

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the GEILSTON HALL, MAIN ROAD, CARDROSS, G82 5PA
on TUESDAY, 24 JANUARY 2017**

Present: Councillor David Kinniburgh (Chair)

Councillor Robin Currie	Councillor Alex McNaughton
Councillor George Freeman	Councillor James McQueen
Councillor Robert G MacIntyre	Councillor Sandy Taylor
Councillor Donald MacMillan	Councillor Richard Trail
Councillor Roderick McCuish	

Attending: Charles Reppke, Head of Governance and Law
Sandra Davies, Acting Major Applications Team Leader
Richard Kerr, Principal Planning Officer
Andrew Trigger, Avant – Applicant
Laura McGowan, Keppie Planning – Applicant’s Agent
Keith McGillivray, SYSTA – Applicant’s Transport Consultant
Campbell Divertie, Area Roads Officer – Consultee
Anthony Davey, Cardross Community Council – Consultee
Gordon Duncan Stirling, Cardross Community Council – Consultee
Gordon Hendry, Cardross Community Council – Consultee and Objector
Councillor Ellen Morton – Representative
Archie MacIntyre – Representative
Morag Elliot – Objector
Rachel Humphreys – Objector
Ian Fleming – Objector
David Weir - Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Gordon Blair, Rory Colville, Alistair MacDougall and Neil MacIntyre.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. AVANT HOMES: SITE FOR THE ERECTION OF RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ACCESS, INFRASTRUCTURE, OPEN SPACE, LANDSCAPING AND MISCELLANEOUS WORKS: LAND NORTH OF CARDROSS PRIMARY SCHOOL, BARRS ROAD, CARDROSS (REF: 15/01794/PPP)

The Chair welcomed everyone to the meeting and introductions were made. He then outlined the procedure that would be followed and invited the Head of Governance and Law to identify those present who wished to speak.

PLANNING

Sandra Davies gave the following presentation on the application on behalf of the Head of Planning and Regulatory Services. She advised that she had received an email dated 22 January 2017 from Councillor Ellen Morton advising that she would like to speak at today's Hearing. Councillor Morton noted that while she was personally disappointed that this site has been approved as a housing allocation she accepted that this may make it difficult for Members to refuse the application. She did, however, feel that it was essential that the roads recommendations made by the Roads Officer were attached to the consent if approved.

In addition Mrs Davies advised of other recent objections received which came in too late to be included in a supplementary report. These were from Robert Harvey, Duncan Stirling, Scott Elliot, Julie Lang, Jill Hepburn and John Burdon. These objections related to the adequacy of the proposed off site road improvement plan submitted by the Applicant and also to drainage issues. In terms of drainage the Council's Flooding advisor has been consulted and conditions are proposed.

Throughout the processing of this planning application there have been a number of objections relating to roads issues and this matter will be covered in detail in the planning presentation.

This application is for planning permission in principle for a residential development on land at Kirkton Farm in Cardross. This site is currently used as an agricultural field and is located at the north of the settlement of Cardross. Cardross Primary School lies immediately to the south of the application site.

The site which measures approximately 6 hectares is identified as a Housing Allocation H2002 within the adopted Local Development Plan. This was a greenbelt release through the Local Development Plan process. It is identified as having capacity for 158 dwellings with a requirement for 25% affordable housing. Due to the size of the site and the number of dwellings proposed, this application is defined as being a Major application. The statutory period of pre application consultation including a public event has been undertaken in accordance with the legislation prior to this planning application being submitted.

As this is a Planning Permission in Principle application, it is only the principle of residential development that is being applied for and therefore the plans lack detail. The detailed issues will be addressed at the Approval of Matters Specified in Conditions (AMSC) stage. This is a form of planning application which formally discharges conditions placed on PPP applications.

While no numbers of houses have been given, the Applicant's supporting statement indicates that approximately 140 units are proposed, 35 of which would be affordable.

The site is bounded to the west by Darleith Road and to the east by a continuation of Barrs Road which is currently a farm track. The most significant determining issue relating to this application relates to roads matters and in particular the provision of a safe vehicular access route from the A814 through the existing residential area to the site. Many of the objections relate to road and access concerns. A great deal of discussion has taken place between Council officers and the Applicant's transport consultants on this aspect of the proposal and this has included discussions with the

Council's Senior Management including the Head of Roads and Amenity Services and the Head of Planning and Regulatory Services. A set of drawings detailing the proposed off-site road improvements have been submitted by the Applicant. These illustrate that third party land will be required in two areas, namely to the west of Darleith Road and an area between Mill Road and the proposed entrance to the site. Section C of Supplementary Report number 2 advises on the developer's endeavours with regard to land procurement. Whether future negotiations over access to third party land are ultimately successful or not cannot be a material consideration. However, the Applicant has indicated that there is a willingness in principle to make land required for such improvements available and this provides reassurance to Members that the granting of permission with a suspensive roads condition would be a legitimate course of action as in these circumstances there is a realistic prospect that a permission on this basis could prove capable of implementation.

Mrs Davies advised that Campbell Divertie, the Area Roads Officer would provide further detail on the roads issues following her presentation. She then ran through a series of presentation slides showing the site taken from the farm track which is a continuation of Barrs Road looking towards Darleith Road. She pointed out that the site was an open agricultural field surrounded by hedgerows. There are no statutory or non-statutory designated areas for nature conservation which cover the site and it is not considered that the development of this site would have significant adverse impact.

Further slides showed the site edged red submitted as part of the planning application and an indicative layout of the site showing accesses on both Darleith Road and Barrs Road.

This is a planning permission in principle application and therefore there is a lack of detail. The application is recommended for approval subject to 17 conditions. Eleven of these conditions require the submission of further information which will be subject to neighbour notification and as in other applications there will be the opportunity for representations at the AMSC stage. These require to be submitted as a formal application and cover details relating to:

- Site layout and design;
- Affordable housing;
- Details of further traffic calming measures on the A814
- Details of the internal layout including details that no more than 20 houses will be served by the east access via Barrs Road.
- Details of an archaeological field evaluation to be undertaken prior to any development or ground breaking works.
- Drainage and SUDs details;
- Hard and soft landscaping details;
- Detail of open space and play areas;
- Arrangements for the collection of waste; and
- The provision of a site waste management plan to ensure the minimisation of waste generated during construction.

Campbell Divertie then provided background on the thought process, the detailed considerations and the consultations with various members of Cardross to eventually come to the conclusion that Darleith Road would be the best route to serve the

majority of the traffic from this site and also provided details on how the design of the road improvements have been developed to create the scheme that is now before Members today.

He advised Members of early discussions which took place in July 2005 regarding a proposal which looked at traffic using both the east and west routes (Barrs Road – Muirend Road and Darleith Road). The initial thoughts were this was a good idea to split the traffic between the two routes. However, when taking a closer look, both Darleith Road and Barrs Road have lengths of continuous parked cars reducing the usable road space to a single lane which requires the good will of drivers to give and take in order to continue their journeys. He referred to the number of houses serving both routes and said that the east side was by far the busiest route serving over 300 houses. These houses have been built over a number years from the mid 1930's through to last houses being built in Kilmahew Avenue in the mid 1980's.

He stated that the roads serving this area have been added to in a progressive manner with no improvements carried out. Many of the houses on the east side are served with single driveways with the residents having to reverse in or out into the road. As car ownership has increased over the years there is now more of this type of manoeuvre and there are always cars parked on these streets.

On the west side, Darleith Road, there are less cars currently using this route. However, like Barrs Road, there is a long length of parked cars on the one side, therefore reducing the road to a single lane, which again relies on the good will of drivers to give and take to continue their journeys. Currently what happens when there are cars travelling in opposite directions, some drivers try to bully their way forward and you have a stand-off situation. Also to allow the oncoming driver the chance to proceed the driver tends to speed up and thereafter the waiting car speeds up to get through before another cars appears. Generally all drivers are in a rush to pass the line of parked cars

When comparing the two routes and their junctions onto the Main road, Muirend Road to the east is more than adequate with good visibility sight lines in both directions and Darleith Road is similar. Muirend Road on occasions has cars parked near the junction as people nip into the local shops, however, the first section of Darleith Road is in general always clear of parked cars because there are no houses with direct frontage onto the road and the shops are some distance away.

Returning to the issue of the long length of parked cars on both Darleith Road and Barrs Road. This is particularly the case in the evenings and weekends

On Darleith Road, midway between Barrs Terrace and Mill Road, it would be possible to restrict car parking on the east side at the mid-point and create a formal passing place. This would reduce the length that drivers have to travel to pass each other which in turn, reduces the speed of the vehicles.

