

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 1 FEBRUARY 2008

06/0970/FL: ERECTION OF 38 HOUSES AND ASSOCIATED WORKS AT BELVEDERE VIEW, GALSTON BY BARRATT WEST SCOTLAND

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposal involves the following main elements;

- A loop access road from Belvedere View serving 38 detached 2 storey houses with 4 bedrooms. Two of these houses incorporate a detached double garage and 36 have an integral single garage. Note that during processing the number of houses has been reduced from 40 to 38.
- Landscaped area of approximately 0.08ha to the south of the site and within the proposed loop road.
- Landscaped pond of approximately 0.1ha to the rear of 17 to 21 Belvedere View which is designed to attenuate water as part of the Sustainable Urban Drainage System (SUDS) for the site.
- Formation of new junction and changed priority on Belvedere View (including the installation of bollards).
- Speed cushions on Belvedere View (including the installation of bollards).
- White lining on the corner beside 1 and 1A Belvedere View (including the installation of bollards).
- White lining and mini-roundabout at junction of Duke Street and Station Road (beside the war memorial).
- A traffic management plan indicates that construction traffic will access the site from the main A71 via Polwarth Street, Wallace Street, Station Road, Duke Street and Belvedere View. Construction traffic will then exit the site via Belvedere View, Blair Crescent, Sutherland Terrace, Maxwood Road, and Henrietta Street back to Polwarth Street.

2. RECOMMENDATION

2.1 It is recommended that the application should be approved subject to the conditions listed on the attached sheet and that the issue of the decision notice be withheld until the Council has satisfactorily concluded a formal agreement with the applicant regarding the obligations referred to in Section 7.1 of the report.

3. CONCLUSIONS

3.1 As indicated in the report the application is considered to be in accordance with the terms of the Development Plan. Therefore, consistent with the Town and Country Planning (Scotland) Act 1997, it should be approved unless material considerations indicate otherwise.

3.2 As per Section 6 of the report there are material considerations relevant to the application however it is considered that these can be addressed by planning conditions or are of insufficient weight to merit refusal of the application.

3.3 The application was first presented to the Northern Local Planning Committee on 7 December 2007 and, following a Planning Hearing, it was agreed to continue consideration of the application to allow the Head of Planning and Economic Development to investigate with the applicant and the Head of Roads alternative access to the site.

3.4 In relation to the proposed access arrangements provided in the current application, there are no objections from the Roads and Transportation Division. The alternative vehicular accesses have been investigated and do not meet the Councils Roads standards in any respect. They would not be suitable as an alternative means of vehicular access to the application site. Furthermore, to achieve a suitable access road geometry the additional land required would be significant and be required from several owners who may consider the impact on their property to be unacceptable. It should not therefore be considered as a viable alternative

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning & Economic Development on the basis of the principle of residential development at this location, then the application will require to be referred to the Principal Planning Committee as that would be a significant departure from Council policy.

Alan Neish
Head of Planning and Economic Development

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

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BELVEDERE VIEW, GALSTON
BY BARRATT WEST SCOTLAND**

Report by Head of Planning and Economic Development

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation, as planning objections have been received from more than 10 separate households.

1.2 The application was first presented to the Northern Local Planning Committee on 7 December 2007 and, following a Planning Hearing, it was agreed to continue consideration of the application to allow the Head of Planning and Economic Development to investigate with the applicant and the Head of Roads alternative access to the site. The outcome of this investigation is referred to in sections 6.8 to 6.10 and 8.3 of this report.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises an agricultural field located on the south-eastern edge of Galston, immediately to the south of numbers 3 to 21 Belvedere View. Vehicular access to the site is gained between numbers 15 and 17 Belvedere View where a spur road from the original Belvedere View development has been formed. The field is undulating with a slope running from the south of the site down and northwards to the rear of the houses on Belvedere View.

2.2 The site is an irregular shape and has an area of approximately 2.06 hectares. Immediately alongside the southern boundary of the site, lies an existing, but overgrown field track. This is bounded to the south by the rear fences of 20-34 Sorn Place and 6-7 Clockston Place and to the north by boundary planting. This track links to another track which runs eastwards from Station Road and Cessnock Road to the south western site boundary.

2.3 The site is surrounded to the north, west and south by housing including single storey, 2 storey with accommodation in the attic and conventional 2 storey construction. To the east is an agricultural field. The site boundary has also been

drawn to include parts of Belvedere View, Duke Street and its junction with Station Road in order to allow changes to road infrastructure.

