any greenfield development area should be tested in this manner to provide adequate certainty of the presence or absence of any archaeological remains and to allow some judgement to be made regarding the significance of any such remains discovered. Securing an archaeological evaluation of the area before the principle of development is determined allows the Planning Authority to protect any significant remains with such large sites by requiring their exclusion from development areas in accordance with Government Guidance. Also the developer when drawing up a development master-plan or detailed applications can accommodate any archaeological issues within the design, provided these are understood at this stage.

Although it is preferable to carry out the archaeological evaluation before the grant of outline planning consent, it is considered that the archaeological evaluation can be adequately secured by the attaching of a similarly negative suspensive condition as contained in paragraph 34 of PAN 42 which is worded to reflect current circumstances.

3.10 East Ayrshire Council's Outdoor Amenities Section has advised that the football pitches would require high mesh fences surrounding them to stop the ball going into neighbouring property or the other pitch. The car park for two pitches would need to accommodate at least 50 cars. Another footpath should be created near the nursing home to allow access from the proposed site to the community centre in Altonhill.

Conditions can be attached to any grant of planning consent with regard to the construction of high mesh fences around the football pitches and the capacity of the car park for the football pitches. The provision of a third footpath link between the proposed housing and the community centre is considered unnecessary as the applicant is proposing a pedestrian/cycleway to Kirkland Avenue which links to Altonhill Avenue which provides access to the Community Centre.

3.11 North West Kilmarnock Community Council and East Ayrshire Council's Homes and Technical Services have not responded to their consultation letter at the time of writing this report.

Noted.

3.12 Network Rail have advised that the applicant should provide a 1.8 metre high concrete post and weldmesh fence along the mutual boundary to reduce the risk of trespass onto the railway. All surface and foul water arising from the proposed works should be collected and diverted away from rail property and all operations including the use of cranes or other mechanical plant working adjacent to rail property must be carried out at all times in a 'fail safe' manner with no materials or plant capable of falling within 3 metres of the nearest rail of the railway line or where the railway is electrified within 2.75 metres of overhead electrical equipment or supports. Trees/shrubs to be planted adjacent to the railway boundary should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leafed deciduous species should not be planted adjacent to the railway boundary. New lighting to be erected adjacent to the operational railway shall be formed so as to preclude the potential for train drivers to be dazzled. The location and colour of lights should not give rise to the potential for confusion with the signalling arrangements on the railway.

The requirements of Network Rail can either be addressed by attaching a note to any grant of planning consent or when dealing with the detailed elements of the development.

3.13 Scottish Environment Protection Agency have no objections to the proposal but have offered the following comments:-

Foul Drainage

All foul drainage should connect to the public sewer and assurance should be obtained from Scottish Water that any additional flows from the development will not cause or contribute to premature operation of consented storm overflows.

Refer to Section 3.2 regarding Scottish Water consultation response.

Surface Water

The application includes a report illustrating possible SUDS features for the site and made a number of recommendations. SEPA welcomes the recommendation to provide regional controls in addition to controls in development areas. While the schemes illustrated indicate that sufficient treatment values have been provided these must be checked once the finalised development layout is agreed. With regard to adoption issues of the SUDS schemes they recommend that Scottish Water and the Roads Division are consulted.

The Roads Division and Scottish Water have been consulted on the SUDS feature. Scottish Water have no objections and the Roads Division comments with regard to the SUDS system is addressed in Section 3.1 of the report.

Flooding

SEPA have no records of flooding at this location. The flood risk assessment supporting the application identifies that the culverts have insufficient capacity to pass even moderate flood events and would impose a significant restriction on flows that may be generated during a design event. Whilst the design appears to attenuate solely for the effect of development on catchment run off, the culverts currently cannot pass the 50% annual probability event. Hence the potential for flooding at, and upstream, of the culvert entrance is still likely to be present post development possibly covering a maximum aerial extent relative to the height at which relief will be achieved by overtopping of the railway embankment.

The additional storage proposed will help mitigate this flood risk, however until the detailed design is known or it is confirmed what the proposed '200 year' (0.5% probability) flood flow through the culverts will be, SEPA would advise that development in any area upstream of the culverts identified as being at flood risk for the pre development situation is avoided. As the culverts are the only 2 outfalls from the site it is essential that these do not become choked. Therefore SEPA would endorse measures to ensure that the entry and screening arrangements to the culverts are optimised to minimise the risk of blockage. In terms of the design of the attenuation, the 'Percentage Impermeable' area for each sub catchment is critical. Alterations to land use intensity and subsequent to this assessment may alter the actual post development runoff. SEPA notes that climate change has been incorporate into the design by adding 20% to the rainfall figures. This would appear reasonable, based upon information and guidance currently available.