He advised of an opportunity to provide spaces on the opposite side of the road which means the residents still have spaces outside their house. They can look and see their cars and if they are carrying shopping from their car there is no need to walk any further than they do so now.

Looking at the same situation on Barrs Road and the continuous length of parked cars on the west side, there is no land available on the opposite side to provide

alternative parking so to try and create a formal passing place or passing places is not possible without the existing residents losing their current spaces in front of their homes with no alternative provision.

Council Roads Officers and local Councillors are aware that parking issues between neighbours can be a very emotive subject and this has led to many neighbourhood disputes with many requests for the council to fix it, this happens regularly. The importance of car parking for our senior members within the community to allow them the opportunity to park close to their homes is very important to their quality of life and that of their carers.

Detailed discussions over many months and years mainly informal with various members and groups of the village, concluded that the initial thought to split the traffic both east and west was not such a good idea.

A further point to consider, is the potential pedestrian movements from the proposed site. This concluded that with most of the shops, the station, the post office all being to the east of the village and with a continuous footway available to the local primary school, the route through the eastern side of the development and continuing on the existing footways to the east side would be the shortest and safest routes and should be supported.

Mr Divertie advised that before this site was included within the Council's Local Development Plan as a designated housing allocation, he and the former Area Road's Engineer had concluded that should this site be taken forward for residential development and to ensure the minimum impact on the existing community of Cardross, the focus on vehicular movements should be predominantly taken from Darleith Road with a small number being permitted down the east side on Barrs Road. This option was subsequently discussed with the Council's strategic planners and the Head of Roads.

This was also recognised by the Reporter who then approved this site as a housing allocation. Therefore what is proposed today is not something that has just been dreamed up between the Applicant and myself.

Returning now to the possible road improvements on Darleith Road from the Main Road to the proposed site entrance, Mr Divertie shared his detailed thoughts and processes that influenced the road layout presented to support this application as follows:

This existing route can easily be split into three sections:-

A814 – Barrs Terrace (Approx distance of 60 metres)

Barrs Terrace – Mill Rd (Approx distance of 175 metres)

Mill Rd – site entrance (Approx distance of 300 metres)

Firstly consider from Main Road to Barrs Terrace. As stated earlier, the junction itself is more than capable to accept additional traffic the sightline visibility in both directions being good. He advised that he was not aware of any history of accidents at or near this location. There is no direct house access onto this section and with the yellow line restricting parking, this section of the road is always clear and allows for the free flow of traffic in both directions. This section would be able to

accommodate a number of vehicles waiting to go up the hill at Barrs Terrace without queuing back onto the main road.

The section between Barrs Terrace and Mill Road - there is a proposal to create a central passing place with scope for additional parking. The introduction of a formal give and take system will organise the vehicles with drivers in each direction knowing who has priority. The length of travel is much smaller therefore the traffic speeds will be reduced and because the signs will direct priority there is less likelihood of drivers barging their way through. The passing place has been designed to accommodate the timber transport vehicles that come down off the hill.

There is currently a timber transport traffic management plan for Darleith Road in place. This restricts the number of vehicles per day and the new layby to the north of the site entrance allows for these vehicles or larger agricultural vehicles to wait and pass each other.

The loss of resident parking outside houses 16 – 20 will be given an alternative provision across the road.

At the junction of Darleith Road and Barrs Terrace at present can be congested with parked cars, some from the houses on the main road and an overspill from Barrs Terrace. To help keep this junction clear of vehicles and allow the give and take priority area to be kept clear a further parking layby is proposed to ensure there is no loss of spaces for these residents.

Finally focus on the section going north extending out through the village boundary between Mill Road and the site entrance.

The current road is neither 2 way working nor single lane with passing places. It is a “free for all” with no system. The route has been neglected with the boundary trees and bushes along the edge of the road being allowed to grow inwards therefore reducing the available width of the road.

Mr Divertie acknowledged that there were a number of people currently using this route for walking, both locals and visitors. At present they just have to take their chance and step aside as the drivers take their own course of action.

This section of the road has three driveway entrances with virtually zero visibility in either direction. This must be a concern for all the residents or visitors to these houses as they creep the front of the car out into the road before heading off on their journey.

There have been numerous discussions between the Applicants and Council’s road engineers in an effort to determine a suitable safe scheme either within the existing road corridor or if land is required outwith the public road in which case land required from others. Taking into consideration the rural nature of this location, these discussions looked at the proposal to provide a full two-way traffic flowing 5.5 metre wide road with footways or verges on both sides. This would have required the complete removal of the mature trees and hedges on both sides of the existing road.

The question, would this major road improvement which would have resulted in significant cost be commensurate with the level of the development? and

Would this type of improvement be in keeping with the rural nature of the Village?

Mr Divertie advised that it was his view and the Head of Roads and the Strategic Planners were of the opinion that the answer to both these questions would be No.

It was identified from the onset that it would be necessary to extend the existing speed limit out beyond the site entrance. It is important to ensure that the road layout could accommodate the additional traffic from the site plus continue to support the traffic from the existing rural community to the north.

Following the principles of Road Design guidance and designing streets the formation of a traffic calming scheme was identified with an emphasis to ensure the vehicle speeds would be self-regulating. Also the provision that walkers would have safe passage and that the residents from the three houses could safely enter onto the road were the identified priorities.

A detailed topographical survey was undertaken by the Applicant. This helped to establish the actual widths available within the existing public road corridor. The first priority in the design process was to establish the best available sightlines for the residents of the three existing houses. This could be achieved with the construction of kerbed build outs and an extended grass verge. This measure created a chicane type road corridor. The next stage was to establish at these build out locations there was sufficient width to accommodate vehicles being able to pass each other. Again the consideration of the timber vehicles and agricultural vehicles was included in this thought process. This detailed design proved that some land out with the public road would be required.

The driveway build outs limited the available road space to a 3.7 metre single lane with passing places required to allow the opportunity for vehicles to pass. The distance between these locations was checked to ensure that both the forward visibility was retained and the distance was not too long. As long lengths encourages higher speeds and this would not give pedestrians safe refuge points.

The next consideration was to ensure that one direction of traffic flow did not proceed from the bottom of the road to the site entrance or from the top to the bottom, "the full length." This could result in one direction "flying" and the other direction always stopping. The opportunity for speeding has to be restricted with the signs giving each direction priority, therefore a balance for each direction to have priority is required.

To ensure that the full length is assessed the section between Barrs Terrace and Mill Road has to be taken into consideration along with the section of Mill Road to the site entrance. This balance has resulted in the north bound going uphill to the site giving way on 3 occasions and the south bound giving way on 4 occasions.

There will be signs at all locations to show who has the priority, who has the right of way. If there is no traffic coming in the opposite direction, a vehicle would be able to proceed unrestricted, however, the anticipation that vehicles could appear from the opposite direction makes the driver cautious and uncertain which assists to reduce the likelihood of speeding.

This design of the various build outs provides refuge points for pedestrians with these being spread along the full length as you head out of the village from Mill Road

towards the site entrance is an improvement on the existing situation. Mr Divertie advised that the give way priorities slow/stop the traffic would result, in his view, in a safer route for those walkers than that which presently exists with the current free for all. A further safety feature is a condition that the Applicant improves the quality of the street light from Mill Road to beyond the site entrance.

Within the village on the Main Road further measures to support road safety are proposed. There are a conditions which require the Applicant to provide the following offsite road improvements;-

1. New enhanced signage at both the east and west entrance into the village. In roads speak, this would be classified as “gateway entrance features.”
2. Along the full length of the main road through the village, road marking, coloured surfacing should be installed to assist with the reduction of traffic speeds.

The design of both these measures would be the subject of further discussion/agreement and these would be required to be installed before the first dwelling house on the site is occupied.

To protect the existing residents in particular on Darleith Road, these road improvements identified are required to be carried out before the construction of the houses commences on site.

Finally, these measures have been developed over many months, years and the Head of Roads has been fully aware of this detail as it has evolved.

If the Members are minded to approve this application these measures will be an improvement on the current free for all arrangements on Darleith Road, and the improvements on the Main Road will address much of the concerns that are frequently being raised by the village as a whole.

Mrs Davies advised that it is considered that this proposal would accord with Local Development Plan policy and therefore this planning application is recommended for approval subject to conditions. She asked Members to note the contents of supplementary reports 1 and 2 and if minded to grant the application they adopt the correction and the amendments to conditions 3 and 4 as well as 2 further “Notes to Applicant” to be added to the decision notice.

APPLICANT

Laura McGowan advised that she was the Planning Agent for this application and in addition to herself, their transport consultant Keith McGillivray of SYSTRA would speak to guide the Committee through the technical examination detailed in the Transport Assessment which was submitted in support of this application. The Applicant, Andrew Trigger of Avant Homes was also present to answer any questions if required.

