

EAST AYRSHIRE COUNCIL

**NORTHERN AREA LOCAL PLANNING COMMITTEE:
17 MARCH 2006**

**05/1320/OL: PROPOSED OUTLINE PLANNING PERMISSION FOR
ERECTION OF TWO DETACHED DWELLINGHOUSES WITH ASSOCIATED
ACCESS AND FORMATION OF TRAFFIC CALMING MEASURES TO
FOULPAPPLE ROAD
AT BIRKHILL, FOULPAPPLE ROAD, NEWMILNS, KA16 9LB
BY MR K SCADE**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the erection of two detached dwellinghouses and formation of traffic calming measures on Foulpapple Road. Vehicular access to the proposed dwellinghouse plots is proposed off of the existing private access road to the property at 15 Foulpapple Road. The traffic calming measures extend from the land in front of the property at 2 Foulpapple Road to the front of the property at 14 Foulpapple Road. The traffic calming measures comprise of the formation of three speed cushions/ pinch points, the formation of kerb build outs and pedestrian crossing at the existing vehicular entrance to 15 Foulpapple Road and ancillary road signage and street lighting measures.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in the report, the application is considered contrary with the terms of the Development Plan. Therefore it should be refused 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 not considered that these are of sufficient weight to merit the approval of the application.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standards, on the basis of the principle of residential development on the site, the application will require to be referred to the Development Services Committee as that would be a significant 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, due to the fact that objections have been submitted in respect of the application.

2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises land within the curtilage of the property at 15 Foulpapple Road, Newmilns, where the application site is located some 37 metres southeast of the existing dwellinghouse. The application site covers an area of some 0.61 acres and is located within the settlement boundary of Newmilns. The site is bounded by residential properties to the south, west, east and predominantly agricultural land to the northeast, north and northwest with the exception of the donor house at 15 Foulpapple Road.

2.2 **Proposed Development:** Outline planning permission is sought for the erection of two detached dwellinghouses and formation of traffic calming measures on Foulpapple Road. Vehicular access to the proposed dwellinghouse plots is proposed off the existing private access road to the property at 15 Foulpapple Road. The traffic calming measures extend from the land in front of the property at 2 Foulpapple Road to the front of the property at 14 Foulpapple Road. The traffic calming measures comprise the formation of three speed cushion pinch points, the formation of kerb build outs and pedestrian crossing at the existing vehicular entrance to 15 Foulpapple Road and ancillary road signage and street lighting measures.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have no objection to the proposal subject to the imposition of conditions on any planning consent pertaining to the formation of the traffic calming measures as detailed on the submitted plan, prior to the commencement of any building works on site. It is further advised that the street lighting apparatus adjacent to the traffic calming has been assessed and will require to be improved and that the traffic calming measures will be subject to the Road Hump (Scotland) Regulations and the applicant will be required to undertake a process under these regulations whereby the proposal is subject to notification and may be liable to objection.

Should the Committee be minded to approve the proposal, conditions can be attached relating to the formation of the traffic calming works prior to the commencement of any development on site and notes advising the applicant that the street lighting will require improving and the traffic calming measures are subject to the Road Hump (Scotland) Regulations.

3.2 Scotland Gas Networks have raised no objections to the proposed development

Noted.

3.3 East Ayrshire Outdoor Services Division and Newmilns and Greenholm Community Council have not responded in respect of the proposal.

Noted.

4. REPRESENTATIONS

Two letters of objection have been received in relation to the proposal and the grounds of objection are summarised as follows:

4.1 Whilst it is acknowledged that the works to Foulpapple Road are intended to improve road safety, in practice it will have the opposite effect for the following reasons:

4.1 (i) Foulpapple Road is a very steep hill used by numerous heavy vehicles.

4.1 (ii) The build out details at the entrance to 15 Foulpapple Road will divert uphill traffic into the middle of the road at a point where west bound traffic

approaching the hill cannot see, therefore resulting in the vehicles having to reverse which presents a safety hazard.

4.1 (iii) The three speed cushions and kerbs will have the effect of making this section of Foulpapple Road into a single lane road which is impractical.

4.1 (iv) In snow conditions the brae is already difficult to negotiate in a vehicle and the presence of the road humps and extended kerbs would be an unacceptable hazard.

4.2 The proposed traffic calming measures are unnecessary for the following reasons:

4.2 (i) The volume of vehicular traffic and pedestrians using Foulpapple is small and a new development of two houses will not add significantly to this.

4.2 (ii) There have been no reported accidents and injuries on the road which has existed for centuries.

4.2 (iii) It is suggested that traffic is travelling at 'excessive speed' on this road, however this has not been supported by any hard evidence.

4.2 (iv) The road is used daily by agricultural vehicles and there is a significant noise issue from the vehicles labouring up the steep hill on Foulpapple Road and speed humps would exacerbate this problem.

4.2 (v) In winter when the road is icy, there will be a higher risk of accidents as vehicles accelerate and decelerate around the speed humps.

4.2 (vi) The road humps will affect run off and drainage.

4.2 (vii) The speed humps will require to be clearly marked, requiring the road to be painted and a number of signs erected which detracts from the visual amenity of this existing quiet country road on the edge of the town.

4.2 (viii) The road narrowing at the entrance to the site at Foulpapple Road is on a slope and may cause skidding on the existing poor road surface when drivers break.

