

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 17 MARCH 2006

**06/0009/FL: PROPOSED RESIDENTIAL DEVELOPMENT
AT CASTLEVIEW AVENUE, GALSTON
BY SHIRE HOUSING ASSOCIATION**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposal aims to gain full planning permission for residential development on the site with associated traffic calming and junction improvements on Maxwood Road. The proposal is for 40 residential units in total, incorporating a mixture of semi-detached and two storey flatted units. The proposal provides 82 off road parking spaces with each semi-detached unit having two spaces within their curtilage. The majority of the housing fronts onto Castleview Avenue. However the proposal incorporates three semi-detached blocks and two of the two storey flatted blocks in a new cul-de-sac off Castleview Avenue, utilising the depth of the site at this point. A landscaped play area of 1040 sq metres is provided within the site providing play equipment for juniors and toddlers in the locality. Traffic calming is to be provided on Castleview Avenue through the use of speed tables. The junction between Castleview Avenue and the western end of Maxwood Road, which has been blocked up for some period of time to vehicular traffic, is to be reopened with junction improvements carried out to bring it up to adoptable standards.

1.2 Junction improvements are also required at the eastern end of Castleview Avenue at its junction with Maxwood Road. It should be noted that parking on Castleview Avenue will not be significantly restricted as all new houses fronting onto Castleview Avenue have greater driveway widths which allow vehicles to manoeuvre out of their driveway without needing the full width of the road to do so, thus allowing parking on one side of Castleview Avenue.

2. RECOMMENDATION

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

3. CONCLUSION

3.1 As stated in the report the application is considered to be generally in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise. As indicated in Section 6 of the report there are material considerations relevant to the application however it is considered that these are not of such significant weight as to merit 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, and if such refusal was on the basis of the principle of residential development, the application will require to be referred to the Development Services Committee because such a decision would represent a substantial departure from 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 comprises more than ten units.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises an area of vacant land (1.07 hectares), which has become vacant following the demolition of the three blocks of residential flats on the site. The site is relatively flat although it does have a slope from east to west. A bank of trees to the north separates the site from the public open space, incorporating the Barrmill stadium and the river banking. This area sits at a lower level below the application site. The site is bounded to the east, west and south by existing residential units. Vehicular access to the application site is currently taken from the eastern end of Maxwood Road, Galston.

2.2 **Proposed Development:** The proposal aims to gain full planning permission for residential development on the site with associated traffic calming and junction improvements on Maxwood Road. The proposal is for 40 residential units in total, incorporating a mixture of semi-detached and two storey flatted units. The proposal provides 82 off road parking spaces with each semi-detached unit having two spaces within their curtilage. The majority of the housing fronts onto Castleview Avenue. However the proposal incorporates three semi-detached blocks and two of the two storey flatted blocks in a new cul-de-sac off Castleview Avenue, utilising the depth of the site at this point. A landscaped play area of 1040 sq metres is provided within the site providing play equipment for juniors and toddlers in the locality. Traffic calming is to be provided on Castleview Avenue through the use of speed tables. The junction between Castleview Avenue and the western end of Maxwood Road, which has been blocked up for some period of time to vehicular traffic, is to be reopened with junction improvements carried out to bring it up to adoptable standards.

2.3 Junction improvements are also required at the eastern end of Castlevue Avenue at its junction with Maxwood Road. It should be noted that parking on Castlevue Avenue will not be significantly restricted as all new houses fronting onto Castlevue Avenue have greater driveway widths which allow vehicles to manoeuvre out of their driveway without needing the full width of the road to do so, thus allowing parking on one side of Castlevue Avenue.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no objection to the proposal subject to the attachment of appropriate conditions relating to traffic calming, the Sustainable Urban Drainage Systems and parking layout.

Appropriate planning conditions can be attached to the grant of any planning permission for this development addressing these matters.

3.2 Scottish Water have not responded to the latest consultation. However, they have advised the Council that they removed their objection to the earlier scheme for 38 units. It is unlikely they will object to this proposal. The proposal should utilise a Sustainable Urban Drainage System.

A note can be attached to any grant of planning permission informing the applicant of Scottish Water's position. A condition can be attached to any grant of consent relating to the requirement for a Sustainable Urban Drainage System.

3.3 East Ayrshire Council's Outdoor Services have no objection to the proposal subject to attachment of appropriate conditions relating to the play equipment and the provision of landscaping details. However they would welcome the incorporation of the two well used informal footpath links from the site toward the Barmill stadium.