This application seeks planning permission in principle consent for residential development with associated access, infrastructure, open space, landscaping and miscellaneous works. She said that it was important to note that the detailed elements of the proposals would be subject to separate, future Approval of Matters

Specified in Conditions applications, at which time the Council and the Members will have the opportunity to fully consider the detailed proposals. The Applicant has provided indicative unit numbers for the site at approximately 140 units; 25% of which would be affordable, in line with Council policy. The principal of residential use on the site is wholly compliant with the adopted Argyll and Bute Local Development Plan which identifies the site as housing allocation H2002, which has an indicative capacity of approximately 158 units.

The Applicant is supportive of the case officer's report of handling and supplementary reports which recommend that the proposals be approved subject to conditions. The proposed changes to the conditions and the addition of two further advisory notes are acknowledged and accepted. The application has no objections from West of Scotland Archaeological Society, Scottish Water, SEPA or Argyll and Bute Roads, Public Protection Officer, Flood Risk Assessor and Education services. Following in depth discussions and onsite visits with the Council's Roads team, an agreed strategy has been produced for the series of road improvement works which are to be undertaken out with the application site, from the A814 to the site access on Darleith Road.

Keith McGillivray advised that he was the Principal Transportation Consultant at SYSTRA and that throughout the course of the Kirkton Farm application, he has worked closely with Avant and Keppie to understand and consider the transportation and access related aspects of the proposed development.

The scale of the proposed development necessitates that a Transportation Assessment is required to support the application. At the outset of this process, liaison was undertaken with the local roads authority to understand their wishes and expectations relating to the application.

Scoping discussions informed the extent of traffic data collection and allowed discussion and agreement on various input parameters necessary to support the transportation assessment. Key transport considerations were –

- mitigation measures for Darleith Road;
- discussion of application site as a whole - site as outlined currently does not have fullest details;
- designed in compliance with Designing Streets guidance, incorporating a layout which promotes connectivity and permeability for non-motorised users;
- well integrated to the adjoining transport network and designed in a manner that encourages pedestrian trips to and from the site to travel via Barrs Road;
- promotes vehicle access to the eastern and western portions of development from Barrs road and Darleith Road, but prevents through trips travelling from one side of the site to another – bollards will be installed to prevent this;
- notwithstanding this, a breakthrough link which enables emergency vehicles to travel between the eastern and western portions of the site is incorporated in the layout;
- final details will reflect relevant parking and waste servicing standards;
- TRICS database used to determine trip generation characteristics of proposed development; specific search criteria used to reflect the commute behaviour expected in Cardross;

Technical capacity assessments demonstrate that with the addition of development related trips, junctions at Muirend road and Darleith Road continue to operate within their theoretical capacity.

Technical design process evolved over time and consultation supported by technical assessment. Technical design exercises are supported by Auto track swept path analysis to understand where passing places should be and road widths required.

Mitigation measures required by condition relate to:- additional parking spaces – more provided than removed; passing places; cyclical maintenance; freight lay by; build outs at property access points; pedestrian refuges; clear lines and signs; calming measures; forward visibility; gateway features; potential for speed limit reduction (to 30 mph or 20 mph); street lighting upgrade.

This is an ongoing process and subject to today's outcome there will be further discussions with landowners, the local authority and design team. It was important to note that this process has continued since the transport assessment document was first published.

CONSULTEES

Cardross Community Council

Anthony Davey advised that Cardross Community Council raised concerns about this site when the current Local Development Plan was initially being produced. He said that the Community Council recognised that this was an application for planning permission in principle and confirmed that they were neither raising objection or support for it but were raising concerns as they were not in a position to know whether the community were 100% objecting or supporting the proposal. He raised concern about the lack of consultation the Applicants had with the Community Council. He advised that the Community Council had concerns in respect of the access to the site, drainage and flood risk, the capacity of Cardross Primary School and housing. He stated that in respect of the access road he would leave it to Mr Hendry to speak on this as he had been co-opted onto the Community Council for the purposes of this hearing to address this matter. With regard to drainage he referred to problems with the boar pipe under the railway being too small to cope with drainage and flood water. Addressing the issue around the capacity of Cardross Primary School he stated that at the start of the Local Development Plan process there were concerns about whether the school would be able accommodate additional children if more housing was built. He advised that at present the role was 157 with capacity for a total of 267. He then referred to the proposed housing and said that while this was a provisional plan there was uncertainty on the actual number of houses there would be and added that the types of houses to be built was also uncertain. He noted that 25% of the housing was to be affordable and advised that he believed that to date only one housing association has been contacted. He said that this housing association has received very limited information on how much land there would be. He said that this continues to be of deep concern. He said that the Community Council wished to preserve the rurality of the area and to keep youngsters in the community.

Gordon Hendry read out the details of a report he had prepared for Cardross Community Council. He referred to the proposed development and he commented on the current condition of Darleith Road and referred to various roads design

documents which should be complied with, namely – Designing Streets (published by Scottish Government 2010); and National Roads Development Guide (published by Society of Chief Officers of Transport in Scotland 2014). He also referred to the Council's own supplementary guidance to the Local Development Plan – SG LDP TRAN 4 and SG LDP TRAN 5 and commented on the proposed off-site alterations to Darleith Road.

In conclusion he advised that having studied the proposals in conjunction with the relevant design and technical documents he considered that:-

1. The proposed works between Barrs Terrace and Mill Road can be best regarded as 'window dressing' and do little or nothing to significantly improve the already difficult, existing situation. The increased traffic generated by the proposed development will simply increase driver frustration.
2. The 5m carriageway with 1m verges proposed as Condition 4(ii) does not adequately meet the requirements of the relevant design documents in that the proposed carriageway width is narrower than good practice would suggest for a design speed of 30 mph, and that it fails to make any specific, or even adequate, provision for pedestrians. A soft verge is of little use to a wheelchair user or a parent with a pram or a pushchair.
3. Even if that cross section was considered acceptable, the existing highway corridor is too narrow to enable this to be constructed over the whole length from Mill road to the proposed development access without the need to acquire land currently in third party ownership.
4. The developer's proposals for the section of Darleith Road between Mill Road and the proposed development significantly fail to comply with the requirements, or even the spirit, of the relevant design documentation and should be rejected in their entirety.
5. In failing to make any provision for pedestrians on the section between Mill road and the access to the development both options are clearly not "considering the needs of pedestrians first" as required by the NRDG nor are they complying with SG LDP TRAN 4 which states "the primary objective is the safety of all road users including pedestrians, cycle and motorised vehicles, achieved within a well designed street environment."
6. On the indicative site layout plan included with the original application the main access road within the development appears to be 5.5m wide with 2m footway on either side. This is in accord with Designing Streets and the NRNG. It is unacceptable that a lower standard of road is considered appropriate for the main external access to the development.

He asked the Committee to reject this application.

Duncan Stirling advised that his main concern was with the section of the road from Mill Road up to the new development and stated this was what was referred to as 'shared space'. He advised that the use of 'shared space' was by no means a standard procedure. He referred to a hand out he circulated to the Committee which detailed the Institute of Highway Engineers' response to a new report on shared spaces.

He indicated that there was no single definition of shared space. He advised of the need to design streets that improve pedestrian movements and comfort and reduce the dominance of vehicles. He stated that the proposed improvements to Darleith

Road would not improve pedestrian movement or comfort. He said that the safest solution was to continue the geometry of Darleith Road and the footway.

Roads Authority

Campbell Divertie referred to the comments made by Keith McGillivray about the possibility of introducing changes to speed limits. He advised that the Council's Head of Roads and Amenity Services was currently looking at a speed limit strategy for the whole of Argyll and Bute which would be presented to Members of the Council for consideration in due course.