2.4 Proposed Development: The proposal involves the following main elements;

- A loop access road from Belvedere View serving 38 detached 2 storey houses with 4 bedrooms. Two of these houses incorporate a detached double garage and 36 have an integral single garage. Note that during processing the number of houses has been reduced from 40 to 38.
- Landscaped area of approximately 0.08ha to the south of the site and within the proposed loop road.
- Landscaped pond of approximately 0.1ha to the rear of 17 to 21 Belvedere View which is designed to attenuate water as part of the Sustainable Urban Drainage System (SUDS) for the site.
- Formation of new junction and changed priority on Belvedere View (including the installation of bollards).
- Speed cushions on Belvedere View (including the installation of bollards).
- White lining on the corner beside 1 and 1A Belvedere View (including the installation of bollards).
- White lining and mini-roundabout at junction of Duke Street and Station Road (beside the war memorial).
- A traffic management plan indicates that construction traffic will access the site from the main A71 via Polwarth Street, Wallace Street, Station Road, Duke Street and Belvedere View. Construction traffic will then exit the site via Belvedere View, Blair Crescent, Sutherland Terrace, Maxwood Road, and Henrietta Street back to Polwarth Street.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division No objections to the development which cannot be addressed through the road construction consent. This includes minor changes to road levels within the site and disposal of road surface water. The Roads Construction Consent will not be granted unless these issues are resolved.

Noted

3.2 East Ayrshire Council's Roads and Transportation Division (Flooding Section) With regard to the treatment and disposal of surface water drainage the proposal is acceptable in relation to flooding legislation.

Noted

3.3 East Ayrshire Council's Environmental Health Division. No objection to this proposal subject to conditions limiting disturbance and nuisance to adjacent residents from site construction works (e.g. noise, dust, burning of waste and

hours of site working) and adequate provision being made for refuse, recycling and bin storage.

Conditions relating to these points are included in the recommendation

3.4 Scottish Water has stated that it has no objection. Although Scottish Water has given approval at this stage, this does not guarantee a connection to Scottish water infrastructure. A separate drainage system is required, with the surface water discharging to a suitable outlet. A Sustainable Urban Drainage System (SUDS) should be considered for the surface water drainage design. This development does not interfere with existing infrastructure.

Noted. A condition requiring a Sustainable Urban Drainage System (SUDS) is included in the recommendation.

3.5 Scottish Environment Protection Agency (SEPA). With regard to foul drainage SEPA note that connection to the public foul sewer is subject to agreement with Scottish Water and will depend on the availability of spare capacity. The applicant should provide written assurance from Scottish Water that this proposed development will not contribute to premature operation of downstream consented storm overflows.

Scottish Water has indicated that it has no objection to the development proposal.

3.6 With regard to surface water it is recommended that any planning permission includes a condition requiring the applicant to treat any surface water from the site in accordance with the principles of the SUDS manual.

A condition relating to this point is included in the recommendation.

3.7 With regard to flood risk the application site is in close proximity to the Burn Anne and although SEPA have no record of flooding or flood risk at this site, the Council's Roads Division should be consulted as it may hold additional information in this regard.

The Council's Roads & Transportation Division (Flooding Section) has been consulted on this application and have raised no objection. The SUD's will control the volume of water to greenfield run-off rate, therefore there should be no additional discharge from the site.

3.8 Suitable provision should be made for waste storage at individual properties and the development as a whole. Such provision should be made in line with the Council's collection plans to address the recycling, composting,

recovery and disposal targets contained within the Area waste Plan and Implementation plan.

A condition relating to this point is included in the recommendation.

3.9 With regard to construction, pollution prevention, and the transport and storage of waste materials the development of the site must be carried out with due regard to the relevant Regulations and SEPA's guidelines.

An advisory note regarding this matter is included in the recommendation

3.10 Galston Community Council has no objection to this planning application.

Noted.

3.11 West of Scotland Archaeology Service. There are no recorded archaeological sites within the proposed development area, but because development is proposed for previously undeveloped land and is large in scale, there is a potential for significant unrecorded sub-surface archaeological deposits to be present on site. It is recommended that a prior archaeological evaluation of this proposed development site be carried out before the planning authority determines any application for the site. A trial trenching programme consisting of an 8% sample of the full application area should be conducted by an appropriate archaeological contractor.

3.12 The alternative is to attach a condition to the consent if granted. The only appropriate form of condition to attach in these circumstances would be a negative suspensive condition. The use of such a condition on any consent allows the potentially complex archaeological issues to be addressed in detail after the principle of development has been accepted, but of necessity, limits the opportunities to amend designs or operations to achieve the preferred preservation of remains *in situ*.

This is a zoned site for housing in the local plan and it would not be appropriate to further delay consideration of the application. A condition is included in the recommendation which requires an archaeological investigation before development takes place on the site.

4. REPRESENTATIONS

4.1 There have been 145 letters of objection from 58 persons. Most objectors have submitted more than one letter in response to the various amendments which have been made to this application during processing. The issues raised can be considered under the following general headings;

- Planning, Design and Landscape,
- Amenity,
- Roads & Traffic,
- Water & Drainage,
- Procedure, and,
- Private Legal Matters.