The applicant has indicated that their report makes an assessment of the pre and post development run off and attenuates all flows from the whole catchment area so that a discharge equivalent to the capacity of the culverts can be achieved. The report accounts for the

whole contributing catchment and not just the area proposed for development. With regard to the 200 year flood flow through the culverts, the peak flows up to the 200 year flood would be attenuated and flows regulated to ensure that the culvert capacities 0.8m³/s and 1.5m³/s respectively are not exceeded. This would therefore reduce flood risk immediately above the culverts up to the 200 year floor area. SEPA have confirmed that the drainage for the whole catchment has been attenuated to match the capacity of the culverts which drain the site and the development site should be secure from a design flood event given the availability of stated flow capacity through the culvert and implementation of the attenuation systems. However, maintaining culvert capacity to the integrity of the attenuation systems in the long term will be critical to the design.

Waste Storage

Suitable provision should be made with regard to space for waste storage at individual properties and development as a whole.

A condition can be attached to any grant of planning consent to ensure that the housing layout takes cognisance of the Council's progression towards a 3 bin recycling system.

4. REPRESENTATIONS

4.1 There is one objector to the proposed development (Scottish Water which is detailed in Section 3.2 of the report).

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 relates to the development of sites 136H and 232M in the EALP. Policy RES 1 is relevant and encourages and supports residential development of identified Development Opportunity Sites. The application site has been identified as a housing development opportunity site and being capable of accommodating 350 houses.

The applicant has indicated that the site has a capacity of 450-500 houses. The development largely complies with Policy RES 1,

although the number of houses are significantly higher than the number indicated in the Local Plan. The increase in numbers can be controlled by phasing arrangements to ensure compatibility with the Local Plan and infra-structural issues. This increase in housing numbers is also considered to be acceptable in this instance as the quality of the development has been safeguarded by a Design Brief which will form part of a legal agreement and by the approval of strategic elements such as the distributor road, open space at this outline stage.

5.3 Policy RES 19 requires all housing developers to provide areas of recreational and amenity open space as an integral part of their development proposals and to make provision for the future maintenance of these areas. Schedule 3 of the Local Plan states that all developments over 350 houses are required to incorporate open space to meet the National Playing Field standard of 2-43 hectare per 1,000 people.

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

These football pitches will include permanent changing facilities and a car park. The proposed development therefore meets the terms of the above policy.

5.4 Policy RES 20 gives guidance to developers in formulating their development proposals with regard to open space to ensure that :-

- (i) areas of open space are of a size and configuration that is easily maintainable. Larger areas of well located, consolidated open space should be provided in preference to a series of smaller, individual areas scattered throughout the proposed development site;
- (ii) proposed areas of open space link, wherever possible, with other areas of adjacent existing open space;
- (iii) the proposed areas of open space are safe and secure, overlooked if possible by adjacent properties;
- (iv) play areas, kick about areas and games pitches are provided as required by the Council's Head of Leisure Services;

- (v) play equipment and facilities for the disabled and those with special needs are provided as considered appropriate;
- (vi) areas of open space are attractively planted and, where appropriate, use plant species to encourage wildlife; and
- (vii) all open spaces are provided, as appropriate, with footpaths for both access and leisure walking, linking with adjacent open spaces wherever possible.

There has been much discussion with the applicant to ensure that larger areas of open space centrally located are provided in preference to smaller individual areas scattered through the proposed development site. The developer has also been guided by the design brief for the site which is discussed in Section 6.4 of the report. Within the two strategic areas of open space, two play areas will be provided incorporating equipment for toddlers, junior children and teenagers.

The southern area of open space will also be linked by a footpath to existing open space along Altonhill Avenue.

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

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

The proposed development involves the erection of up to 500 houses and therefore a local shop not exceeding 200m² and meeting the day to day convenience needs of local residents is considered appropriate. The implementation, size and role of the local shop will be achieved through the terms of the Section 75 Legal Agreement.

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

The proposed development complies with the above designation.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

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

Consultation Responses

6.2 The consultation responses have been addressed in Section 3 of the report and do not raise any issues that would warrant the refusal of this application. The concerns of Scottish Water can be adequately addressed by condition and through a legal agreement to ensure that the sewerage infrastructure is upgraded to their satisfaction before the remaining 250-300 houses are constructed on site or before an equivalent industrial discharge can connect to the public sewerage system.