REPRESENTATIVES

Councillor Ellen Morton

Councillor Morton advised that as this was the first time she has ever asked to speak at a Planning Hearing it was an indication of how important she felt this issue was for the residents of Cardross. She said that she recognised that while the Community Council neither supported nor objected to this proposal, this was a complex matter. She advised that she recognised the work and training undertaken by the Members of the Planning Committee and highlighted that this was a very experienced team of Councillors before the community today. She said that personally she did not like the Reporter's decision to approve this site for housing and advised that she thought there were more appropriate sites elsewhere in the village. She advised that all the concerns about access to the site were raised at that time but the reality was the Reporter had made a decision and once he did the Council were bound to accept it which was why this site now featured in the Local Development Plan as a housing site. She said that in light of that it made it difficult for this proposal to be refused. She advised that another feature to take account of was that this application for housing fit with the Council's Single Outcome Agreement which lists our priority to grow the economy and population of Argyll and Bute and that there were many reasons for this. She advised that if the Council wished to deliver on roads, education, care of the elderly etc they had to rely on Government funding which was dictated by population numbers. She pointed out that Argyll and Bute was one of a few Councils where population numbers were dropping all the time. She referred to another school where the population over the last 5 years has dropped by 14.7%. She advised that if Argyll and Bute continued to decline in population it would die. She pointed out that other areas of Scotland were growing. She indicated that the Members of the Committee had a very difficult decision to make when weighing up all considerations and advised that she recognised that. She said that she wished to draw Members' attention to what had been mentioned so far. She said there was a fear of the loss of the village identity. She advised that Cardross was a strong community with a strong well attended Community Council. She referred to all the groups and clubs in the area. She referred to the closure of two hotels in the village and to a café changing hands 3 or 4 times in the last year or so. She referred to the opening of the new Co-op which could be seen as good news as it would offer more choice to customers. She said that it could also be seen as bad news if it threatened the existence of other village shops. She asked the Members to take all of these factors into account when they made their decision. She stressed that if the Committee were minded to support the application it was critical that serious consideration was given to adopting as many of the roads and parking conditions as possible – not just those recommended by the Council's Roads Officer, but also those suggestions which have come forward from the Community Council and

Applicant. She said that she could not comment on what would be appropriate or not to adopt but asked the Committee to consider either refusing the application or granting with road safety and parking provisions firmly in place.

Archie MacIntyre

Archie MacIntyre commented on all the nice green fields in the area. He said that he had not heard anything today that would solve the problem of access to 140 plus houses in that area but that was not why he was objecting. He asked the committee to look seriously at continuing to build on agricultural land. He referred to the growing population of the world over the last 200 years which had grown from around 1 billion in 1800 to 7.5 billion today despite wars, disease and natural disasters. He advised that the population was expected to rise to 25 billion by the end of this century and while there was a need to house everyone there was also a need to feed everyone and therefore a need for fields to grow crops. He stated that during the war everywhere possible was used to grow food. He advised that it was very easy for builders if they had a nice green field which was as flat as possible. He asked for the building on prime agricultural land to stop.

OBJECTORS

Gordon Hendry

Gordon Hendry advised that he objected to this proposal as he did not consider the offsite developments to Mill Road were compliant with guidance on the design of streets which stated that pedestrians should be considered first and vehicles should be considered last. He referred to the provisions of SG LDP TRAN 4 which accepted development subject to road safety and street design issues being addressed. He referred to the provision of 10 metres of walkers refuges which formed part of the core path network. He also referred to the Council encouraging walking. He said that the proposed improvements failed to comply with the Council's own standards and advised that he thought it was so far removed from Policy that the Committee had no choice but to reject this coming forward. He questioned if the developer proposed the same type of roads within the development as those proposed for Darleith Road with varying widths etc would that be acceptable. He stated that what was good enough within the development should be good enough outwith the development and urged the Committee to reject this proposal or place conditions on it to adequately address the public's concerns.

Morag Elliot

Morag Elliot advised that she was speaking on behalf of the residents of the Kirkton community north of the proposed development. She said this was about road safety as they had already lost the battle of where the development would be. She advised that everyone could agree that access has always been an issue here. She said that you could not have variable widths. She pointed out that she drove up and down this road up to 8 times per day as did many other users. She said that people did not just come out of their homes once per day. She pointed out that the Plans displayed on the walls showed Darleith Road as being straight and flat. She said that it was not; that the road was undulating. She added that the Plans also showed the road to have pavements and verges and stated that there were none. She also referred to the width of the proposed verges and compared that width to the standard width of an adult wheelchair. She questioned how people were going to be

encouraged to make use of green spaces. She advised that when she heard that pedestrians would be encouraged to walk east of the development it reminded her of the arrows showing the way to walk around an IKEA shop. She said that if people wanted to access green space they would not go east with prams up a road designed for vehicles with no pavements and laybys apparently equipped with radios. She advised that this road was a public road and that anyone could use it. She referred to the figures quoted by the Applicant in respect of peak time travel and the suggestion that 81 journeys may be made but maybe not all at the one time. She pointed out that these journeys could all be made at the one time especially if they were being made in order to catch a train at a specific time of the day. She said that the information contained in the plans and the updated ones released very late yesterday did not reassure anyone about safety. She referred to Guidance stating a minimum of 1m verge and pointed out that they did not even have that – they only had 80cm. She stated that these Guidelines were there to protect the public, the community and the Members and should not be flaunted. She said this was like trying to fit a square peg into a round hole. She advised that she was deeply worried that Councillor Morton has said it would be very difficult for this application to be refused and questioned what the point of the Hearing was. She asked why 80cm verges should be accepted and indicated that Helensburgh had wonderful pavements. She referred to the real issue of safety with this access and the possibility of accidents and people being killed. She reiterated that the real issue was about road safety and parking. She referred to the proposed parking bays at the bottom of Darleith Road and the suggestion that this would be adequate provision to make up for what was being taken away and stated that there was not enough parking provision at the moment. She said that there was a need to look at road improvements and not improvements to mitigate a disaster. She referred to comment made that there has apparently been no accidents in the area and pointed out that there has been at least two in the last two months which caused huge disruption. She advised that there was a need to look at the bigger picture. She indicated that children from the development would come out onto Darleith Road even if there was a bollard there. She advised that if this development was not implemented properly it could cost lives. She referred to the Guidelines being there to protect everyone. She said that she could not see this proposal meeting any minimum standards for road safety and that this was a bad move for the village as it was not a safe move.

Rachel Humphreys

Rachel Humphreys referred to the condition advising that no works should be undertaken until the road improvements have been made and she questioned what the mechanism for enforcing this was. She asked if there would be a financial penalty imposed if conditions were not met. She also expressed her very serious concerns about the lack of information regarding details or explanations about the definition of affordable housing. She advised that she thought the community had an expectation that there would have been more detail provided. She said that through discussions the number of units appeared to be shifting and asked whether there was a mechanism in place to limit the number of units. She added that if developers were allowed to add more this would be very concerning. She advised that her main concern was a selfish one. She confirmed that she lived on Darleith Road and referred to a barrier proposed in front of her home. She said that 2 or 3 cars waiting in front of her home would lead to a grid lock. She stated that she entirely disagreed with the estimated traffic volumes. She advised that there was no employment in the village. She referred to there being no pedestrian provision in the plan and that

people would walk this route to access the train station in order to travel out with the village for work as there was no adequate parking at the station. She also stated that public consultations and meetings should take place outside working hours so that people did not have to take time off work to attend. She referred to children accessing this road and pointed out that hillwalkers also used this road as it was the closest access to the countryside. She advised that at the moment people stand by for cars passing. .

Ian Fleming

Ian Fleming advised that his initial objection was about access to the site. He said that there has been a lot of talk about Darleith Road and that Barrs Road has been ignored. He said that it had been made quite clear in the past that there would categorically be no access off Barrs Road because there was no access to the main road from there. He questioned why this had changed. He acknowledged that steps have been taken back and that only 20 houses would have access. He referred to Plans only showing only 2 accesses to the site and suggested that there was a third access being opened up as a result of the new Co-op. He said that 40 years ago that junction was shut because it was dangerous and that this had now been opened up because of the Co-op and stated that this was not a wise move and that people were already using that entrance when they should not. He referred to the proposed development site and he referred to the 20 units accessing Barrs Road. He referred to a field above the site and questioned if another 150 houses were allowed to be built there where would the traffic go from there. He said they would need to come off Darleith Road or Barrs road which would negate the limit placed on Barrs Road. He stated that on that basis the Plans were flawed. He also asked if the Council was aware of Japanese Knotweed on the site. He advised that he took on board Councillor Morton's comments about a falling population and questioned why there was a need for housing if this was the case. He referred to an undeveloped brownfield site not 4 miles away and questioned why houses could not go there.

David Weir

David Weir also raised concerns that very little has been said about Barrs Road. He referred to this being a busy route especially at the weekend and advised that it was wall to wall with pedestrians. He referred to cyclists and walkers using this road to access St Peters. He advised that coming back down there appeared to be a roundabout on the farm track and questioned why that would be there. He said that roundabouts alluded to him a busy junction and he wondered if there was something behind that. He referred to travelling down the road towards Kilmahew on the east side. He referred to the west side being under the cover of mature trees well over 30 feet tall and that it was dark at this point all year round. He advised that the entrance to the school was the next junction coming out west onto Barrs Road. He said that he had not seen evidence of any traffic surveys undertaken. He advised that if you travel in that area at 3.30 pm the total area was grid locked with parents collecting children from school. He advised that he regularly travelled that route with a trailer. He advised that there was no visibility as the road bends and people regularly came out in front of you and when they meet him with a trailer they have to give way or he has to reverse back with his trailer. He said this was a disaster waiting to happen as children could run out between parked cars and he would not see them when reversing with his trailer. He advised that the traffic management plan was incomplete with nothing at all proposed for Kilmahew, Barrs Road and Muirend.

