

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 09 MARCH 2005

**04/0628/OL: PROPOSED DEVELOPMENT OF LAND FOR RESIDENTIAL
PURPOSES AT LAND AT CEMETERY ROAD, PATNA**

APPLICATION BY MR G GUTHRIE

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is being sought to develop the site for residential purposes. The site plan shows an indicative site layout for four detached dwellinghouses. Access would be taken off Cemetery Road and it is proposed to make a connection to the public sewer for foul drainage and to install Sustainable Urban Drainage systems for surface water runoff.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As indicated in section 5 of the report, the application is not considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. However, as is indicated at Section 6 of the report, there are material considerations relevant to this application. In this regard it is considered that the planning history of the site and the urgent need for the Council to promote an extension to Patna Cemetery do indicate that in this particular instance a departure from the development plan may be justified.

3.2 Outline planning permission is being sought for the erection of four dwellinghouses in the countryside. The site is situated just outside the settlement of Patna in the Rural Diversification Area and no site specific locational need case has been submitted in justification of the proposed development. The applicant has however submitted a letter which makes a statement in support of the application and this does raise points which, although

material, are not considered to carry significant weight in the determination of the application.

3.3 The points raised in support of the application can be summarised as:

- there is a dominance of public sector housing in the village;
- the proposed development is well placed to contribute to addressing the dual purposes of providing housing choice and fulfilling local demand for private housing and the development of this site would serve to meet such demand;
- the proposed residential properties will relate well to, and naturally integrate with, those which already exist on Cemetery Road and Fullerton Place and hence the development will have no negative environmental impact on the area; and
- the development will both maintain and improve the integrity, vitality and viability of the settlement and its rural setting and that by consolidating or expanding the population of Patna by satisfying the recognised demand in the area for housing of this type, economic benefits will accrue for the community and East Ayrshire as a whole.

3.4 On 24 March 2004 the Community Services Committee approved an extension to Patna Cemetery under the Capital Programme. A Notice of Intention to Develop for the cemetery extension has now been submitted by the Council's Community Services and this is currently under consideration. The requirement to extend the cemetery is imminent and if approved it is understood that development will commence at an early date. In carrying out this extension to the cemetery the application site would emerge as an isolated parcel which will serve no particular purpose. Albeit it is currently in the countryside, the application site would become a gap site whose development for residential purposes is considered reasonable given that it is in an area which is predominantly residential at the edge of the settlement. Should the cemetery extension not obtain planning consent, the application site would still be a natural extension to the edge of the settlement, given the planning history in the immediate surroundings. Its development for residential purposes would be acceptable in terms of its impact on services and infrastructure. Through the application of conditions it can be assured not to have a detrimental impact on the visual amenity of the area.

3.5 To conclude, the proposed development is contrary to the development plan. However, it is considered that the extension to the cemetery and the planning history do in this case justify departing from the policy regulating the erection of dwellinghouses in the countryside for the reasons stated in Para 8.4.

Alan Neish
Head of Planning, Development and Building Standards

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

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PURPOSES AT LAND AT CEMETERY ROAD, PATNA

APPLICATION BY MR G GUTHRIE

Report by Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an outline planning application which is to be considered by the Development Services Committee under the scheme of delegation, due to it being recommended for approval as a significant departure from the development plan.

2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises an area of grassland extending to approximately 0.1 hectares. Located on the north side of the settlement of Patna the site is rectangular in shape and situated at the foot of Patna Hill. Patna Cemetery lies immediately northeast of the site and Cemetery Road runs along the east side of the field in which the site is located. Fullerton Place runs to the south with Patna Hill rising behind the site to the north and west.

2.2 The site plan as submitted illustrates a proposed cemetery extension however this does not form part of the proposal currently under consideration. Two storey local authority housing lies on the far side of Fullerton Place diagonally opposite the site and a detached modern bungalow is on the opposite side of Cemetery Road, adjacent to a site which has recently received full planning permission for the erection of a detached bungalow (Ref: 03/0934/FL).

