

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 10 JUNE 2005

04/0715/FL: PROPOSED ERECTION OF 75 DWELLINGHOUSES AND ASSOCIATED WORKS AT LAND ADJACENT TO DALRY ROAD B778 STEWARTON BY GEORGE WIMPEY WEST SCOTLAND LTD

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the erection of 75 detached dwellinghouses, associated works and traffic calming on Dalry Road, Standalane and at Stewarton Cross. The proposal takes access from Dalry Road utilising a central spine road through the development serving eight culs-de-sac. The proposed layout incorporates two culs-de-sac serving three houses each which are set back from but front onto Dalry Road, while the central spine road also has various residential units fronting directly onto it.

1.2 An equipped play area providing junior and toddler play equipment is located within the area of open space at the northern end of the development. The proposal provides additional footpath linkages to both Kinloch Avenue in the north east corner of the site and also to Dalry Road at the south east corner of the site.

1.3 Traffic Calming measures have been provided within the development as well as on Dalry Road. The proposal will require the extension of the thirty mile an hour speed limit to the eastern end of the development to allow the development to utilise sightlines of $X = 4.5m$ by $Y = 90m$ at the access to the development. Traffic calming is also proposed at various points on Dalry Road and Standalane. The Traffic Impact Assessment indicates that to alleviate the increased traffic flow on Stewarton Cross, the Rigg Street approach to Stewarton Cross requires to be widened to provide two lanes of traffic. This involves the re-alignment of the footpath at this point.

1.4 The proposal includes landscaping along the length of the spine road and an entrance wall feature is proposed at Dalry Road. All areas of open space will be bounded by landscaping providing a buffer between the area of open space and the adjacent housing units. The western and northern boundaries of the site will be provided with a fifteen metre wide tree buffer zone.

1.5 The Sustainable Urban Drainage System for the proposal will take the form of a below ground retention system in the south west corner of the development with a final discharge outlet into the surface water sewer.

2. RECOMMENDATION

2.1 It is recommended that the application for planning permission be approved subject to the conditions listed on the attached sheet but that permission not be issued until the Solicitor to the Council has concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the application in respect of the points raised in paragraph 7.1 of the report.

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 in Section 6 there are material considerations relevant to this application however none are considered to be of such significant weight as would merit the refusal of the application.

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 on the basis of the principle of residential use, it will require to be referred to the Development Services Committee, as there would a significant breach of Council 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 and 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 over 10 residential units and is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises of 13.92 acres of agricultural land on the west of Stewarton to the north of the B778 Dalry Road. The application site is bounded to the north by a wood, to the west by agricultural land and to the east by the residential properties of Nairn Close, Muir Close and Kinloch Avenue. Proposed road widening and lane alterations are required to the Rigg Street approach at Stewarton Cross.

2.2 **Proposed Development:** Full planning consent is sought for the erection of 75 detached dwellinghouses, associated works and traffic calming on Dalry Road, Standalane and at Stewarton Cross. The proposal takes access from Dalry Road utilising a central spine road through the development serving eight culs-de-sac. The proposed layout incorporates two culs-de-sac serving three houses each which are set back from but front onto Dalry Road, while the central spine road also has various residential units fronting directly onto it.

2.3 An equipped play area providing junior and toddler play equipment is located within the area of open space at the northern end of the development. The proposal provides additional footpath linkages to both Kinloch Avenue in the north east corner of the site and also to Dalry Road at the south east corner of the site.

2.4 Traffic Calming measures have been provided within the development as well as on Dalry Road. The proposal will require the extension of the thirty mile an hour speed limit to the eastern end of the development to allow the development to utilise sightlines of X = 4.5m by Y = 90m at the access to the development. Traffic calming is also proposed at various points on Dalry Road

and Standalane. The Traffic Impact Assessment indicates that to alleviate the increased traffic flow on Stewarton Cross, the Rigg Street approach to Stewarton Cross requires to be widened to provide two lanes of traffic. This involves the re-alignment of the footpath at this point.

2.5 The proposal includes landscaping along the length of the spine road and an entrance wall feature is proposed at Dalry Road. All areas of open space will be bounded by landscaping providing a buffer between the area of open space and the adjacent housing units. The western and northern boundaries of the site will be provided with a fifteen metre wide tree buffer zone.

2.6 The Sustainable Urban Drainage System for the proposal will take the form of a below ground retention system in the south west corner of the development with a final discharge outlet into the surface water sewer.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have no objections to the proposal subject to the attachment of the appropriate planning conditions to the grant of any planning consent, in particular, in relation to the Sustainable Urban Drainage System, traffic calming, provision of sightlines, road works to Stewarton Cross and the extension of the 30mph speed limit prior to the commencement of the development .

