

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 14 DECEMBER 2004

**04/1002/FL: ERECTION OF THREE HOUSES
AT LAND OFF IRVINE ROAD KILMAURS
BY ALEXANDER MORTON HOMES SCOTLAND LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to construct three detached houses in the site. The principal elevations of plots One and Two address the Irvine Road. The houses are single storey in nature with four bedrooms and a detached double garage. The houses will be finished in painted wet dash render with a buff Ennstone base course and grey Marley Edgemere roof tiles. Each dwellinghouse has private garden ground in excess of 150sqm.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in the report, the application is considered not to be in accordance with the terms of the Development Plans. Therefore it should be refused unless material consideration indicate otherwise.

3.2 As indicated in Section 6 of the report there are material considerations relevant to this application. It is considered that, while the proposal is development outwith the settlement boundary of Kilmaurs, suitably designed residential development on this isolated pocket of agricultural land, would be visually acceptable. It is considered that the design of the proposal is compliant with the requirements of the Design Guide for Houses in the Countryside and it provides for a suitable boundary treatment for the west of Kilmaurs. The site is effectively landlocked from the surrounding countryside by the approved access road and would be of reduced agricultural benefit as a consequence. Therefore, and as an exception to policy given the particular circumstances, the application should be approved.

James Lavery
Executive Director of Development Services

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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Report by Executive Director of Development Services

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Development Services Committee under the scheme of delegation as it is a significant departure from the Development Plan.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is a triangular area of level agricultural land, 0.36 hectares, which has been isolated from the adjacent agricultural land by the new access road to the adjacent housing development (04/0082/FL). The proposed development site is bounded to the north by the Irvine Road, to the south-west by the new access road and to the east by the boundary of the adjacent Alexander Morton Homes development which is currently under construction.

2.2 **Proposed Development:** It is proposed to construct three detached houses in the site. The principal elevations of plots One and Two address the Irvine Road. The houses are single storey in nature with four bedrooms and a detached double garage. The houses will be finished in painted wet dash render with a buff Ennstone base course and grey Marley Edgemere roof tiles. Each dwellinghouse has private garden ground in excess of 150sqm.

2.3 Due to sightline requirements of the adjacent road junction no fences, walls or planting shall be permitted over one metre in height in front of the building line(north) of plots One and Two. Vehicular access for plots One and Two will be by a shared access taken from the new access road for the adjacent Alexander Morton Homes site. Plot Three will front onto the access road and will take direct vehicular access from said road.

2.4 This application represents an amendment from an earlier application (04/0788/FL) which involved a total of four houses on the same site in a cul-de-sac formation with rear gardens facing onto Irvine Road. That application was

withdrawn after discussions with this Division and the current application was submitted.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Council's Roads and Transportation Division have no objection to the proposal as long as the verge of the Irvine Road abutting the site is provided with a drain to ensure that water runoff from the public road does not discharge into the adjacent gardens.

This aspect can be addressed by means of a condition if the Committee is of a mind to approve the application.

3.2 Scottish Water have advised that they have no objection to the application. The above comments were offered on the basis that there is no guarantee that a connection to the public sewer would be forthcoming.

Noted.

3.3 Kilmaurs Community Council have not replied to their consultation on this application.

Noted.

4. REPRESENTATIONS

4.1 No letters of objection have been received in relation to this application however the applicant has submitted a letter in support of the application it indicates that:

The application site is severed from the remainder of the farm and will no longer be capable of any practical agricultural use.

Due to the installation of the new road footpaths and lighting the site will lose its rural ambience.

The site would provide a natural extension of a residential development at Knockland hill.

The development will create a logical and defensible limit to Kilmaurs.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the

purposes of this application the Development Plan comprises the approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan 2003.

5.2 Policy G5 of the Approved Ayrshire Joint Structure Plan indicates that development proposals outwith settlements in the Rural Protection Area shall conform to the structure Plan only where the development :

A) has a demonstrated site specific locational need:

No supporting information has been provided to demonstrate that the proposal has a site specific need to be located outwith the settlement boundary.