The issues raised, together with the Council's response to them, are summarised below;

Planning, Design and Landscape

- 4.2 Proposal exceeds the site capacity of 35 units identified in the local plan and will further diminish green belt in the area while there are brownfield sites in Galston awaiting development.

This site is identified as residential development opportunity site 107H in the East Ayrshire Local Plan therefore the principle of new housing at this location is acceptable in planning policy terms. The local plan identifies the site indicatively for 35 houses and the current proposal is for 38, an additional 3 units. There is no objection to this in planning policy terms.

- 4.3 The existing hedgerows are of considerable historic interest and should be preserved. Old maps of the town show that this field was enclosed centuries ago.

Although the hawthorn hedges have been in place for a considerable period of time they are not considered to have over-riding historical significance. The layout of the housing does not involve removal of this hedging.

- 4.4 Powderhall Lane runs behind many houses in the area and encroaches on the development site. The boundary hawthorns are still in place showing the location of the lane. This lane was in the past used to access the powder store for the local mines before becoming a local walk or right of way. Part of this lane has had its name changed to Cessnock Road. Are we to lose this part of our history for profit?

This lane is outwith the application site and is not to be lost as part of this development proposal

- 4.5 Two storey housing is incompatible with single storey housing in the area and, due to the higher site level, will have a dominating effect. All of the current buildings are bungalow constructions.

There is a mix of single storey, 2 storey with accommodation in the attic and conventional 2 storey housing surrounding the application site. The scale, design and external finishing materials are considered to be entirely in keeping with the established housing in the surrounding area

Amenity

- 4.6 The development will cause overlooking and privacy problems. The minimum distance between buildings in relation to the conservatory at No 15 Belvedere View does not satisfy council policy. Substantial screening or fencing should be formed between the site and 15A Cessnock Road.

The proposed house on plot 29 (immediately to the south of No 15 Belvedere View) is approximately 21 metres from the rear of the existing house (as originally built) and 14 metres from its rear boundary. Policy requires that the minimum distance between windows of habitable rooms (i.e. living rooms, dining rooms and bedrooms) should not be less than 18 metres. In this case it is considered that not only is the distance between habitable rooms exceeded but also that the distance between the conservatory and the proposed house would not be substantially less than 18 metres.

The relationship between the proposed houses and the existing house at 15A Cessnock Road is considered to be acceptable in planning terms as the proposed houses are located more than 9 metres from its boundary and there is no window to window distances of less than 18 metres.

With regard to this general point it is recommended that a condition requiring a landscaping scheme is imposed on any planning consent and one of the intentions is that this will involve tree planting close to site boundaries.

- 4.7 The proposal will detrimentally affect the nature of the estate and the peaceable enjoyment of dwellinghouses within the existing estate.

There is no reason why this residential development should detrimentally affect the nature of the estate or the peaceable enjoyment of existing houses.

- 4.8 The introduction of speed tables will generate noise disturbance.

Speed tables are typically found within residential areas and are normally installed without the requirement for planning permission.

Two speed tables are shown on the submitted plans. It is considered that there would be no significant detrimental impact on residential amenity.

- 4.9 Should the application be approved I object to work at weekends or working outwith office hours in the interests of child safety. Increased heavy traffic will worsen the existing problem of windows rattling when vehicles pass the house. Facilities to minimise dirt and dust should be put in place for the construction period.

A condition is recommended which states that no external activity associated with construction of the development, which is audible at the site boundary or which will involve the arrival or departure of HGVs shall take place at the premises outwith the hours of 8.00 am and 6.00pm pm Monday to Friday and 8.00 am and 1.00 pm on a Saturday. No external activities shall take place at any time on a Sunday. Other conditions are recommended to address environmental issues during construction such as burning materials and ensuring surrounding roads are cleaned.

Water and Drainage

- 4.10 The existing sewage infrastructure is inadequate and at capacity. The existing combined sewage / surface water system backs up in periods of heavy rain. Back up conditions occurred on the road gullies spilling sewage on to the adjoining areas. The road still floods in heavy rain when the surface water from the house on the opposite side of Belvedere View runs onto the road. To reduce this spillage an overflow pipe was taken from the dual system through the front garden of No 7 Belvedere View to the storm water pipe running through the gardens in Belvedere View into the Burnanne River. This unlawful storm watercourse and overflow pipe were installed without wayleave after the houses were built. A letter from West of Scotland Water of 25.11.99 states that all householders would have to be consulted and permission sought before any outfall was connected to the watercourse. Would object to further use of this pipe.
- 4.11 The development will increase the flow of water off the existing field and increase the possibility of flooding at Belvedere View.
- 4.12 Any connection of foul sewerage from the proposed site to the existing combined sewerage / surface water system in Belvedere View would have an impact on public health and safety, a concern SEPA has regarding this.
- 4.13 SUDS systems are susceptible to damage due to mud and silt and could result in flooding in the surrounding area as there is no discharge available to a watercourse. At the Public Local Inquiry Scottish Water objected and

said that it would maintain its objection to progression of development in Galston.