Conditions can be attached to any grant of planning consent relating to these matters.

3.2 East Ayrshire Council's Outdoor Services Division have no objection to the proposal subject to the attachment of appropriate conditions to any grant of planning consent in relation to the provision and implementation of play equipment and landscaping details.

Conditions can be attached to any grant of planning consent relating to the provision and implementation of play equipment and landscaping details.

3.3 Transco have no adverse comments to offer on the proposals.

Noted.

3.4 Scottish Water have no objection to the proposal.

Noted.

3.5 Scottish Environment Protection Agency have indicated that the surface water drainage should be treated in accordance with the requirements of the Sustainable Urban Drainage System Design manual for Scotland and Northern Ireland.

The issue of the Sustainable Urban Drainage System can be addressed through the attachment of an appropriate planning condition to the grant of any planning consent.

3.6 Scottish Wildlife Trust have no objection to this proposal.

Noted.

3.7 West of Scotland Archaeology Service have indicated that as the site is situated on previously undeveloped land the potential for significant unrecorded sub surface archaeological deposits is possible. Therefore they request that if the Planning Authority are minded to approve the proposal, a suspensive condition be attached to any grant of planning consent addressing this archaeological aspect.

A condition can be attached to any grant of planning consent in relation to the above matter.

3.8 East Ayrshire Council Education Department have no objection to the proposal however indicate that they cannot guarantee school provision at the local schools for the children from this proposed development.

Noted.

3.9 Stewarton and District Community Council have raised the following matters:

There is only one access egress point, no alternative route for emergency vehicles.

The Roads Division are satisfied that the proposals meet the requirements of the Roads Guidelines.

The spine road appears to continue to the edge of the site for future development.

The developer has chosen to design the estate in a manner which may allow future development outwith the development site. However any such proposal would require the benefit of planning permission and the merits of the scheme would be addressed at that stage in terms of the local plan and the material considerations.

There are no smaller homes within the development to satisfy the starter market.

The site is not identified within the East Ayrshire Local Plan to provide any level of affordable housing. The Developer has chosen to provide larger family homes within the development.

In view of the existing poor level of support infrastructure some serious effort must be made to redress the current situation or to control this ongoing increase in population.

The application site is identified within the East Ayrshire Local Plan as being a suitable location for a housing development, following an assessment of its suitability by the Reporter to the East Ayrshire Local Plan Inquiry (2002).

4. REPRESENTATIONS

There are 10 letters of objection, including one from the Community Council, and a petition in relation to this proposal. The issues raised are as follows:-

4.1 There should be no vehicle access to Kinloch Avenue or Muir Close.

The proposal allows only pedestrian access into Kinloch Avenue and no access to Muir Close.

4.2 How will construction traffic access the site?

A condition can be attached to any grant of planning consent in relation to this matter.

4.3 This site will lead to additional problems in Stewarton relating to parking, schools, health and dental services.

The application site is identified within the East Ayrshire Local Plan as being a suitable location for a housing development, following an assessment of its suitability by the Reporter to the East Ayrshire Local Plan Inquiry (2002).

4.4 The new houses will shadow my house at 43 Kinloch Avenue.

It is considered that the proposal will not have a significant detrimental impact on the Property at 43 Kinloch Avenue due to the design and layout of the proposed development.

4.5 Water services are inadequate.

Scottish Water have not objected to the proposal.

4.6 Ground water floods from the site into the adjacent housing.

The proposed development will reduce the surface water drainage which currently discharges onto the adjacent houses.

4.7 The B778 is not suitable to serve the development.

The Roads Division have no objection to the proposal subject to the attachment of appropriate conditions in relation to the improvement of the B778.

4.8 Stewarton cannot cope with this level of traffic.

The Traffic Assessment indicates that due to the increased traffic from proposed development improvements to Stewarton Cross would be required.

4.9 Brown field sites should be developed rather than Greenfield sites.

The Council does support the redevelopment of brown field sites and recent planning permissions of this nature have been granted in Stewarton. However in addition, the application site is identified within the East Ayrshire Local Plan as being a suitable location for a housing development.

4.10 No affordable housing has been provided within the site.

The site is not identified within the East Ayrshire Local Plan as a site required to provide any level of affordable housing. The Developer has chosen to provide larger family homes within the development .