The Chair ruled, and the Committee agreed, to adjourn the meeting at 12.30 pm for lunch.

The Committee reconvened at 1.10 pm. Councillor McNaughton did not return to the meeting due to a prior appointment.

MEMBERS' QUESTIONS

Councillor Trail referred to the proposal for a 5m carriageway with a 1m verge on either side which would give a 7m wide roads corridor. He asked Mr Divertie if there was any scope to have a wider footpath on one side and either no verge or limited verge on the other side instead. Mr Divertie explained the investigations and discussions undertaken to find the best possible solution for this road. He advised that the width of the road was varied along the whole length of it. He said that to achieve a 5m wide road with a 1m verge on either side would require more third party land and the removal of trees and boundary walls. He advised that what was proposed was a mixture of single carriageway, single lanes and verges of varying widths. He advised that there was a need to look at the detail of the layout of the road as part of the roads construction consent to confirm the positioning of lighting columns. He confirmed that all this detail would be worked out with the Applicant and Agent. He advised that what was presented was a layout that would allow the traffic to safely move. He intimated that walkers heading to school or the station would use the east side and that recreational walkers would use the west side.

Councillor Trail sought and received confirmation from Mr Divertie that he considered the section of Darleith Road to be shared space.

Councillor McCuish referred to the fact that 140 houses were planned at the moment and asked Mr Divertie whether it would not be better for the site to have its own road infrastructure rather than tinkering with the existing infrastructure. Mr Divertie explained the reasons why a new road infrastructure was not pursued. He referred to there being significant costs involved and significant impact to the rural nature of the area as a whole series of land would have been required to have been taken from Mill Terrace. He advised that the introduction of a priority give and take system has been around for a while and was currently being used by a number of local authorities. He said that by reducing the distance between laybys this would help reduce the speed of traffic. He advised that this was the safest solution they had at the moment. He confirmed that it was considered cost prohibitive to provide the site with its own road infrastructure

Councillor McCuish asked Planning Officers if any consideration had been given to a Masterplan approach for this site given that there may be future development and that this approach would have given the community the ability to know what was ahead of them. Mrs Davies advised that as this was a single site housing allocation in single ownership there was no requirement for a Masterplan. She advised that there were no other housing sites in the vicinity.

Councillor Taylor referred to the provision of affordable housing and asked Planning if they were aware at this stage what the plans were for this housing. Mrs Davies referred to there being a number of options available to developers in respect of providing affordable housing. She advised that the final details regarding the provision of the affordable housing would be confirmed at the Approval of Matters Specified in Conditions (AMSC) stage and she confirmed that there was a condition

requiring the development to accord with the guidance in the Local Development Plan (LDP) in this respect.

Councillor Taylor asked the Applicant to comment on what their intention was in respect of the delivery of 25% affordable housing. Mr Trigger explained that they had made initial contact with ACHA to discuss this but at this time it was premature to discuss further until it was known if they would be granted planning permission in principle.

Councillor Currie referred to condition 3d detailed on page 13 of the agenda pack which stated that “the scheme shall establish the arrangements to ensure the affordability of the affordable homes for both initial and subsequent occupiers”. He advised that to him this suggested housing for rent rather than affordable homes for owners. He asked the Applicant if their affordable housing provision would be houses for rent or for so called affordable housing. Mr Trigger replied that in terms of the provision of affordable housing they had at this stage only made contact with one registered social landlord (RSL). He advised that they would partly be led by the requirements of the RSL in terms of their preferred approach. He confirmed that the full details of the provision would be included at the AMSC stage.

Councillor McCuish asked the Applicant if he could provide an update on their negotiations with the third party regarding the land to be acquired. Mr Trigger advised that an initial contact had been made with third parties and it was made clear that it was premature to enter into further discussions until it was known if planning permission in principle would be granted. He confirmed that if permission was granted further discussions would be taken forward before the AMSC application was submitted.

Councillor Taylor referred to hearing from 3 Roads Engineers today regarding the capacity of the road and the differing ways to deal with this. He asked Mr Divertie if having heard from the other two professionals, was there anything that changed his mind about the capacity of the road and was he still confident the development could go ahead and produce a safe roads network, ensuring the safety of the public. Mr Divertie confirmed that he has spent time and had discussions with both these Engineers and that he was well aware of their views. He confirmed that he was still comfortable with his and his colleagues’ view. He referred to Roads and the Design document being a multi layered document which allowed for relaxation and departures. He said that the National Roads Guidance allowed each local authority to develop their own specific roads guidance. He confirmed that he was comfortable with the design presented and that this had been discussed with the Council’s Head of Roads and Amenity Services.

Councillor Taylor referred to community concerns about what would happen if the developer did not comply with conditions and asked Planning Officers to confirm what penalties and the types of controls the Council could apply if planning conditions were breached. Mrs Davies explained that if a planning permission was implemented in breach of planning conditions then the Planning Authority could take enforcement action. She advised that with reference to the roads condition, this was a suspensive condition which required to be implemented before any development took place. She advised that enforcement action would stop a development from proceeding.

Councillor Trail referred to part (ii) of condition 6 which required traffic calming on the Main Road, Cardross. He asked Mr Divertie to explain what the extent of that would be. Mr Divertie explained that this would not mean speed bumps on the Main Road. He advised that he envisaged coloured road markings to give the appearance of the road narrowing which would in turn help to reduce the speed of traffic. He confirmed that there would be no physical chicanes or speed bumps.

Councillor Trail asked if this type of road markings worked in practice. Mr Divertie advised that a lot of Roads Authorities were introducing this type of layout and it was his view that they did work.

Councillor Freeman referred to the site edged in red on the location plan on page 27 of the agenda pack which did not show any roads within the site. He also referred to shared spaces. He stated that it was his understanding that within the red line boundary relative to a standard housing development it would not be considered a shared space development and asked Mr Divertie if this was correct. Mr Divertie explained that the plan in front of Members was an indicative plan as this was a planning permission in principle at this time and that the road layout within the site had not been looked at.

Councillor Freeman referred to the principle of housing development on this site having already been set because it had been approved in the Local Development Plan as a housing allocation. He advised that what was important to him was the detail of the application and asked if the Committee were to approve this application today could this approval include the requirement that the detailed stage should also come back to Committee for consideration. Mrs Davies confirmed that the AMSC application could come back to the Committee for consideration.

Councillor Freeman referred to comments about the capacity of the school. He said that normally in planning there was a formula to work out the number of children per house. From recollection, he advised that this was 0.4 primary children per house and on that basis he thought this would mean around 60 children from the development. He referred to the spare capacity in the school and commented that with the addition of around 60 children this would mean there would still be spare capacity of about 68 and on that basis there should be no concern about the capacity of the school at this time. He asked Planning if this was correct. Mrs Davies confirmed that this was the formula she had used and that there was no pressure on the role of the school.

Councillor Freeman referred to the school being next door to the site and suggested that a way to minimise traffic would be to have a pedestrian access directly into the school. He asked if this could be an option. Mrs Davies advised that there would be a need to obtain more information from Education to see if this would be feasible for them in terms of security. She advised that this was something that could be explored but would have to be checked before a condition could be applied.

Councillor Freeman asked if this application could be approved in principle with a condition asking for further detail on the possibility of a pedestrian access to come at the detailed stage. Mr Kerr advised that when imposing conditions there was a need to have regard to whether or not the condition was reasonable and in the Applicant's gift to comply with. He said that it would not be appropriate at this stage to impose a condition regarding forming an access between one part of land and another as there was no guarantee that the Applicant could comply with it. He advised that if

this application was granted it would be possible to seek further information on this, including engaging Education to establish whether this would be feasible. If it was then a condition could be applied at the AMSC stage.

Councillor Freeman advised that it was his understanding that in the LDP the site showed 158 units but the Applicant was only looking to develop a maximum of 140 unit which was around 10% below the capacity of the site and he asked Planning Officers to comment. Mrs Davies confirmed that the Applicant was indicating 140 units. She explained that there was scope for the Planning Authority to vary the number of units in a housing allocation and that this would be considered at the AMSC stage.