- 4.14 We have already had to put drainage pipes into part of our garden to drain away water from the field. This flow of water will be exacerbated by the housing
- 4.15 Who is responsible if problems occur with storm water drainage?
- 4.16 Scottish Water objected to the previous application on this site.

With regard to the points of objection in paragraphs 4.10 to 4.16 the following consultation responses are relevant. Scottish Water and the Council's Roads and Transportation Division (Flooding Section) have indicated that they have no objection to the development proposal. SEPA has no objection to the application subject to the views of Scottish Water and the Council's Roads (Flooding) Section and the treatment of water in accordance with the SUDS manual.

The issue of wayleave is a private legal matter. The grant of planning consent does not supersede the legal rights of land owners.

The Council's Roads and Transportation Division (Flooding Section) has indicated that the SUD's will control the volume of water to greenfield run-off rate, therefore there should be no additional discharge from the site.

Although not material to consideration of this application responsibility for surface water drainage varies according to particular circumstances but the key parties include the land owner, the Roads Authority and Scottish Water.

Roads and Traffic

- 4.17 The existing roads infrastructure is inadequate, including road width, acute bends and forward visibility. The roads and footpaths in Belvedere View do not meet the current criteria with regards to width. Belvedere View and the spur between 15 and 17 are only 4.8 metres wide. The development (including the considerable number of 5 bedroom houses / approx 2 or 3 per household plus visitors) will exacerbate existing hazards and result in an unacceptable increase in traffic on existing roads and block junctions.
- 4.18 This is a residential area with many children and the addition of a large number of additional vehicles would significantly impact on their safety.

- 4.19 On the previous planning application 05/1096/FL ref. item 9 the Roads Department stated "Belvedere View is not 5.5 metres wide and will require to be altered to conform to the Roads Development Guide. The use of a 4.8 metre wide road would require the provision of passing places." Passing places are not shown on this planning application and therefore do not meet the Roads regulations.
- 4.20 Where the spur joins the main (Belvedere View) carriageway the site to the right is not in accordance with current criteria being an inward curve restricting viewing and creating further danger. Giving the new estate (approximately 100 cars) right of way in both directions from this curve in and out of an extremely narrow road will result in accidents. A Stop sign on the larger road will slow down traffic but will not help drivers see cars coming out of the new estate. On the previous planning application 05/1096/FL the Roads Department stated "The existing access road to the proposed development is not wide enough to permit a 5.5 metre carriageway and 2.0 metre wide footways on either side." This T-junction is a potential hazard with insufficient road widths for entering and exiting the site. A roundabout may be a better solution for this junction.
- 4.21 Since Belvedere View services Cairn View, Cairn Terrace, and Cairn Place it carries the greater volume of traffic and should be continuous through the junction.
- 4.22 The bend at the end of Belvedere View is a dangerous corner and there have been several accidents over the years. Lorries coming around this corner cannot pass a car without one of the vehicles unlawfully mounting the pavement and putting pedestrians at risk. Traffic coming down Belvedere View cannot see round this corner as the corner house obscures a drivers' view. The bollards on the pavement will be a hazard for pedestrians, narrowing the pavement so much that people with prams will be obstructed. On the previous planning application 05/1096/FL the Roads Department stated "There is a tight bend on Belvedere View which must be widened with an over run strip to conform to the geometry of a speed bend and to have sufficient forward visibility round the bend otherwise this will be a hazard to road users from the increased traffic generated by the site." Since Belvedere View services Cairn View, Cairn Terrace, and Cairn Place plus the additional traffic from the proposed site this will exacerbate the existing hazards at this tight bend. Proposed white lining at the sharp bend in Belvedere View will not resolve the problem of two vehicles being unable to pass once passed the corner. Waiting vehicles will hinder entrance / exit to house. New road humps will generate noise. The current proposals do not meet Roads regulations.

- 4.23 Belvedere View currently has a school bus negotiating the road and the development of the new Galston Primary school at the far end of town could lead to further buses using this road.
- 4.24 The road in Belvedere View is virtually level with the footpaths and any raised calming will create a further hazard to pedestrians.
- 4.25 There is a very dangerous junction exiting from Duke Street into Station Road, which has a blind corner. The proposed mini-roundabout at this location will not solve the problem. With regard to this roundabout, the building at the corner obscures the view from the right. The width of the road at this junction will make it difficult for larger vehicles to manoeuvre round a roundabout.
- 4.26 The access out of Belvedere View to Galston to the A71 requires the negotiation of a tight bend, a blind junction on entering Station Road and another problematic junction at Wallace Street. Both are subject to congestion at peak times.
- 4.27 Should the application be approved I object to Belvedere View being used as a parking area for vehicles (lorries, cars and vans) from the site as this may block driveways and views. The existing layout of driveways leaves little room on the street for parked vehicles without blocking residents.
- 4.28 The route shown for construction traffic would create an additional hazard due to the residential nature of the area, restricted road widths and the volume of traffic. Construction vehicles would have to negotiate narrow roads and tight bends in the residential streets of Station Road, Duke Street, Belvedere View, Sutherland Terrace, Maxwood Road and Henrietta Street. There is a tight right bend at the traffic lights at the bottom of Henrietta Street. The proposal for construction traffic is unacceptable in terms of noise, disturbance and safety. In addition the Council has already recognised the inherent risk on these streets by the imposition of a 20mph speed limit in the area surrounding Belvedere View. A temporary road for construction traffic should be constructed through the adjoining fields