Planning History

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

6.4 KL/W/OL/83/167B: Proposed Residential Development of 170 houses together with recreational facilities land at Altonhill, Kilmarnock was granted consent on 25 January 1994. This consent has now expired. A Section 75 Agreement (Section 50 Agreement at that time) was associated with this consent which restricted the number of dwellinghouses to 170 houses, the density of the development, the quality of materials, open space, phasing and structural planting. This earlier Agreement will require to be discharged before the new Section 75 Agreement is registered.

Design Brief

6.4 A design brief has been prepared for the application site to help to achieve the highest possible quality of development. The design brief addresses issues such as the existing infrastructure and services, housing layout, design and materials, open space and landscaping, footpath links, road and parking layouts. The applicants would be required by means of the legal agreement to meet the terms of the design brief.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. The Council's interest in the land (the road) and the presence of an objection has been considered not to merit notification of the application to the Scottish Ministers in terms of the Town and Country Planning (Notification of Applications)(Scotland) Direction 1996.

7.2 Legal implications would arise from the Council entering into a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant. The main heads of agreement are as follows:-

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

7.3 The previous Section 75 Agreement associated with the planning application No. KL/W/OL/83/167B will require to be discharged before the Section 75 Agreement under the present application is registered.

8. CONCLUSIONS

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

8.2 There are material considerations relevant to this application as indicated in Section 6 of the report and they are generally supportive of the proposal. The master plan has provided details of how the site is to be developed strategically such as internal roads and footpath access, drainage, structural landscaping and public open space. Approval of this development will allow the wider objectives of the Council to be met through the development of identified housing and commercial/business sites. The highest possible quality of development has been promoted through the design brief and the legal agreement. This along with upgrades of water/sewerage infrastructure is of considerable significance for the redevelopment of the whole area.

9. RECOMMENDATION

9.1 It is recommended that the application should be approved subject to the conditions indicated on the enclosed sheet and that the issuing of the planning decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in Section 7.2 of the report.

Alan Neish
Head of Planning and Building Control

02 February 2004
(PC/MMM/SA)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Adopted East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan.
6. East Ayrshire Council Design Brief Dated 20 June 2003.
7. Planning Application No: 99/0776/OL.

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

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0990/OL

Site of Proposal:	Land at Altonhill KILMARNOCK
Nature of Proposal:	Proposed Outline Planning Application for a Residential and Commercial Development, 2 No. Football Pitches with Changing Facilities, a Location for a Shop Associated Strategic Open Space and Play Areas, 2 No. Site Access Roundabouts, SUDS Ponds and Distributor Road
Name & Address of Applicant:	George Wimpey Strategic Land Trident House Renfrew Road PAISLEY PA3 4EF
Name & Address of Agent:	Farningham McCreddie Partnership Ltd 65 York lace EDINBURGH EH1 3JD

DPOs Reference: PC/MMM/SA

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

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

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

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

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

REASON The approval is in outline only.

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

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

4. The proposed distributor road shall be 6 Metres wide with no frontage access and there shall be 100 metres separation distance between new road junctions off the proposed distributor road.

REASON In the interests of road safety.

5. Notwithstanding the submitted details, details of the design of traffic calming measures for the distributor road shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented prior to the occupation of any houses on site.

REASON In the interests of road safety.

6. All footpaths and footways shall incorporate cycle lanes.

REASON To encourage sustainable travelling.

7. No more than 200 new dwellinghouses shall be constructed on the approved site until the second access roundabout has been constructed and is operational at the Western Road end of the site.

REASON In the interests of road safety.

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

REASON To ensure that adequate drainage is provided.

9. Details to be submitted under Condition 2 (f), (g), (j) shall ensure that the football pitches are surrounded by high mesh fences to stop the ball going into neighbouring property or the other pitch. The car park for the two football pitches shall be capable of accommodating at least 50 cars.

REASON In the interests of the amenity of the area.

10. No trees shall be felled, lopped, have roots cut or be the subject of any other works without the prior written consent of the Planning Authority.

REASON In the interests of visual amenity and to maintain the existing visual contributor of the trees to the amenity of the area.

11. No development shall take place within the application site 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 Services 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.

REASON To safeguard any potential archaeological remains in the application site.

12. No building work shall take place within 3 metres of the High Pressure Eaglesham to Kilmarnock gas pipeline.

REASON There is a major gas pipeline which requires to be protected in the interests of public safety.