Councillor Freeman asked the Community Council if they had objected to this site through the LDP process. Mr Davey confirmed that the Community Council made a representation in response to the Main Issues report. He stated that this was not an objection but they did raise concerns and a lot of these were heard today at this Hearing. Councillor Freeman advised that he had noted the concerns raised. He pointed out that Mr Hendry, at the end of his presentation on behalf of the Community Council, had asked the Committee to reject the application. Mr Hendry confirmed that this was a personal opinion of his and not the Community Council's.

Councillor Freeman referred to the various options in respect of the delivery of affordable housing as detailed in Council Policy including commuted sums and alternative sites. He asked the Applicant if he was open to discussions with the two RSLs in the area regarding commuted sums or alternative sites. Mr Trigger confirmed that they would discuss the potential with both RSLs and what their requirements were. He said that it was his understanding that there was pressure to get further housing and that what was required would be led by the RSLs.

Councillor McCuish asked if this application were to be approved today was he correct to say that the community, along with the Community Council would have the opportunity to comment at the detailed stage. Mrs Davies confirmed that everyone would get the opportunity to comment on the details subsequently submitted. She confirmed that at that stage the full proposals about the affordable housing would be received.

Councillor Robert G MacIntyre referred to cars parking on both sides of Darleith Road at the moment with no restrictions. He asked Mr Divertie if it was his intention to restrict parking to one side or another. Mr Divertie explained that they were introducing parking bays and kerb build outs which would direct cars to park on one side of the road. He advised that if necessary double yellow lines would be placed at the laybys. He said that cars would be directed to park on the east side of the road.

Councillor Freeman sought and received confirmation from Mr Divertie that currently timber traffic on the road was restricted to the summer months with no more than 10 vehicles per day allowed at certain times. He advised that the timber transport vehicles were able to communicate with each other. He added that there were timber transport management plans in place and that he was comfortable the hauliers would work with the Council on this.

Councillor Kinniburgh raised concerns that the proposals would cause a build-up of traffic turning right onto the Darleith Road from Helensburgh due to a give way sign located well before the Barrs Terrace junction. He asked about the possibility of this

traffic being backed up from this give way sign. Mr Divertie explained why he did not think this would be an issue. He referred to a splitter island and said this would be capable of taking 3 or 4 cars.

Councillor Kinniburgh referred to the amount of houses allocated in the LDP at this site being 158. He also referred to Mr Divertie's comments that as there were only 140 houses proposed for the site and the occupants from 20 of those would be directed down the Barrs Road this would mean only 120 coming down the Darleith Road which Mr Divertie had said was far off 140. Councillor Kinniburgh advised that if the site was subsequently developed for 158 houses then taking 20 from that would be not far off 140. He asked Mr Divertie if he was of the opinion that the road could accommodate 138 houses. Mr Divertie confirmed that with the proposed layouts the road would be more than suitable to cope based on the figures showing up in the trip figures. Councillor Kinniburgh sought and received confirmation from Mr Divertie that if the application came in with 158 houses he would be satisfied that the Darleith Road would be able to cope.

Councillor Kinniburgh sought and received confirmation from Mr Divertie that in respect of the road between Mill Road and the site entrance his preference would have been a 5m carriageway with 1m verge on either side.

Councillor Kinniburgh sought comment on this from Mr Hendry. Mr Hendry confirmed that this proposal would have given him comfort but it was not a solution as it was still not adequate. He confirmed that what had been on the original plan was better but not fully acceptable as it still did not accord with Designing Streets Guidance which stated that consideration should first be given to pedestrians and to vehicle users last. He advised that pedestrians were getting a poor deal from these proposals. He pointed out that this was part of the core path network and that there were substantial walkers on this route.

Councillor Kinniburgh sought and received confirmation from Mr Hendry that a 2m footway on one side and a very narrow verge on the other would be desirable. He said that it was unlikely that the existing road corridor would produce a solution like that.

Councillor Kinniburgh referred to the third parties with land which the Applicant would need to acquire and asked Mr Hendry if he was one these people the Applicant had spoken to. Mr Hendry advised that the only approach made to him was in respect of cutting the hedge back. He advised that his view was that it would be inappropriate to negotiate at this time and that he had advised the Applicant that if they came back to him with a properly designed road he would consider it.

Mr Divertie responded to Councillor Kinniburgh's earlier concerns about the road layout. He referred to the need to think about reducing the speed of traffic and of the need to put in place things to help self-regulate speed. Councillor Kinniburgh advised that he was trying to understand why changes had been made to the original proposal. Mr Divertie explained that the changes evolved through further discussions. He advised that it was fairly easy early on to see that it would not be possible to have a 5m carriageway with 1m verges on either side. He advised that this would have involved significant costs and land to try and achieve that type of road infrastructure.

Councillor Kinniburgh referred to Mr Hendry's comments about National Roads Guidance and pedestrians coming first in the Designing Streets hierarchy and sought comment from Mr Divertie. Mr Divertie advised that slowing traffic down instantly impacted on pedestrians.

SUMMING UP

Planning

Richard Kerr stated that the Planning Act was clear as to the approach to be adopted by decision makers in the determination of planning applications. Primacy is accorded to the provisions of the development plan, which is always the starting point in assessing the merits of development proposals. The Act is also clear that in determining an application, it should be decided in accordance with the provisions of the Plan, unless there are material considerations which indicate otherwise.

In this case the adopted Local Development Plan is the 2015 LDP. It is a relatively recently adopted Plan which has undergone scrutiny by a Government Reporter and ought to be accorded significant weight in decision making as an up to date expression of Council Policy.

The land in question is allocated in the Plan for residential development, which establishes its suitability in principle for housing development. At the draft Plan stage some third party opposition was expressed to the intended release of the land for this purpose. That prompted consideration of the intended allocation by the Government Reporter as part of the LDP examination process. Despite those representations, he concluded that the site was indeed suitable for residential development and that potential shortcomings, such as access issues, could be addressed as matters of detail as part of the consideration of any planning application which might follow. It would have been open to him to delete the site from the Plan, as indeed he did do with other proposed housing elsewhere in Cardross, but he did not and affirmed its suitability in principle for residential use.

It has been evident from the presentations today that the acceptability or otherwise of this proposal largely circulates around the suitability, and likely deliverability, of a safe means of vehicular access to serve the likely number of properties this site could accommodate. Although the Applicants are solely seeking a permission in principle, which on the face of it would be entirely compatible with the residential status of the land conferred by the LDP, it is nonetheless incumbent on the planning authority at this stage to have regard to any practical impediment to the deliverability of such; and it is clear to, and accepted by all parties, that this should prompt consideration of the adequacy of the means of access as it stands; and the extent to which there is a realistic prospect of the deliverability of such improvements.

Between them, the Applicant's Transport Consultant and the Council's Roads Engineers have, through negotiation, an agreed position on what would be required on the ground, in practical terms, in order to enable the development to proceed. That scheme is incapable of being implemented wholly on land within the Applicant's control, and accordingly, some third party land would require to be acquired in order to enable deliverability of the scheme agreed between the parties. The Applicant has engaged with third parties in order to assess their willingness, or otherwise, to make the necessary land available. Those discussions have not revealed any definitive unwillingness to make land available, or any third party intention to

deliberately frustrate the prospect of development, by refusing to release land. This has fallen short of any agreements being in place in advance of the consideration of the planning application, but nonetheless there would appear to be credible prospect of land being made available to enable the implementation of a permission with the necessary access improvements being in place.

The option open to the planning authority in such a circumstance would be to grant planning permission subject to the effect of a suspensive condition. Such a condition would require the identified road improvements to have been implemented in advance of any development being commenced on the application site. Such a conditional consent could only reasonably be countenanced by the Council in circumstances where there was credible prospect of the condition being discharged in order to enable the development to proceed. It would not be appropriate to deploy such a condition in circumstances where there was a known and certain impediment to delivery, such as an unwilling third party landowner, as such a condition would prove tantamount to granting a permission which would be knowingly incapable of being implemented. However that is not the case here, and in the event of the imposition of a suspensive access condition, it would be a commercial risk for the developer, rather than a planning impediment, as to whether the necessary land would ultimately prove to be available. This would be a commercial consideration for the prospective developer to overcome in order to be able to implement any permission.

In the event that negotiations with third parties were not to succeed, for whatever reason, the Council's position would be entirely safeguarded by the effect of the suspensive condition, which would prohibit any traffic generating development on the site, in the absence of the identified road improvements having been implemented.