With regard to the points of objection in paragraphs 4.17 to 4.28 East Ayrshire Council's Roads and Transportation Division has no objections to the development which cannot be addressed through the road construction consent. This includes minor changes to road levels within the site and disposal of road surface water. The Roads Construction Consent will not be granted unless these issues are resolved. The Roads & Transportation Division is aware of the detailed points of objection.

Procedure

- 4.29 Incorrect notification undertaken. The application was not advertised in the Kilmarnock Standard at the time when the notice was issued thereby excluding the rest of the community.

The Council is satisfied that the notification has been undertaken in accordance with the requirements of legislation. The fact that application has been advertised in the local press has given the wider community the opportunity to comment on the application.

- 4.30 The number of houses is not denoted in the application.

The application form and plans clearly indicate the number of units proposed.

- 4.31 There is insufficient information with the application regarding sewage and waste water drainage systems.

There is sufficient information to allow the planning application to be considered and determined.

- 4.32 Proposals for this site have been rejected by the Council in the past.

Each application has to be considered on its own individual merits.

- 4.33 The planning application has not been dealt with in a fair and reasonable manner as it appears that the planning consent is likely to be granted without the roads department concerns being adequately addressed.

Determination of the application has been delayed to ensure that the concerns of the Roads & Transportation Division are satisfactorily addressed.

Private Legal Matters

- 4.34 There are abandoned mine shafts in the area and these are not indicated on the plans. May lead to subsidence.

This would not be a valid reason for refusal of the application. If there is an issue with regard to former mine workings and subsidence it is a technical matter which would have to be addressed by the developer. An advisory note regarding this is included in the recommendation.

- 4.35 Proposed garage is only one metre from garden wall. Potential for damage to existing boundary wall at 15 Cessnock Road.

Any damage to private property is a legal matter between the parties concerned.

- 4.36 Object to stoppage of amenities without 14 days notice
This consent relates only to the development shown on the submitted plans.

- 4.37 Will not give consent for connection of any further drainage to storm water pipe running through my garden

This is a private legal matter. The granting of planning permission does not supersede the legal rights of land owners. This matter is addressed by an advisory note attached to the recommendation.

- 4.38 As the property owner of 4 Belvedere View I am not willing for my land to be used for road improvements

This is a private legal matter. The granting of planning permission does not supersede the legal rights of land owners. This matter is addressed by an advisory note attached to the recommendation.

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 (2003).

Ayrshire Joint Structure Plan (AJSP)

5.2 The proposal does not raise any issues of a strategic nature.

East Ayrshire Local Plan

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

5.4 This site is identified as residential development opportunity site 107H in the East Ayrshire Local Plan therefore the principle of new housing at this location is acceptable in planning policy terms. The local plan indicatively

identifies the site for 35 houses and the current proposal is for 38, an additional 3 units. There is no objection to this in planning policy terms.

5.5 Policy RES19 requires all housing developers to provide areas of recreational and amenity open space in their developments to the indicative basic standards set out in Schedule 3 of the Local Plan. The policy states also that the precise type, size, location and design of the open space required is dependent on the extent of existing open space provision in the vicinity and the recreational and amenity needs of the wider area. The proposed layout shows an adequate amount of well located public open space.

5.6 Policy RES20 sets out detailed criteria that developers should take into account when formulating their proposals for open space including, size, configuration, linkages, supervision, active open space to be provided as required by the Head of Leisure Services, equipment and facilities and landscaping / planting. The submitted plan shows an adequate amount of well located open space, the precise configuration and landscaping of which will be addressed by condition.

5.7 Policy RES22 requires all developers to observe the minimum standards for the provision of private open space detailed in Schedule 4 of the Local Plan. The proposal meets with the Council's minimum private open space standards.

5.8 Policy ENV7 states that all developers will be expected to comply fully with the Council's existing and emerging Design Guidance and Policy documents relating to and advising on the particular type of development proposed. The policy also states that developments which do not meet the required design standards detailed in these documents will require to be fully justified and may not be supported by the Council.

