

## **EAST AYRSHIRE COUNCIL**

### **NORTHERN AREA LOCAL PLANNING COMMITTEE: 17 FEBRUARY 2006 06/0003/FL: PROPOSED ROAD ACCESS AND TRAFFIC CALMING ARRANGEMENTS AT CEMETERY ROAD, GALSTON BY MR AND MRS COCHRANE**

#### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the formation of a road access to the residential development site at Plots 1-4 Cemetery Road and the installation of traffic calming measures in the form of 4 chicanes with bollards on Cemetery Road, with the installation of street lighting columns onto Cemetery Road and the proposed access road.

#### **2. RECOMMENDATION**

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

#### **3. CONCLUSIONS**

3.1 As is indicated in Section 5 of the report, the application is considered to be 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 As indicated at Section 6 of the report there are material considerations relevant to this application in the form of the consultation responses and the Roads and Transportation Division have no adverse comments to make on the planning application. The planning history for the site is extensive given the various options examined by the applicant to achieve the traffic calming measures required by the Roads and Transportation Division in order to allow the applicant to pursue his planning consents for residential development at Plots 1 - 4 Cemetery Road. Given that this application for proposed alterations and traffic

calming measures has not attracted any adverse comments from the Roads and Transportation Division nor from third parties, and that its works are in other respects acceptable, it is considered that the material considerations also indicate the application should be approved.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards it will not require to be referred to the Development Services Committee as there would be no significant breach of policy.

**Alan Neish**

**Head of Planning, Development and Building Standards**

**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, Development & Building Standards

#### 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as it is an application of local significance which relates to previous applications determined by Committee.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises an approximately 115 metre stretch of Cemetery Road Galston adjacent to Galston Cemetery and terminating approximately 32 metres from Grant Brothers Factory at No. 1 Cemetery Road. The application site also comprises an access road to the proposed residential development site at Plots 1-4 Cemetery Road.

2.2 **Proposed Development:** Full planning permission is sought for the formation of a road access to the residential development site at Plots 1-4 Cemetery Road and the installation of traffic calming measures in the form of 4 chicanes with bollards on Cemetery Road, with the installation of street lighting columns onto Cemetery Road and the proposed access road.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no adverse comments to make on the proposals, however advise that the street lighting design will need to be amended at the time of the road construction consent.

*Noted.*

3.2 Transco and the Scottish Environment Protection Agency (SEPA) have not responded to their consultation at the time of writing this report.

***Noted.***

3.3 East Ayrshire Council's Roads and Transportation Division (Flooding Section) have no adverse comments to make on the proposals although they have advised that the construction works associated with the Galston Flood Prevention Scheme will impact on Cemetery Road during the construction period.

***Any changes to the submitted traffic calming will be addressed at that time.***

3.4 Galston Community Council have advised that this matter will not be discussed until their meeting on 14 February 2006.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 There were no third party objections received by this Division in relation to the proposed development

#### **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

5.1 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications are 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 (1999) and the Adopted East Ayrshire Local Plan (EALP).

##### Approved Ayrshire Joint Structure Plan

5.2 There are no specific policies within the Approved Ayrshire Joint Structure Plan relevant in the determination of this application.

## Adopted East Ayrshire Local Plan (EALP)

5.3 Policy RES 4 of the Adopted EALP is specifically relevant in the consideration of this application.

5.4 Policy RES 4 encourages the sympathetic residential development of gap, infill or other re-development sites, including those sites created through the large scale demolition of existing housing, not specifically safeguard or identified for particular development purposes. Developments will be assessed against the following criteria:-

- (i) Impact on the surrounding natural and built environment and adjacent uses;
- (ii) Transportation and infrastructure implications;
- (iii) Compatibility with surrounding densities and housing types;
- (iv) Compliance with the Council's Development Promotion and Design Guidance.

***This application relates specifically to transportation and infrastructure implications as consent has previously been granted for a residential development at Cemetery Road to which this application relates. The proposal satisfies the requirements of East Ayrshire Council's Roads and Transportation Division's requirements and if approved the proposed traffic calming and access road arrangements will allow the applicant to pursue his consents for residential development at the adjacent site (Plots 1-4 Cemetery Road) to which this application relates.***

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of this application are the consultations received which are detailed in Section 4 of the report and the planning history of the site.

### Consultations and Representations

6.2 The consultation responses received are addressed in Sections 3 of the report, of which the consultation responses received from East Ayrshire Council's Roads & Transportation Division do not indicate that the application should be refused. The Community Council's comments are awaited.

## Planning History

6.3 03/0561/FL: Full Planning Consent was granted by the Northern Area Local Planning Committee for the erection of a detached dwelling house at Plot 1 Cemetery Road on 19 March 2004. The application was presented to Committee on 23 January 2004 with a proposal to use a Section 75 Legal Agreement for the formation of footpaths and to provide a right of access for the Council's Outdoor Services Division. However the Committee was minded to grant consent subject to a condition that Cemetery Road was subject to a Motor Vehicle Prohibition Order thus negating the requirement for a Section 75 Legal Agreement between the developer and the Council.

6.4 03/0600/OL: Outline Planning Consent was granted by the Northern Area Local Planning Committee for three residential plots at Plots two, three and four, Cemetery Road on 19 March 2004. The application was presented to Committee on 23 January 2004 although was proposed to be subject to a Section 75 Legal Agreement for the formation of footpaths and to provide a right of access for the Council's Outdoor Services Division. The Committee was again minded to grant consent subject to a condition that Cemetery Road was subject to a Motor Vehicle Prohibition Order, thus negating the requirement for a Section 75 Legal Agreement between the developer and the Council.