Following this request the developer incorporated one of the footpath links into the layout of the development. Appropriate planning conditions can be attached to the grant of any planning permission for this development addressing the remaining matters.

3.4 Scottish Environment Protection Agency (SEPA) have no objection to the proposal however would offer the following comments. All foul drainage from the site should be connected to the public sewer and written confirmation from Scottish Water should be provided confirming that the additional flow from the development will not result, cause or contribute to the premature operation of consented storm overflows and that sufficient capacity exists at the receiving waste water treatment works to adequately treat any increase in foul drainage.

A note can be attached to any grant of planning permission bringing this matter to the attention of the developer.

3.5 Surface water from the proposed development shall be treated in accordance with the Ciria Guide for Sustainable Urban Drainage Systems.

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

3.6 West of Scotland Archaeology Service have no objection to the proposal.

Noted.

3.7 Galston Community Council have no objection in relation to the proposal.

Noted.

4. REPRESENTATIONS

4.1 No letters of objection have been received from members of the public in relation to this application.

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

5.2 There are no structure plan policies directly relevant to this application.

East Ayrshire Local Plan

5.3 Policy RES4 states that, within Settlement Boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites, including those sites created through the large scale demolition of existing housing, not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed against a set of four stated criteria, as follows:

- (i) impact on the surrounding natural and built environment and adjacent uses;

The proposed development will not have an adverse impact on either the built or natural environment as the previous use of the site was also residential.

- (ii) transportation and infrastructure implications;

The Roads Division have no objection to the proposal.

- (iii) compatibility with surrounding densities and housing types; and

The proposed development is compatible with surrounding densities and house types.

- (iv) compliance with the Council's Development Promotion and Design Guidance.

The proposal complies with the Council's Design Guidance relating to New Residential Development.

5.4 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 proposal does not provide the 1200 sq m of open space within the site required by Schedule 3 of the Local Plan. However the proposal does provide 1040 sq m of public open space. It is considered that given the brownfield nature of the site, suitability of the site layout and the close proximity of the adjacent public open space that this reduction in open space is acceptable.

5.5 Policy RES20 states that, in formulating their development proposals, developers should ensure that the provision of open space meets seven stated criteria, as follows:-

- (i) that areas of open space are of a size and configuration that is easily maintainable. The policy advocates that larger areas of well located, consolidated open space should be provided in preference to a series of smaller, individual areas scattered throughout the proposed development site;

It is considered that the location of the open space provided within the development is appropriately located and designed.

- (ii) that proposed areas of open space link, wherever possible, with other areas of adjacent existing open space;

The proposed public open space abuts the adjacent public open space landscaping thus creating a continuity between the two areas

for local wildlife. However while the proposal does not take direct access from its proposed area of open space directly into the adjacent area of open space, the proposal does maintain an existing footpath link between the application site and the adjacent area of open space. In addition the developer has indicated that the inclusion of the footpath link through the proposed area of open space to the larger more isolated area of public open space, would be detrimental to the amenity and security of the toddler and junior play area.

- (iii) that the proposed areas of open space are safe and secure, overlooked if possible by adjacent properties;

The proposed open space is overlooked by several properties and is of a safe and secure design.

- (iv) that play areas, kick about areas and games pitches are provided as required by the Council's Head of Leisure Services;

The Council's Outdoor Service have no objection to the level of play equipment proposed.

- (v) that play equipment and facilities for the disabled and those with special needs are provided as considered appropriate;

The Council's Outdoor Services will determine the type of equipment to be provided within the open space.

- (vi) that areas of open space are attractively planted and, where appropriate, use plant species to encourage wildlife; and

It is proposed to attach a condition to any grant of planning permission addressing the landscaping requirement within the development site.

- (vii) that all-open spaces are provided, as appropriate, with footpaths for both access and leisure walking, linking with adjacent open spaces wherever possible.

While the proposal does not take direct access from its proposed area of open space directly into the adjacent area of open space, the proposal does maintain an existing footpath link between the application site and the adjacent area of open space. In addition, the developer has indicated that the inclusion of the footpath link through the proposed area of open space to the larger more isolated area of public open space would be detrimental to the amenity and security of the toddler and junior play area.

5.6 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 policy also allows those standards quoted to be relaxed in respect of the conversion of existing properties to flats where this can be fully justified by the developer and where considered appropriate by the Planning Authority.

The proposed development adheres to the Council's minimum standard of private garden ground for each of the proposed residential units.