B) Can be justified in terms of social and economic benefit to the community:

The new houses proposed cannot be justified in terms of social and economic benefit to the community.

C) contributes to rural land diversification :or

This proposal does not contribute to rural land diversification.

D) provides for the operational needs of agriculture and forestry.

The new houses are not required for the operational needs of agriculture or forestry.

Therefore as the proposal does not meet with the requirements of Policy G5 it fails to accord with the approved Ayrshire Joint Structure Plan.

5.3 With regard to the Adopted East Ayrshire Local Plan Policies RES 13, RES 17, RES 22 and ENV 7 are applicable. Policy RES 13 is supportive of new housing in the Rural Protection area only where it can be demonstrated that the houses are required on a permanent basis:

(i) For a full time agricultural or forestry worker employed directly on the land to which the proposed house relates;

The new houses are not required for the operational needs of agriculture or forestry.

(ii) or a worker employed by a rural enterprise or a tourism related activity and where the requirement for that worker to live on the site is essential to the economic operation of the activity concerned

The new houses are not for workers employed by a rural enterprise or a tourism related activity.

- (iii) as an essential and integral part of an authorised proposal which necessitates the provision of on-site staff accommodation; or

The new houses are not for the provision of on-site staff accommodation.

- (iv) as an enabling development for the conversion of a large rural residential or institutional property, as detailed in Policy RES8.

The new houses are not related to the conversion of a large rural residential or institutional property.

5.4 Subsection (iv) of Policy RES 17 indicates that residential development in the countryside would not be permitted where the development would constitute an inappropriate extension of development into the countryside from existing settlement boundaries.

The proposed development represents an extension of development into the countryside from the existing settlement boundary of Kilmaurs. However the proposed development is located within a pocket of agricultural land which has been isolated from the countryside by the new access road serving the adjacent housing development. In this respect the extension of housing into the countryside is not considered inappropriate due to its close relationship with the existing settlement boundary and the enclosing nature of the access route to the adjacent residential site.

5.5 Policy RES 22 of the Adopted East Ayrshire Local Plan indicates that minimum private open spaces as set out in Schedule 4 of the Local Plan should be adhered to.

The proposed layout of the development would provide suitably designed private garden ground well in excess of the 100sqm required by Schedule 4 of the Adopted East Ayrshire Local Plan.

5.6 Policy ENV7 of the Adopted East Ayrshire Local Plan indicates that all developers shall be required to comply with the requirements of the Council's design Guidance.

The house type within this proposal is compliant with the requirements of the design guidance for new residential development in the Countryside

In conclusion, the proposal does not comply with the Adopted East Ayrshire Local Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The material considerations relevant to the determination of this application are the consultation responses, the letter of support, site history and the impact on the amenity of the area.

6.2 The consultation responses and the submitted letter of representation from the applicant have been assessed and add weight to a favourable recommendation.

6.3 Site History: Planning application 04/0788/FL for the erection of four dwellings was withdrawn 14/10/04 following discussions with the Development Promotion section. The proposal being assessed in this report is the revised submission of that scheme.

Planning Consent 04/0082/FL was approved on 26/04/04 for the erection of nine houses on the site to the east of this development at Knocklandhill. In order to provide safe vehicular access to the site a new access road was formed at a suitable point from the Irvine Road to the west of the site outwith the settlement of Kilmaurs. Said new access road forms the southern boundary of this proposed development.

Planning Consent 03/0308/FL was approved on 13/6/03 for the erection of 5 houses at Knocklandhill. In order to provide safe vehicular access to the site a new access road was formed at a suitable point from the Irvine Road to the west of the site outwith the settlement of Kilmaurs. Said new access road forms the southern boundary of this proposed development.

6.4 The aspect of amenity of the area has been assessed and while it is noted that the proposal is development outwith the settlement boundary of Kilmaurs it is considered that the use for residential purposes of this pocket of land, which is isolated from the adjacent agricultural land by the access road of the adjacent residential development, would be acceptable. With regard to the design of the proposal it is considered that the single storey housing which is compliant with the requirements of the Design Guide for Houses in the Countryside provides a suitable boundary treatment for the west of Kilmaurs.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As indicated in the report, the application is considered not to be in accordance with the terms of the Development Plans. Therefore it should be refused unless material consideration indicate otherwise.