4.2 (ix) The proposed speed tables are designed so that wide wheelbase vehicles can pass unhindered which undermines the argument for traffic calming measures.

The above concerns regarding the traffic calming measures are noted and have been brought to the attention of the Council's Roads and Transportation Division who advise that the traffic calming is

necessary to provide a shared surface for pedestrians and vehicles on Foulpapple Road. If traffic calming were not provided then a continuous foot-way from the new dwellings to the existing public footway at Isles Terrace would be necessary to ensure safe access, however it would not be possible to share the existing access for the new dwellings as the sightlines are insufficient.

With regards to the appropriateness of traffic calming measures within an urban 30mph zone, East Ayrshire Council's Roads Division have confirmed that they will continue to install these measures throughout East Ayrshire to reduce pedestrian accident statistics, even if this results in an inconvenience to drivers. Thus the Roads Division remain unaltered in their recommendation that the traffic calming measures are necessary in the interest of road safety.

It is not considered that the proposed traffic claming measures will significantly alter the character and amenity of this predominantly residential area and any impact to amenity in terms of visual impact, noise and pollution emissions will not be significantly altered as a result of the proposal and their implementation would present overall benefits in terms of road safety.

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 specific Structure Plan policies relevant to the assessment of the application.

East Ayrshire Local Plan

5.3 Policy RES 5 states that, within settlement boundaries, the Council will be supportive of the sub-division of existing house curtilages for the development of dwellinghouses subject to three criteria being met, as follows:

- (i) the proposal is fully in keeping with the existing residential character and appearance of the area within which it is located;
- (ii) the proposal meets all the design requirements of the Council and does not create unacceptable damage to the amenity of surrounding properties; and

- (iii) acceptable levels of privacy are maintained to neighbouring properties and to the new housing proposed.

The application is in outline only and the applicant has not submitted any indicative plans to illustrate the siting and scale of the proposed dwellinghouses, however it is considered that the site is of adequate size to be able to accommodate two dwellinghouses and achieve the necessary separation between neighbouring dwellings. Therefore it is considered that two dwellinghouses could be accommodated on the site without any detriment to the amenity of the surrounding area.

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, which requires detached and semi-detached houses to provide one and half times the ground floor area of the house to a minimum requirement of 100 sq. metres.

Given that the site is of a fairly substantial size, it is considered that two dwellinghouses can be accommodated on the site whilst meeting the minimum private open space standards and should the Committee be minded to approve the application a condition can be imposed advising that the open space is a reserved matters consideration.

In conclusion, it is considered that the proposal is in accordance with the provisions of 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 representations received, the planning history of the site and the impact on the amenity of the area.

Consultation Responses

6.2 The consultation responses do not indicate that the application should be refused.

Representations

6.3 The representations received have been summarised in Section 4 of the Report and, having particular regard to the comments of the Roads Division, are not considered to be of such weight as to merit refusal of the application.

Impact on the amenity of the area

6.4 It is considered that the proposed residential use is compatible with the surrounding predominantly residential area and thus the proposal can be accommodated as detailed with no detriment to the area.

Planning History

6.5 An outline planning application (05/0696OL) was withdrawn on 20th January 2006 for the erection of two dwellinghouses on this site.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

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 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 not considered that these are of sufficient weight to merit the refusal of the application given the application of appropriate conditions.

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, on the basis of the principle of residential development, the application will require to be referred to the Development Services Committee as that would be a significant departure from Council policy.

Alan Neish
Head of Planning, Development and Building Standards

GC/IMB

8 March 2006

FV/DVM

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. Planning Application 05/0696/OL

Implementation Officer: Dave Morris

Anyone wishing to inspect the above papers please contact Gillian Craig, Senior Planning Officer on 01563 576769.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/1320/OL

Site of Proposal: Birkhill, Foupapple Road, Newmilns, KA16 9LB

Nature of Proposal: Proposed Outline Planning Permission For
Erection of Two Detached Dwellinghouses
With Associated Access and Formation of
Traffic Calming Measures to Foulpapple Road.

Name & Address of Applicant: Mr K Scade,
Linnorie,
46 Campbell Street
Darvel, KA17 0DA

Name & Address of Agent: N/A

DPOs Reference: GC/IMB

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

1. Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the under mentioned matters hereby reserved.
 - (a) The layout of the site;
 - (b) The size, height, design and external appearance of the proposed dwellinghouses;
 - (c) The means of drainage and sewage disposal;
 - (d) Details of the access arrangements;
 - (e) The provision for open space and associated maintenance arrangements;
 - (f) The provision for car parking;
 - (g) The boundary walls/ fences to be erected;
 - (h) The landscaping of the site and associated maintenance arrangements;
 - (i) Existing and finished site levels/ floor levels.

REASON The approval is in outline only.

2. Notwithstanding the details in respect of the access arrangements in pursuance of condition 1 (d), the traffic calming indicated on drawing no.A5693/C/021-C shall be installed prior to the commencement of any building works on site.

REASON In the interest of road safety.

NOTES TO APPLICANT

1 The developer shall make early contact with Scottish Environment Protection Agency and Scottish Water to ascertain the drainage requirements for the site.

2. The traffic calming will be subject to the Road Hump (Scotland) Regulations where the developer will be required to undertake a process of neighbour notification.

3. The street lighting apparatus adjacent to the traffic calming will require to be improved.

4. The applicant should contact Scotland Gas Networks (0800 111999) regarding any excavation works on or near to a gas main.

**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.**