5.9 The Design Guidance relating to New Residential Development states, in part 2a (ii), that "layouts and house types...will require to reflect and respect the built form of the surrounding area". The design and external finishing materials are considered to be in keeping with the surrounding area. 38 houses can be adequately accommodated within the site in terms of layout and public/private open space requirements.

5.10 Policy TLR5 requests all potential developers of residential sites comprising four or more houses to enter into a Section 75 Agreement for contributions towards the provision of appropriate leisure and recreational facilities within the area to which the development relates. The applicant has confirmed that they are willing to make such a contribution. As such an agreement between the applicant and the Council will be required to secure this contribution, prior to planning consent being released.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representations received, the

impact on the amenity of the area, the relevant planning history and the Consultative Draft East Ayrshire Local Plan.

Consultation Responses

6.2 The consultation responses are summarised in Section 3 of this report and they do not raise any over-riding reasons for refusal of the application.

Representations

6.3 The representations are summarised in Section 4 of this report and they do not raise any over-riding reasons for refusal of the application.

Impact on the Amenity of the Area

6.4 It is considered that planning conditions regarding landscaping, external finishes and the construction phase of the development will ensure that the proposal does not have a significant detrimental effect on amenity.

Planning history

6.5 An outline planning application (reference number KL/E/OL/77/300C) for Residential plot development of 80 houses on the fields to the south and south east of Belvedere View was refused on 25th September 1992 as; the site was outwith the urban envelope for Galston, it would result in a substantial increase in traffic using the general access roads to this site beyond their capacity, causing a danger to highway safety and due to a lack of information on the stability of the land. Although of relevance to this current application there are significant differences in the scale of the site and the proposal, and in the interim period the land zoning has changed to bring the current site within the limit of development for Galston. Land stability in this case is a technical matter that the developer will have to address.

6.6 One previous planning application (reference number 05/1096/FL) by the same applicant has been submitted for this application site. This was for the erection of 45 houses and associated roadworks but the application was withdrawn.

6.7 The Consultative Draft Alteration to the East Ayrshire Local Plan (August 2006) also zones the application site for residential development but this zoning is now only part of a much larger zoning (reference 107H), which includes an additional three fields (5.52 hectares) immediately to the east. The total notional capacity for the larger site is 155 residential units. In summary the position is as follows;

	Adopted Local plan	Consultative Draft
Reference number	107H	107H
Notional capacity	35 houses	155 houses
Area (hectares)	2.06	7.58

6.8 With regard to the Committee's request to investigate an alternative access to the site, this has been undertaken in consultation with the Head of Roads and the applicant.

6.9 The only potential alternative vehicular access to the application site is at the south western corner where the site abuts a lane serving residential properties addressed as 11A to 15A Cessnock Road. This lane is approximately 100 metres in length and runs from the south west corner of the site in a westerly direction to its junction with the B7037 (Cessnock Road / Station Road). Additional land outwith the control of the applicant would be required in order to take a vehicular access from the site on to the western end of this lane. This vehicular access lane includes a small spur which runs northwards between numbers 11A and 15A Cessnock Road for approximately 70 metres and serves the rear of residential properties on Station Road. It shares a 35 metre long common boundary with the western edge of the application site.

6.10 The above noted vehicular accesses do not meet the Councils Roads standards in any respect and would not be suitable as an alternative means of vehicular access to the application site. Furthermore, to achieve a suitable access road geometry the additional land required would be significant and be required from several owners who may consider the impact on their property to be unacceptable. It should not therefore be considered as a viable alternative.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 The applicant's agreement to make a contribution to the Sports, Leisure and Recreation Fund in terms of Policy TLR 5, will require a formal agreement to be entered into between the Council and the applicant.

8. CONCLUSIONS

8.1 As indicated in the report the application is considered to be in accordance with the terms of the Development Plan. Therefore, consistent with the Town and Country Planning (Scotland) Act 1997, it should be approved unless material considerations indicate otherwise.

8.2 As per Section 6 of the report there are material considerations relevant to the application however it is considered that these can be addressed by planning conditions or are of insufficient weight to merit refusal of the application.

8.3 In relation to the proposed access arrangements provided in the current application, there are no objections from the Roads and Transportation Division. The alternative vehicular accesses have been investigated and do not meet the Councils Roads standards in any respect. They would not be suitable as an alternative means of vehicular access to the application site. Furthermore, to achieve a suitable access road geometry the additional land required would be significant and be required from several owners who may consider the impact on their property to be unacceptable. It should not therefore be considered as a viable alternative

9. RECOMMENDATION

9.1 It is recommended that the application should be approved subject to the conditions listed on the attached sheet and that the issue of the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal agreement with the applicant regarding the obligations referred to in Section 7.1 of the report.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning & Economic Development on the basis of the principle of residential development at this location, then the application will require to be referred to the Principal Planning Committee as that would be a significant departure from Council policy.