5.7 Policy ENV3 of the East Ayrshire Local Plan indicates that the Council will encourage the retention and preservation of archaeological and industrial resources and ensure that in cases where the primary aim of preserving archaeological sites cannot be achieved, developers carry out appropriate investigations and recording of remains within a proposed development site, prior to the development being commenced.

The West of Scotland Archaeology Service response indicates that there are no archaeology issues within the site.

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.

The proposed development accords with the requirements of the Council's Design Guidance.

5.9 Policy TLR5 states that the Council will request all potential developers of residential sites comprising four or more houses, to enter into a Section 75 Agreement with the Authority for contributions towards the provision of appropriate leisure and recreational facilities within the area to which the development relates.

The applicant has indicated that they are a housing association funded by Communities Scotland therefore they consider that it would be inappropriate to make a contribution to the TLR 5 Fund.

5.10 In conclusion, it is considered that the proposal is generally in accordance with the Development Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the planning history and the impact on the amenity of the area.

Consultation Responses

6.2 The consultation responses received are supportive of the application.

Impact on the Amenity of the Area

6.3 The circumstances of the site are such that it is considered that the proposal can be accommodated, subject to the attachment of appropriate planning conditions to any grant of planning consent, with no detriment to the area.

Planning History

6.4 Planning application 05/0936/FL by Shire Housing for a residential development at the site was withdrawn pending the submission of the current application, to allow for modifications to the scheme requested by the Planning, Road Authorities and other consultees.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSION

8.1 As stated in the report the application is considered to be generally in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise. As indicated in Section 6 of the report there are material considerations relevant to the application however it is considered that these are not of such significant weight as to merit refusal of the application.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, and if such refusal was on the basis of the principle of residential development, the application will require to be referred to the Development Services Committee because such a decision would represent a substantial departure from Council Policy.

Alan Neish
Head of Planning, Development and Building Standards

08 March 2006
(CSI/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letter of Representation.
4. Consultation Responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).

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

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0009/FL

Site of Proposal:	Castlevue Avenue GALSTON KA4 8JW
Nature of Proposal:	Erection of 40 No. Residential Dwellings with Associated Road Calming
Name & Address of Applicant:	Shire Housing Association Netherthird House Netherthird CUMNOCK KA18 3DB
Name & Address of Agent:	Taylor Associates 17 Barns Street AYR KA7 1XB

DPOs Reference: CSI/MMM

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 and plans received by the Planning Authority on 12 December 2005.

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

2. Notwithstanding the approved plans details of all fences, walls, including entrance features, pillars and other features proposed in the central open space area, shall be submitted to and approved in writing by the Planning Authority prior to the commencement of the development and implemented thereafter as approved. All rear garden fences shall be 1.8 metres high.

REASON In the interests of residential amenity

3. A landscaping scheme including the treatment of the boundary of the site/areas for public open space/play areas and means of enclosure of these areas, shall be submitted to and approved in writing by the Planning Authority prior to commencement of any development, and shall be implemented not later than the next appropriate planting season after completion of the houses. The scheme shall include details of the provision to be made for the maintenance of soft and hard landscaped areas, which 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.

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. Notwithstanding the approved plans the car parking layout in the new cul-de-sac is not hereby approved. Prior to the commencement of the development, a revised car parking layout shall be submitted to and approved by the Planning Authority, in writing, revising the car park layout to meet the requirements of the Council's Roads Division. Thereafter, the agreed scheme shall be implemented, prior to the occupation of any of the adjoining residential units.

REASON In the interests of road safety

6. Notwithstanding the plans hereby approved written details and samples of all external materials to be used on the houses shall be submitted to and approved in writing by the Planning Authority prior to the commencement of the development. Thereafter only the approved materials shall be utilised within the development.

REASON In the interests of visual amenity.

7. 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

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

REASON In the interests of residential amenity.

9. Prior to the commencement of the development details of the type and position of site security fences shall be submitted to and approved in writing by the Planning Authority.

REASON In the interests of residential amenity.

10. Prior to the commencement of the development details of the type and position of security and site lighting shall be submitted to, and approved in writing by, the Planning Authority.

REASON In the interests of residential amenity.

NOTE:- The applicant should make early contact with Scottish Water (35 Glenburn Road, Prestwick, KA9 2NS - Tel 0845 601 8855) to discuss the issue of the connection to the public sewerage system which they have indicated is outwith their "reasonable cost" obligations and which should be achieved without causing or contributing to premature operation of consented storm overflows.

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