4.11 The Local Plan indicates 60 Houses on this site however the application provides for 75 houses.

The site is identified in the East Ayrshire Local Plan for 60 houses however this is a notional figure. The developer has shown that the site can accommodate a higher number of houses whilst still meeting the requirements of the Local Plan for access, landscaping, open space and garden ground.

4.12 The work at Stewarton Cross will result in the footpath being reduced which I find unacceptable as it is too narrow already. Rigg Street should be widened using the paved area on the opposite side of Rigg Street.

The proposed works to Stewarton Cross to improve the traffic flow through the junction will result in the footpath width being standardised to a width of approximately 2m. The Council's Roads Division have no objection to this proposal.

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).

Ayrshire Joint Structure Plan

5.2 As the proposal is an identified housing site within the East Ayrshire Local Plan it accords with the requirements of the Ayrshire Joint Structure Plan.

Adopted East Ayrshire Local Plan (EALP)

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.

As an identified residential development opportunity site the principle of residential development at this location is acceptable. In the Reporters recommendations to the East Ayrshire Local Plan Inquiry (July 2002), the site at Dalry Road was allocated for 60 houses, with the understanding that some form of visual containment should be provided at an early date along the Western site boundary. A 15 metre wide planted boundary is shown on the proposals. The Local Plan states that a Section 75 agreement will be requested from the developer of the site with regard to the phasing of the development with 20 houses per annum over a three year period, the provision of a landscaping scheme on the western boundary and the provision of appropriate traffic calming and roads improvements. Within this application, it is proposed to erect 75 houses, more than the 60 identified in the Local Plan. However, 75 is considered to be an acceptable amount given the layout and design of the proposal and accordingly the annual completion rate should be raised to 25.

The developer has agreed to enter into a Section 75 Agreement in relation to the phasing of the scheme, traffic calming, road improvements and landscaping buffer zone.

5.4 Policy RES 22 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 accords with the requirements of Schedule 4 of the Local Plan.

5.5 Policy TLR5 of the Adopted Local Plan confirms that developers will be requested to enter into an agreement with the Council to make contributions to the provision of appropriate leisure and recreational facilities in the local area.

The applicant has indicated that they wish to contribute £30,000 to the Sports, Leisure and Recreation Fund as referred to in Policy TLR5.

5.6 Policy ENV7 of the EALP advises that all developers will be expected to fully comply with the Council's Design Guidance and policy documents relating to and advising on the particular type of development proposed. The design guidance for new residential development states that house types for individual or small-scale residential developments must reflect and respect the built form of the surrounding area by reflecting the existing buildings in terms of design, storey height, scale, density and external finishes. Furthermore, the Design Guidance also states that any new housing development shall not result in unacceptable overlooking or have a visually intrusive impact.

It is considered that the proposed development accords with the requirements of this policy.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses received, which are addressed in Section 3 of this report, the letters of objection, addressed in Section 4 of this report, the planning history and the impact on the amenity of the area.

Consultation Responses

6.2 The consultation responses are as detailed in the report and are generally considered to be supportive of the application.

Letters of Objection

6.3 The submitted letters of objection have been assessed and are not considered to raise issues of sufficient weight to justify refusal of the application in this case.

6.4 The aspect of the amenity of the area has been assessed and it is considered that the proposal can be accommodated without any detrimental impact on the area.

Planning History

6.5 A Planning Application 04/0049/FL for the erection of 101 dwellinghouses at Dalry Road was withdrawn by Wimpey Homes on 28th June 2004.

6.6 Planning Application 00/0636/OL for a residential development by Hope Homes at Dalry Road was withdrawn on 11th December 2003.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. The Applicant will require to enter into a Section 75 Legal Agreement in relation to the phasing of the development, provision of traffic calming, appropriate landscaping to the western boundary of the site, and a contribution to the Sports, Leisure and Recreation Fund.

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 in Section 6 there are material considerations relevant to this application however none are considered to be of such significant weight as would merit the refusal of the application.

9. RECOMMENDATION

9.1 It is recommended that the application for planning permission be approved subject to the conditions listed on the attached sheet but that permission not be issued until the Solicitor to the Council has concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the application in respect of the points raised in paragraph 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, Development and Building Standards on the basis of the principle of residential use, it will require to be

referred to the Development Services Committee, as there would a significant breach of Council Policy.

Alan Neish
Head of Planning, Development and Building Standards

3 June 2005 (CSI/SA)
FV-DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letters of objection
5. Adopted East Ayrshire Local Plan
6. Approved Ayrshire Joint Structure Plan.
7. Planning History 04/0049/FL and 00/0636/OL.