Alan Neish
Head of Planning & Economic Development

16 January 2008
(ADC/KW)

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Consultative Draft of East Ayrshire Local Plan (August 2006)
7. Approved Ayrshire Joint Structure Plan (1999).

8. Planning application KL/E/OL/77/300C
9. Planning application 05/1096/FL

Anyone wishing to inspect the above papers please contact Austin Cooke, Senior Planning Officer, on 01563 576772.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0970/FL

Site of Proposal:	Belvedere View Galston Ayrshire
Nature of Proposal:	Erection of 38 dwellings with associated roadworks
Name & Address of Applicant:	Barratt West Scotland 7 Buchanan Gate Business Park Cumbernauld Road Stepps Glasgow G33 6FB
Name & Address of Agent:	The Kerr Practice Park Lane House 47 Broad Street Glasgow G40 2QW

DPOs Reference: ADC/KW

The above FULL application should be approved subject to the following conditions

1. The development hereby approved shall be implemented in accordance with the plans stamped as forming part of this permission unless a variation is required by a condition of the permission or a non-material change has been agreed in writing by the Planning Authority.

REASON To ensure that the development is carried out in accordance with the approved plans unless otherwise approved

2. Prior to the commencement of development on site, final details of the proposed Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved in writing by the Planning Authority. The Sustainable Urban Drainage System shall have been formed with all necessary consents in place, prior to the occupation of any dwellinghouse. The SUDS arrangement shall thereafter be maintained in accordance with the approved details.

REASON To ensure adequate drainage is provided.

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

REASON In order to safeguard the archaeological heritage of the site and to ensure that the developer provides for an adequate opportunity to investigate, record and rescue archaeological remains on the site.

4. Before any works start on site, cross-sectional plans shall be submitted for the prior written approval of this Planning Authority indicating:-

- a) The extent and existing ground levels of the development site, the proposed finished road levels, floor levels, and the ridge level of each proposed house.
- b) The levels of all adjacent land and buildings and their relationship to the proposed development.
- c) Any existing or proposed screening measures (e.g. walls or fencing).

Until such time as the required plans have been approved by this Planning Authority no work shall commence on site.

REASON In the interests of residential amenity; to ensure that there is no significant detrimental impact on adjacent properties.

5. Notwithstanding the submitted plans, details and samples of all external materials to be used in the construction of the dwellings and the road/driveway surfaces shall be submitted to and approved by the Planning Authority in writing prior to the commencement of development on site and implemented as approved thereafter.

REASON In the interests of visual amenity.

6. The proposed garage doors shall be vertically lined and details of the specification and colour finish shall be submitted for approval in writing by this Planning Authority before any work starts on site. Thereafter the development shall be carried out in accordance with these approved details.

REASON In the interests of visual amenity.

7. Notwithstanding the submitted plans, details of the design and construction of all boundary features, fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site and implemented as approved thereafter. For the avoidance of doubt these details shall include;

- a) A masonry wall / railing entrance feature along the western and southern boundary of the SUDS area, the northern side boundary of plot 1 and the eastern side boundary of plot 29
- b) A masonry wall / railing entrance feature around the periphery of the area of open space, the northern side boundaries of plots 30 and 38 (including a slight set back of this wall to create a tree planting area) and the northern side and rear boundary of plot 20
- c) A solid structural arrangement for visually closing the large gaps between the houses at, or close to, the street frontage
- d) A realignment of the side and rear boundary walls of plots 34 and 35 to create a more natural and coherent area of public open space

REASON To ensure that key urban design and landscape considerations are taken into account in order that the physical development; creates attractive and usable public space, maximises the visual impact of the gateway into the site, achieves a high quality and consistent boundary treatment within and at the edges of the development and clearly defines public and private space. To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

8. Notwithstanding the approved plans details of the proposed bin storage facilities shall be submitted to and approved by the Planning Authority in writing prior to the commencement of development on site and shall be implemented prior to the occupation of any dwellinghouses to which they relate.

REASON To ensure adequate bin storage facilities.

9. Before any works start on site, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, the extent and profile of any areas of earth mounding and

the precise timing and phasing of the works shall be submitted for approval in writing by this Planning Authority. The scheme as approved shall be implemented within the agreed timescale. For the avoidance of doubt the landscape scheme shall include the following;

- a) Tree planting along the southern and western boundaries of the SUDS area
- b) Tree planting in the front gardens, with a particular emphasis on the corners of plots 20 and 29
- c) Tree planting along the rear edges of the rear gardens of plots 1-10, plots 19-20 and plots 21-29
- d) A tree planting area to the rear of the service strip beside the north side boundaries of plots 30 and 38
- e) Tree planting towards the rear of the rear gardens of plots 30 – 38
- f) Tree and shrub planting along the northern edge of the proposed area of open space

REASON To ensure that key urban design and landscape considerations are taken into account in order that the landscaping and tree / shrub planting creates attractive and usable public space, maximises the visual impact of the gateway into the site and achieves a high quality and consistent boundary treatment within and at the edges of the development. In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

10. Notwithstanding condition 10, all landscaping works and open space provision shall be completed in accordance with the details as required by the terms of this planning permission prior to the occupation of the last house.