6.5 The Motor Vehicle Prohibition (Cemetery Road, Galston) Order 2004: Further to the above decisions by the Northern Area Local Planning Committee to impose a condition to impose a motor vehicle prohibition Order at Cemetery Road, The Motor Vehicle Prohibition (Cemetery Road, Galston) Order 2004 was presented to the Northern Area Local Planning Committee of 21 January 2005. There were several objections to this Order, particularly with regard to Cessnock Road/Cemetery Road junction being too dangerous in terms of sightlines to the east for traffic emerging from Cemetery Road. Strathclyde Police also indicated their concern on this point and East Ayrshire Council's Roads and Transportation Division confirmed sightlines would not meet minimum design standards. The Committee voted not to pursue the order further.

6.6 05/0209/FL and 05/0210/FL: Following the Committee decision not to continue with the stopping-up order the applicant submitted applications to remove Condition 9 of Planning Consent of 03/0600/OL and Condition 10 of planning consent 03/0561/FL. Following consultation with the Roads Division the applicant withdrew the applications to remove the conditions requiring the stopping-up of Cemetery Road in favour of addressing sightline issues at Cemetery Road/ Cessnock Road through a further Planning Application.

6.7 05/0838/FL & The Motor Vehicle Prohibition (Cemetery Road, Galston) Order 2004: Full Planning consent was sought for the formation of a mini-roundabout and associated road works at the junction of Cemetery Road/Clockston Road/Cessnock Road. The Roads and Transportation Division confirmed that sightline requirements for such a mini roundabout are less stringent than those for a T-junction and that minimum design standards for sightlines could be achieved by the proposal. Objections were received in relation to the application mainly on grounds that the mini roundabout would be ineffective in slowing traffic approaching junction from the east and that Cemetery Road was too narrow to accommodate both incoming and existing traffic. The Motor Vehicle Prohibition (Cemetery Road, Galston) Order 2004 was re-advertised in August 2005 to assess local opinion on the Order in the light of application 05/0838/FL. The Council again received objections to the Order and the objectors had expressed the wish to maintain their objections from the previous advertisement of the stopping-up order. Both the stopping-up order and planning application have yet to be determined although the applicant has tentatively indicated he will withdraw planning application 05/0838/FL, resulting in the likely withdrawal of the Stopping Up Order, should his most recent proposals be acceptable to the Council, allowing the applicant to pursue his planning consents for the residential development at Plots 1 - 4 Cemetery Road. That is the application before Committee today.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

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

## **8. CONCLUSIONS**

8.1 As is indicated in Section 5 of the report, the application is considered to be 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 As indicated at Section 6 of the report there are material considerations relevant to this application in the form of the consultation responses and the Roads and Transportation Division have no adverse comments to make on the planning application. The planning history for the site is extensive given the various options examined by the applicant to achieve the traffic calming measures required by the Roads and Transportation Division in order to allow the

applicant to pursue his planning consents for residential development at Plots 1 - 4 Cemetery Road. Given that this application for proposed alterations and traffic calming measures has not attracted any adverse comments from the Roads and Transportation Division nor from third parties, and that its works are in other respects acceptable, it is considered that the material considerations also indicate the application should be approved.

## **9. RECOMMENDATION**

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

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards it will not require to be referred to the Development Services Committee as there would be no significant breach of policy.

**Alan Neish**  
**Head of Planning Development and Building Standards**

08 February 2006  
(BD/MMM)

FV/DVM

## LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Representations.
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.
7. Planning Application Nos: 05/0209/FL, 05/0210/FL, 05/0838/FL, 03/0600/OL, 03/0561/FL.
8. The Motor Vehicle Prohibition (Cemetery Road, Galston) Order 2004.

Anyone wishing to inspect the above papers please contact Barry Douglas, Planning Officer, on 01563 576770.

***Implementation Officer: Dave Morris***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0003/FL

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Site of Proposal: Plots 1, 2, 3 & 4 Cemetery Road  
GALSTON  
KA4 8LL

Nature of Proposal: Proposed Road Access and Traffic Calming  
Arrangements

Name & Address of Applicant: Mr & Mrs Cochrane  
Cessnock Garden Cottage  
GALSTON  
KA4 8LJ

Name & Address of Agent: Nicoll Design  
184 Main Street  
PRESTWICK  
KA9 1PG

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DPOs Reference: BD/MMM

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

1. Notwithstanding the details on approved drawing no. A5089/09 Rev D, dated 11 May 2004, the final location of all the street lighting columns within the site, shall be submitted to and agreed in writing with the Planning Authority, prior to any works commencing on the associated Plots 1-4 Cemetery Road, Galston.

REASON To ensure the street lighting design conforms to the requirements of East Ayrshire Council's Roads and Transportation Division requirements.

2. The details approved under Condition 1 above shall be installed, operational and maintained prior to any works commencing on the associated Plots 1-4 Cemetery Road, Galston.

REASON To ensure the street lighting design conforms to the requirements of East Ayrshire Council's Roads and Transportation Division requirements.

3. The detailed site access and traffic calming arrangements shown on approved drawing no. A5089/30, dated 09 December 2005, shall be installed and maintained in accordance with the approved details, prior to any work commencing on the associated Plots 1-4 Cemetery Road, Galston.

REASON To ensure that the access and traffic calming measures are implemented prior to the commencement of the adjacent residential development in the interests of safety on the adjoining highway.

**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.**