There is disagreements between third parties on the one hand, and the Applicants and the Council's Roads Engineers on the other, as to whether the tabled road improvements are adequate to serve the needs to the development, and to ensure the safety of pedestrians and other existing road users. Members have had the opportunity earlier today to experience current conditions, and to see the extent of the roads scheme proposed on the ground, and it is for you to conclude whether you accept the Roads Engineer's advice that this is commensurate with the scale of development and is capable of meeting road safety requirements. Nonetheless, it is the opinion of Planning Officers that having regard firstly, to the primacy of the development plan, secondly, the tabled scheme of identified road improvements to the Roads Engineer's satisfaction, and thirdly, the ability to deploy a suspensive condition to ensure the prior implementation of those works, then, Mr Kerr advised, he was able to commend the application to the Committee subject to the conditions set out in the main report and supplementary report number 2.

Applicant

Andrew Trigger confirmed that at this stage they were seeking planning permission in principle and that the details had yet to come forward. He noted that there would be a further opportunity for all parties to engage in this process and he hoped that at the detailed stage all queries raised today would be answered. He confirmed that they accepted that the issue regarding the acquisition of third party land was a commercial risk to Avant. He also confirmed that they accepted that the suspensive condition prevented any development until such time as the land was acquired. He asked the Committee to grant the planning permission in principle application.

Consultees

Anthony Davey advised that the biggest bone of contention was the road. He referred to the comments made about third party land and pointed out that the largest majority of that belonged to the National Trust. He said that when this land went to the National Trust there was a condition placed on it that it could only be sold on for the purposes of conservation and farming and not for commercial purposes. He said that this would need to be verified through the Trustees and the National Trust. He said it was his understanding this would be a matter for the Trustees to decide. He referred to a similar case regarding the Bower collection which had been donated to the City of Glasgow Council. He explained that when the City of Glasgow Council had wished to loan the collection it had to go through a lengthy process which ended up at the Court of Session. He referred to the facilities at the school and he also referred to concerns about flooding. He also referred to the LDP process and the perception of the community regarding the credibility of the Reporter.

Campbell Divertie referred to earlier comments about the opening up of the junction at the Co-op to the public and he confirmed that this was not the case and that there was no intention of that junction being reopened onto Barrs Road. He advised that the largest volume of pedestrians would be to the east of the site. He said that he understood and supported the concerns from objectors regarding walking on Darleith Road. He advised that the measures proposed would help organise traffic with build outs producing refuges for pedestrians. He advised that the proposal would support overall safety and that it would support the existing residents making it safer for them coming out of their houses. He also referred to the opportunity of providing road improvements elsewhere in the village.

Objectors

Gordon Hendry advised that he and Mr Divertie would have to agree to disagree. He referred to the proposed refuges and said he did not think they would be sufficient for pedestrian use.

Morag Elliot referred to comments in Mr Divertie's presentation about stand offs in the village and stated that this was not something she recognised as happening. She advised that at the moment she had no trouble travelling up and down Darleith Road. She said that Mr Divertie's version of the village was not the one she lived in. She referred to third party land and said that recent information received from the National Trust was that they had not been party to any discussion regarding the release or purchase of land. She said that she could not see how the Committee could move forward and accept a proposal with gaping holes in it. She stressed that there was a need for informed choice. She advised that she was pleased to hear what the Chair had said about the 5m carriageway with 1m verge on either side. She advised that she did not know who had decided it was okay to change the parameters without further consultation.

Rachel Humphreys said it was laughable to suggest that optical illusions would solve the problem of speeding traffic. She advised that residents knew how wide the road was. She referred to the flow of traffic coming in and going out of Cardross and the backup of traffic turning right off the main road. She said that 5 parking spaces directly across from 22 Darleith Road was insufficient for the needs of residents.

She said that the Plans did not take account of the current traffic behaviours of residents. She advised that at the top of the road toward Mill Road it was unsafe to park facing northwards. She advised that there was no problem at the moment with parking facing southwards. She said there was a need to stop parking directly on the corner as was the case just now. She raised concern that no environmental impact was carried out in respect of the cutting down of trees and parking.

Ian Fleming clarified what he had said about the junction at the Co-op. He advised that the point he had wanted to make was that the opening of the Co-op was legitimising the reopening of the access onto Barrs Road and that cars would use this access and that this needed to be stopped. He advised that at the moment Barrs Terrace was almost a no go area with cars parked on both sides of the road leaving a very small gap. He stated that you would certainly not be able to get a fire engine along this route.

David Weir advised that what he had heard today did not alleviate his concerns about Barrs Road as all the discussion had focussed on Darleith Road. He said that he had been told there was to have been no access from the site onto Barrs Road and now 20 dwellings were being permitted access. He advised that the only reason for this was because they can't get cars down Darleith Road. He advised that his concern was there were no visual lines travelling north or south on Barrs Road. He referred to parked cars and children running onto the road. He said it would not matter if there were speed restrictions as children would still come out between parked cars. He said trailers could not reverse and if they met a car coming down the road that also could not reverse then the road would be closed.

When asked, all parties confirmed that they had received a fair hearing.

DEBATE

Councillor Freeman said that scope for the Committee was limited as the principle of housing development on the site had already been established through the LDP. He advised that he was certainly not happy to approve as it stands and then leave it to Officers to finalise the details. He stated that he was happy to move the Officer's recommendation to approve provided there were a couple of additions. The first that the application must come back at the detailed stage to the Committee so that they can deal with all the issues raised today. Second he asked that a note be added regarding entering into discussions with Education about pedestrian access from the site to the school. He added that he hoped the developers had heard all the concerns raised today and hopefully these would be addressed at the detailed stage. He stressed again the importance of bringing back the AMSC application so that Members could have the final say.

Councillor Trail thanked the residents of Cardross for letting the Committee know of their views in a robust fashion. He advised that all the local Members and probably the Community Council will feel it is unfortunate that the Reporter chose the Kirkland farm site for development and not the other side of the road. He noted that the views expressed to the Committee were very firmly on roads access issues. He referred to boy racers in the area and said he thought the give and take system would help slow down the traffic but ideal it was not. He said he appreciated that the road widths on the majority of the road were not ideal. He advised that he took some comfort from Councillor Freeman's proposal that the Committee get to review the details when the further application comes forward.

Councillor McCuish said he agreed with the comments made by his colleagues. He stated that the wisdom of the Reporter amazed him sometimes. He stated that it was his opinion that this application had a long way to go and that the meeting today had been very helpful. He said that in his opinion the next stage was the most important and vital stage. He stated that it was imperative that the detailed stage came back to the Committee. He advised that all the Committee were being asked to do today was approve the development in principle and that the next stage was more important.

Councillor Taylor said that we were all of the same view that we have this consent and commitment to have housing on this site and that it was up to us to do the best we could for the community. He advised that like his colleagues he would like to have more say on the detail.

Councillor Kinniburgh said that the Reporter has come back with a decision that amazed him. He advised that when the LDP process was going through he did have concerns regarding access to the site and he confirmed that he still had concerns about access to the site. He added that he also had concerns about pedestrian access and pedestrian access to the school and he was not 100% sure how this could be achieved and that he would like further clarity on that.

Motion

To continue consideration of this application in order to obtain further information on pedestrian access to the school and to the east of the village from the development site.

Moved by Councillor David Kinniburgh, seconded by Councillor Richard Trail

Amendment

To agree to grant planning permission in principle subject to the conditions and reasons numbered 1, 2, 3a, 3b, 3d and 5 – 17 and advisory notes detailed in the report of handling; to conditions 3c and 4 and further advisory notes detailed in supplementary report number 2; to any detailed application in relation to this development being brought back to the PPSL Committee at the appropriate time; and to request Planning Officers to include within the advisory notes to the Applicant that pedestrian access from the site to the school should be investigated between the developers and the Education Department.

Moved by Councillor George Freeman, seconded by Councillor Robin Currie

The Amendment was carried by 6 votes to 3 and the Committee resolved accordingly.

DECISION

Subject to any detailed application in relation to this development being brought back to the PPSL Committee at the appropriate time, the Committee agreed to grant planning permission in principle subject to the following conditions and reasons and also subject to the advisory notes contained within the report of handling and supplementary report number 2 and to the addition of an advisory note that

pedestrian access from the site to the school should be investigated between the developers and the Education Department:-

1. Plans and particulars of the matters specified in conditions 2, 3, 6, 7, 8, 9, 11, 12, 13, 15, 16 and 17; below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the details contained within the approved plans and particulars.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. Pursuant to Condition 1 – no development shall commence in respect of any individual plot until plans and particulars of the site layout, design and external finishes of the development have been submitted to and approved by the Planning Authority. These details shall incorporate proposed finished ground floor levels relative to an identifiable fixed datum located outwith the application site. These levels shall be at least 0.3 metres to 0.6 metres above finished ground levels. Thereafter the development shall be implemented in accordance with the duly approved details which shall have regard to special needs access requirements established by policies SG LDP TRAN 3 and SG LDP HOU2.