REASON To ensure landscaping works are completed at an appropriate stage in the development of the site.

11. Before any works start on site, the developer shall institute an accurate survey to be carried out by a qualified arboriculturist of all trees / hedges existing on the site and all trees / hedges adjacent to or overhanging the site and submit details of those trees / hedges proposed to be felled or lopped and those to be retained. The survey shall contain details of the position, canopy spread, bole diameters, health, size and species of all trees within the curtilage of the site. No trees / hedges shall be felled, topped, lopped or have roots cut or damaged without the prior written approval of this Planning Authority.

REASON In the interests of visual amenity; to ensure that all trees hedges worthy of retention are satisfactorily protected before and during construction works.

12. Before any works start on site, the developer shall submit details and specifications of the protective measures necessary to safeguard the trees on the site during development operations. This Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.

REASON In order to ensure that no damage is caused to the existing trees during development operations.

13. Notwithstanding the approved plans details of a maintenance agreement for the areas of open space and landscaping shall be submitted to and approved by the Planning Authority in writing prior to the occupation of the first house and implemented as approved thereafter.

REASON To ensure the future maintenance of all open space and landscaping.

14. All planting carried out on site shall be maintained by the developer in accordance with good horticultural practice for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually.

REASON In the interests of visual amenity and effective landscape management; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

15. Notwithstanding the submitted plans details of the proposed open space shall be submitted to and approved by the Planning Authority, in writing, prior to the commencement of development on site, and implemented as approved thereafter within a timescale to be agreed by the Planning Authority as part of a phasing plan. Details to be submitted shall include the boundary treatment of the proposed open space (as required by condition 7b). For the avoidance of doubt the area of open space shall include a small seating area.

REASON To ensure that key urban design and landscape considerations are taken into account in order that the development incorporates an attractive and usable public space. In the interests of residential and visual amenity.

16. Notwithstanding the approved plans a phasing plan for the completion of all roads and footpaths to final wearing surface, street lighting and street signs within the application site shall be submitted to and approved by the Planning

Authority prior to the commencement of development on site. The approved phasing plan shall thereafter be adhered to at all times.

REASON In the interests of residential amenity and road safety.

17. The programme of road improvements shown on the submitted plans shall be implemented prior to the occupation of any dwelling house.

REASON In the interests of road safety and residential amenity.

18. During the period of construction works the developer of the site shall ensure that adequate and continuing measures are taken to ensure that roads and footpaths adjoining the site are maintained free from mud and other material carried from the site by construction and any other vehicles.

REASON In the interests of public and road safety.

19. All site servicing and workers' vehicles shall be accommodated within the development site at all times throughout the period of construction unless otherwise agreed in writing in advance by the Planning Authority.

REASON In the interests of road safety and residential amenity.

20. Any waste arising from the construction works shall be disposed of to the satisfaction of the Waste Management Authority and other than by means of burning on site.

REASON In the interests of residential amenity.

21. No activity associated with construction of the development hereby approved, which is audible at the site boundary or which will involve the arrival or departure of HGVs shall take place at the site outwith the hours of 8.00 am and 6.00pm pm Monday to Friday and 8.00 am and 1.00 pm on a Saturday. No activities shall take place at any time on a Sunday.

REASON In the interests of residential amenity; to ensure that the activity on the site does not generate a level of noise which would disturb neighbouring residential amenity.

22. The construction traffic management plan as submitted shall be adhered to at all time throughout the period of preparation and construction on-site.

REASON In the interests of residential amenity and road safety.

NOTES:-

1. The applicant should make early contact with East Ayrshire Council Roads and Transportation Division prior to the commencement of development on site to ascertain if any permits for road/footway works are required. East Ayrshire Council Roads and Transportation Division can be contacted on 01563 576310.
2. The applicant should make early contact with Scottish Water on 0845 601 8855. The applicant should ensure that prior to development commencing on site, they have secured agreement from Scottish Water regarding the suitability of all proposed drainage connections and the suitability of the existing infrastructure to accommodate such connection.
3. The developer shall make early contact with Scottish Environment Protection Agency and Scottish Water to confirm their request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.
4. 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 involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.
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. With regard to construction, pollution prevention, and the transport and storage of waste materials, the development of the site must be carried out with due regard to the relevant Regulations and SEPA's guidelines.
7. The applicant is advised that the granting of planning permission does not remove him/her from the requirement to obtain the consent of adjacent landowners in respect of any access required to build, or maintain, this approved development. Such consent should be obtained prior to the commencement of works on site.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
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PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**