8.2 As indicated in Section 6 of the report there are material considerations relevant to this application. It is considered that, while the proposal is development outwith the settlement boundary of Kilmaurs, suitably designed residential development on this isolated pocket of agricultural land, would be visually acceptable. It is considered that the design of the proposal is compliant with the requirements of the Design Guide for Houses in the Countryside and it provides for a suitable boundary treatment for the west of Kilmaurs. The site is effectively landlocked from the surrounding countryside by the approved access road and would be of reduced agricultural benefit as a consequence. Therefore, and as an exception to policy given the particular circumstances, the application should be approved.

9. RECOMMENDATION

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

James Lavery
Executive Director of Development Services

26 November 2004 (CSI/SA/IMB)
FV-DVM

LIST OF BACKGROUND PAPERS

1. Application form and Plans.
2. Statutory Notices/Certificates.
3. Consultations.

4. Representation.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. East Ayrshire Council Application Ref. Nos: 03/0308/FL, 04/0082/FL and 04/0788/FL

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

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/1002/FL

Site of Proposal: Land off Irvine Road
Kilmaurs
KILMARNOCK KA3 2NU

Nature of Proposal: Proposed Construction of 3 Houses

Name & Address of Applicant: Alexander Morton Homes Scotland Ltd
High Langmuir Farm
Kilmaurs
KILMARNOCK KA3 2PG

Name & Address of Agent:

DPOs Reference: CSI/SA

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

1. The proposed development shall be carried out in accordance with the application form and site plans received on 8 October 2004.

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

2. A boundary wall along the south west boundary of Plot 1 shall be provided prior to the occupation of the dwellinghouses on site. Details of said wall shall be submitted to, and approved by, the Council as Planning Authority prior to the commencement of works on site. The wall shall be designed in materials to compliment its location adjacent to the countryside and shall be of a height consistent with maintaining sightlines to the front of the house on plot 1 and providing a secluded private garden area to the rear of that house.

REASON In the interests of visual and residential amenity and road safety.

3. Notwithstanding the plans hereby approved, samples of the external surface materials to be used on the dwellings' walls and for the shared access/driveways shall be submitted to and agreed in writing by the Council as Planning Authority prior to the commencement of development on site.

REASON In the interests of visual amenity.

4. Construction works on site shall not take place prior to 08:00 hours and after 17:00 hours on Mondays to Fridays, outwith 08:00 to 13:00 on Saturdays, and not at any time on Sundays.

REASON To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interests of residential amenity.

5. Notwithstanding the approved plans a drain shall be provide in the road verge abutting the site and Irvine Road . Details of said drain shall be submitted to and approved by the Planning Authority prior to the commencement of the development and said approved drain shall be installed prior to the occupation of the dwellinghouses.

REASON To ensure that the water run off from the road does not discharge into the gardens of the dwellinghouses.

6. Notwithstanding the approved plans the visibility splay of 2.5m by 90m shall be maintained at the adjacent road junction with the Irvine Road Kilmaurs. No obstruction to visibility greater than 1metre in height shall be permitted within these areas.

REASON In the interest of road safety

7. Notwithstanding the submitted plans, details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site. These details shall include confirmation of the locations and height of fencing to be provided to provide secluded, private garden space to the rear of plots 2 and 3.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual and residential amenity.

NOTES TO APPLICANT:

1. Prior to the commencement of development on the site, the applicant should satisfy himself as to the suitability of the site for construction purposes.

2 The applicant should make early contact with Scottish Water at their Office at 35 Glenburn Road, Prestwick, KA9 2NS, Tel 0845 601 8855; in order to confirm the arrangements for the disposal of foul sewerage.

3. The applicant will require to secure the necessary Roads Construction Consent, details of which should be discussed with the Roads and Transportation Division of East Ayrshire Council.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**