Anyone wishing to inspect the above papers please contact Craig Iles on 01563 576772.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/0715 /FL

Site of Proposal: Land adjacent to Dalry Road B778
STEWARTON

Nature of Proposal: Proposed Erection of 75 dwellinghouses
and Associated works

Name & Address of Applicant: George Wimpey West Scotland Ltd
Trident House
Renfrew Road
PAISLEY PA3 4EF

Name & Address of Agent:

DPOs Reference: CSI/SA

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

(1) The proposed development shall be carried out in accordance with the application form received on 2 July 2004 and the amended plans received by the Planning Authority on 17 August 2004, 7 April, 2005 and 18 May 2005 and Traffic Assessment dated 23 March 2005.

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

(2) A landscaping scheme including the treatment of the boundary of the site, areas for public open space and play areas shall be submitted to and approved by the Planning Authority prior to commencement of any development. Said approved landscaping shall be implemented not later than the next appropriate planting season after the development has been completed. The scheme shall include details of the provisions to be made for the maintenance of soft and hard landscaped areas, and shall be maintained thereafter in accordance with these details.

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

(3) Notwithstanding the plans hereby approved written details and samples of all external materials to be used for the houses shall be submitted to and approved by the Planning Authority prior to the commencement of the development. Thereafter all approved materials shall be implemented within the development.

REASON In the interests of visual amenity.

(4) Prior to the commencement of the development details of the play equipment within the agreed play area and its subsequent maintenance shall be submitted to and approved by the Planning Authority. Thereafter said approved play equipment shall be installed to the satisfaction of the Planning Authority prior to the occupation of the first dwellinghouse on site.

REASON In the interests of residential amenity.

(5) There shall be no commencement of development on site prior to an Order, relating to the relocation of the 30mph speed limit beyond the site boundary, having been implemented to the satisfaction of the Planning Authority.

REASON In the interests of road safety.

(6) Prior to the occupation of the first dwellinghouse, the requirements of the Traffic Impact Assessment i.e. traffic calming to Dalry Road, Standalane and the lane widening to Stewarton Cross, shall have been implemented to the satisfaction of the Planning Authority.

REASON In the interests of road safety.

(7) Notwithstanding the submitted plans, visibility splay areas of 4.5 metres by 90 metres shall be provided at the junction of the access to the development with the public road with no obstruction to visibility greater than 1 metre in height being allowed within these areas.

REASON To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.

(8) Prior to the occupation of the first dwellinghouse a two metre wide footpath shall be provided over the Dalry Road frontage of the site to the satisfaction of the Planning Authority.

REASON In the interests of road safety.

(9) Prior to the occupation of the first dwellinghouse the footpath links to Dalry Road and Kinloch Avenue shall be formed to the satisfaction of the Planning Authority.

REASON In the interest of residential amenity.

(10) No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has received the prior approval of the Planning Authority and which is fully compliant with the Terms of Reference which will be issued by the West of Scotland Archaeology Service on behalf of the Planning Authority.

REASON To ensure that appropriate archaeological work is undertaken before the development commences.

(11) Prior to the commencement of works on site details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved in writing by the Planning Authority. Prior to the occupation of any dwellinghouse within the site, the SUDS arrangement approved under the terms of this condition shall be installed and be fully operational.

REASON To ensure for the provision of adequate surface water drainage within the site

(12) External construction works shall take place only between the hours of 8.00am to 6.00pm Monday to Friday and 9.00 am to 1.00 p.m. Saturday and at no time on a Sunday.

REASON In the interests of residential amenity.

(13) Prior to the commencement of the development details of how construction traffic will access the development site shall be submitted to and be approved by the Planning Authority. Only said approved details shall be implemented thereafter.

REASON In the interest of residential amenity.

(14) Notwithstanding the approved plans details of the plot boundaries are not hereby approved. Prior to the commencement of the development revised plans shall be submitted for approval by the Planning Authority detailing the plot boundaries for the housing units.

REASON In the interest of residential amenity

(15) Notwithstanding the approved plans details of all fences, walls, including entrance features and pillars within the development shall be submitted to and approved by the Planning Authority prior to the commencement of the development and implemented thereafter as approved.

REASON In the interest of residential amenity

(16) Notwithstanding the approved plans the hedge on the north west boundary of the site shall be retained to the satisfaction of the Planning Authority.

REASON In the interest of residential amenity

(17) Notwithstanding the approved plans the area of fencing and spine road outwith the site boundary in the north west corner of the site is not part of the approved scheme.

REASON The area of road and fence are outwith the application site and not part of the development.

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