13. Prior to the commencement of development on site details to be submitted under Condition 2 (h) shall incorporate:

- a) Heavy structural planting along the western, eastern and southern boundaries of the site and adjacent to Kilmaurs Road and Western Road;
- b) Boulevard planting along the new distributor road;
- c) Landscaping proposals for the new roundabouts on Kilmaurs Road and Western Road;
- d) Details of the location, type and design of strategic play areas and play equipment; the play equipment separately to address the needs of toddlers, junior children and teenagers;
- e) A maintenance scheme regarding the managing and maintaining of all public open space, planting, parkland areas and play areas;
- f) A phasing programme providing details of the timescale for the implementation of the above landscaping/play areas on site and how they relate to each phase of the development.

The above details shall be implemented as approved.

REASON To ensure that adequate provision of public open space is provided to an adequate standard and that it is subsequently maintained, in the interests of residential and visual amenity.

14. Details to be submitted under Condition 2 (a) and (b) above shall ensure that the housing layout take cognisance of the storage needs of a 3-bin recycling system.

REASON To ensure adequate access to bin storage accommodation provision in the interests of the amenity of the area and Council management policies.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and the Town and Country Planning (Use Classes) (Scotland) Order 1997 and in so far as the permission

relates to the use of the site for Class 4 industrial or commercial development or for the sale and display of motor vehicles only, the further express permission of the Planning Authority shall be required in respect of any other use which falls within the same use class to the uses hereby approved.

REASON To enable the Planning Authority to retain control over the use of the site in the interest of local planning policies and the residential amenity of the area.

16. This permission relates to the provision of a local shop of not more than 200 square metres gross floor area meeting the day to day convenience needs of local residents.

REASON In the interests of the retail policies of the East Ayrshire Local Plan.

17. No construction work, site clearance or preparation works external to a building shall take place before 08.00 hours and after 17.00 hours on Mondays to Saturdays nor at any time on Sundays.

REASON In the interests of residential amenity.

18. Prior to the commencement of any development on site, a phasing programme of how the site is to be developed regarding each housing phase, footpaths, road layout, street lighting and street signs shall be submitted to and approved by the Planning Authority and implemented thereafter according to the approved details. The footpaths, the final surfacing of the roads, street signs, street lighting shall be available prior to the occupation of the first house of each residential phase.

REASON To enable the Planning Authority to retain control over the development of the site in the interest of the proper planning of the area and in the interests of residential amenity.

19. Notwithstanding the approved plans and prior to the commencement of development on site, full details of the final design of the Sustainable Urban Design System for the overall housing development and the individual housing sectors shall be submitted to and approved by the Planning Authority and installed on site prior to the occupation of any houses on site. Details of subsequent maintenance shall also be submitted to and approved by the Planning Authority prior to the commencement of development and implemented as approved. This final design shall include an assessment of the manner by which surface flood water will be conveyed to the attenuation ponds without localised flooding within the site, during a severe storm event.

REASON To ensure that adequate drainage is provided.

20. No works shall commence on site, until the developer has submitted for the approval of the Planning Authority, further detailed analysis of the workings and capacity of the culverts beneath the adjacent railway and their relationship to the design and functioning of the 2 attenuation ponds. The analysis shall have regard to the flood risk to the residential properties and the adjacent railway embankment. The approved details shall be implemented prior to the occupation of any houses on site.

REASON To prevent the flooding of adjacent residential properties and the adjacent railway embankment.

21. The proposed roundabout on Kilmaurs Road shall be operational prior to the occupation of any houses on site.

REASON In the interests of road safety.

22. Notwithstanding the submitted plans, the proposed roundabouts on Kilmaurs Road and Western Road shall be landscaped. The landscaping and maintenance details shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented on site prior to the roundabouts being brought into use.

REASON In the interests of the visual amenity of the area.

NOTES:-

1. The applicant is advised that there are 7 mine entries within 20 metres of the development and there are workings in 11 seams of coal at shallow to 160 metre depth, the last date of working being 1916.
2. It is strongly recommended that the developer advises the purchasers of the houses that would be affected by the main gas pipeline that there is an Exclusion Zone to the rear of their properties where no building works can take place.
3. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the Design Manual for SUDS published by CIRIA.
4. The SUDS shall be drained in accordance with the recommendations contained in the CIRIA Manual on SUDS.

5. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.
6. The comments of Network Rail are attached to this consent and should be taken into account within the details of the approved development; particularly in respect of the provision of new lighting.

**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.**