Reason: To ensure that the development has a layout and design which is compatible with its surroundings and in accordance with Local Development Plan policy.

3. Pursuant to Condition 1 – no development shall commence until a scheme for the provision of affordable housing that is in accordance with the provisions of the Council's Development Plan Policy and Supplementary Guidance on Affordable Housing has been submitted to and approved in writing by the Planning Authority. The scheme shall:
 - a) Provide that a minimum of 25% of the approved dwellings are affordable homes;
 - b) Define those dwellings that are to be used as affordable homes;
 - c) Establish the timing of the provision of the affordable homes relative to the phasing of the development, which shall ensure that works on the last 25% of those approved dwellings that are not affordable homes are not commenced until the affordable homes have been completed for occupation;
 - d) Establish the arrangements to ensure the affordability of the affordable homes for both initial and subsequent occupiers.

The development shall be implemented and occupied thereafter in accordance with the duly approved scheme for affordable housing.

Reason: To accord with the provisions of the development plan in respect of affordable housing provision.

4. Unless otherwise agreed in writing by the planning authority in consultation with the Council's Road Network Manager no development shall commence unless and until the following road improvements to Darleith Road have been provided to the satisfaction of the Planning Authority in consultation with the Road Network Manager:

- (i) The provision of a suitable traffic calming scheme (give and take priority) between Barr's Terrace and Mill Road. This shall also include the provision of a minimum of 10 new off street car parking spaces, as shown on plan TIAVCAR2_SK003 C;
- (ii) Road improvement between Mill road and the proposed development site entrance as identified on plan TIAVCAR2_SK002 B;
- (iii) The provision of a passing place immediately to the north of the proposed development site entrance in order to accommodate large vehicles passing in opposite directions;
- (iv) The provision of street lighting to the north of the new access to the development, the exact location to be agreed in consultation with the Council's Road Network Manager;
- (v) the existing lighting between Mill Road and the existing 30 mph speed restriction limit shall be upgraded.

Reason: In the interests of road safety and to ensure a safe connection from the A814 to the site, suitable traffic calming measures, compensatory parking and a passing place for larger vehicles are required to be implemented before construction work commences on site.

5. Unless otherwise agreed in writing by the planning authority in consultation with the Council's Road Network Manager no dwelling house shall be occupied unless and until the existing 30 miles per hour (mph) speed restriction on Darleith Road has been extended and brought into effect to a location north of the Darleith Road site access, the exact location to be agreed in consultation with the Council's Road Network Manager.

Reason: In the interests of road safety.

6. Pursuant to condition 1 - no development shall be commenced until the following plans and particulars have been submitted to and approved by the Planning Authority in consultation with the Road Network Manager. Thereafter the schemes shall be carried out in accordance with the approved details. Such details shall incorporate:

- (i) On the A814 Main Road, Cardross, a scheme to enhance the gateway features in both directions at the entrances into Cardross village to be fully implemented in accordance with these details prior to occupation of the first dwelling house.
- (ii) On the A 814 Main Road, Cardross, within the village envelope a scheme to enhance traffic calming to be fully implemented in accordance with these details prior to occupation of the first dwelling house.

Reason: In the interests of road safety.

7. Pursuant to condition 1 – no development shall commence until full details of the internal road layout within the development have been submitted to and approved in writing by the planning authority. The development layout shall ensure that no more than 20 dwelling houses will be served from the east access. i.e. via Barr's Road. All other vehicular traffic will be required to access the development site from Darleith Road. The internal roads shall be constructed in accordance with the principles of Designing Streets.

Reason: In the interests of road safety and good place making.

8. Pursuant to Condition 1 - Car parking provision shall be provided in accordance with the Argyll and Bute Council supplementary guidance policy SG LDP TRAN 6. Parking provision shall be constructed and made available for use prior to the first occupation to the dwelling(s) to which it relates and shall be maintained thereafter for the parking of vehicles.

Reason: In the interests of road safety.

9. Pursuant to Condition 1 – no development or ground breaking works shall commence until an archaeological field evaluation has been undertaken and submitted to the Planning Authority for approval, the results of which shall inform as necessary the layout of the development to be submitted for the purposes of the Approval of Matters Subject to Conditions.

This archaeological field evaluation shall be prepared by a suitably qualified person and shall consist of a trial trenching programme of a distributed sample of 8% of the full application area. The West of Scotland Archaeology Service shall be notified at least 14 days in advance of the evaluation in order to facilitate monitoring of the work evidence of which to be submitted along with the archaeological field evaluation as part of the Approval of Matters Specified in Conditions submission. If archaeological remains on the site are confirmed proposals for their preservation shall also be included.

Reason: In order to protect archaeological resources.

10. For the avoidance of doubt the proposal hereby approved shall be served by public water and sewerage connections.

Reason: The proposal has been assessed on this basis and the introduction of private connections would represent a further material consideration in the determination of this planning application.

11. Pursuant to condition 1 – no development shall commence until the following details have been submitted to and approved in writing by the planning authority:
 - i) Details of the proposed cut-off ditch (or similar) to be located along the northern border of the site along with calculations demonstrating that this proposed mitigation measure will not exacerbate flooding elsewhere;

- ii) The existing flow pathway in the vicinity of the sewer line shall be maintained;
- iii) A detailed drainage assessment and layout;
- iv) Method Statement detailing surface water containment during construction.

Reason: In order to ensure appropriate mitigation for flood risk.

12. Pursuant to condition 1 – full details of the proposed SUDs shall be submitted to and approved in writing by the planning authority. Thereafter the development shall commence in accordance with these details. These details shall include:

- i) Full details of the proposed design and appearance of the SUDs facility to be designed in accordance with CIRIA C753;
- ii) Detailed design calculations for this facility;
- iii) Details of the proposed drainage of the SUDs facility;
- iv) Details of the proposed maintenance regime and maintenance responsibilities for the SUDs facility.
- v) Soil information to be provided if infiltration SUDs are proposed.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

13. Pursuant to Condition 1 – no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:

- i) Existing and proposed ground levels in relation to an identified fixed datum;
- ii) Existing landscaping features and vegetation to be retained;
- iii) Location design and materials of proposed walls, fences and gates. This shall include details of a secure boundary between the application site and the disused quarry on the south west corner of the site;
- iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.
- vi) The proposed landscape plan shall take account of the Design Recommendations (para 4.8) contained within the applicant's supporting Landscape Report dated June 2015 undertaken by Ann Nevett.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as

those originally required to be planted unless otherwise approved in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

14. No trees overhanging the site shall be lopped, topped or felled other than in accordance with the details provided to satisfy the requirements of condition 9 above.

Reason: In order to protect the trees overhanging the site in the interests of amenity.

15. Pursuant to Condition 1 – no development shall commence until details for the provision and maintenance of proposed areas of communal open space and equipped play area(s) within the development have been submitted to and approved by the Planning Authority. The details shall comprise:

- i) A plan showing the location and extent of communal open space and equipped play areas;
- ii) Provision to satisfy the minimum standards set out in the Development Plan; 6sqm of equipped play space and 12sqm of informal open space per dwelling unit;
- iii) Specification of play equipment to be installed, including surface treatments and any means of enclosure, designed in accordance with the provisions of BS5696 (Play Equipment Intended for Permanent Installation Outdoors);
- iv) Proposals for the timing of the implementation of the play area(s) in relation to the phasing of the development;
- v) A maintenance schedule for communal open spaces and equipped play areas in accordance with the provisions of BS5696 including details of on-going inspection, recording and procedures for detailing with defects.

The communal open space and equipped play area(s) shall be provided in accordance with the duly approved details and shall be retained and maintained to the specified standards thereafter.

Reason: In order to secure provision of communal open space and equipped play areas within the development in accordance with the minimum standards set out in the Development Plan.

16. Pursuant to Condition 1 – no development shall commence until details for the arrangements for the storage, separation and collection of waste from the site, including provision for the safe pick-up by refuse collection vehicles, have been submitted to and approved in writing by the Planning Authority. Thereafter the duly approved provision shall be implemented prior to the first occupation of the dwellings which it is intended to serve.

Reason: In order to ensure that satisfactory arrangements have been made for dealing with waste on the site in accordance with Policy SG LDP SERV 5 (b).

17. Pursuant to condition 1 – no development shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Planning Authority. The provisions of this plan shall be adhered to during the construction period unless any subsequent variation thereof is agreed in writing by the Planning Authority.

Reason: In order to ensure the minimisation of waste generated during construction in accordance with policy SG LDP SERV 5 (b).

(Report by Head of Planning and Regulatory Services dated 13 June 2016, supplementary report number 1 dated 16 August 2016 and supplementary report number 2 dated 17 January 2017, submitted)