2.3 **Proposed Development:** Outline planning permission is being sought to develop the site for residential purposes. The site plan shows an indicative site layout for four detached dwellinghouses. Access would be taken off Cemetery Road and it is proposed to make a connection to the public sewer for foul drainage and to install Sustainable Urban Drainage systems for surface water runoff.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objections subject to the following conditions:

- (i) the existing public road must be widened by the applicant to 5.5m along the frontage of the plots with a 2m wide kerbed footway incorporating street lighting and drainage;
- (ii) each private access must be via a dropped kerb access crossing surfaced for a minimum distance of 2m from the rear of the footway to avoid overcarry of loose material onto the road;
- (iii) any gates must only be able to open inwards away from the public road;
- (iv) internal off road car parking must be provided for each plot dependant on the numbers of bedrooms as per the Roads Development Guide 1996;
- (v) no surface water must be allowed to discharge onto the public road from the plots;
- (vi) all plot boundary walls/fences must be no higher than 1m in height to ensure safe visibility at each access.

All of the above road safety requirements can be imposed as conditions on the consent should the Committee be minded to approve the application.

3.2 East Ayrshire Council's Department of Neighbourhood Services has no objections to the proposed development but has requested that any land held in the Neighbourhood Services Account, which may be damaged by the proposed development be reinstated to the satisfaction of the Outdoor Amenities Manager.

Noted.

3.3 East Ayrshire Council's Parks Department has been consulted but no response had been received at the time of writing this report.

Noted.

3.4 Scottish Water has advised that there is an existing public water main located in the street adjacent to the site which may be suitable to provide a supply and there is a public sewerage system to which a connection may be made from the proposed development. A totally separate drainage system of foul and surface water sewers will be required.

Noted.

3.5 The Scottish Environment Protection Agency has no objections in principle to the proposals provided the drainage arrangements are to their satisfaction. All foul drainage must be connected to the public sewerage system. SEPA seeks the introduction of a Sustainable Urban Drainage System for the disposal of surface water arising from the development.

A note can be attached to any consent granted for the proposed development to advise the applicant to make early contact with SEPA.

3.6 Power Systems has no objection to the proposed development.

Noted.

3.7 Transco has no objection to the proposed development.

Noted.

3.8 Patna Community Council has been consulted but no response had been received at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 The planning application has not attracted any third party letters of representation.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 Policy ADS3 states that new residential, commercial, cultural, educational and community development shall be directed to, and located within, settlements as defined in local plans.

The application site lies outwith the settlement boundary of Patna as defined in the adopted local plan and the proposal does not therefore comply with Policy ADS3.

5.3 Policy G6 of the structure plan states that outside settlements development proposals shall conform to the structure plan where the development:

- A comprises an acceptable form of residential use as defined by the local plan;
- B provides for sensitive industrial, business, recreational or tourism development with a demonstrated site specific locational need;
- C can be justified in terms of social and economic benefit to the community;
- D contributes to rural land diversification;
- E provides for the operational needs of agriculture and forestry

The proposed development is to develop a site located outwith the settlement in the Rural Diversification Area. No justification pertaining to the above criteria has been submitted and therefore the proposed development is contrary to the terms of this policy.

East Ayrshire Local Plan

5.4 Policy RES2 states that, with the exception of dwellings covered by Policies RES13 and 14 below, proposals to extend the greenfield supply of land for residential development outwith, but adjacent to, the settlement boundaries will not be acceptable unless five stated criteria are fully satisfied, these being:

- (i) there is a demonstrated shortfall in the supply of effective housing land within the East Ayrshire Housing Market Area;

No shortfall in the supply of effective housing land within the East Ayrshire Housing Market Area has been demonstrated by the applicant.

- (ii) the site can be demonstrated to be effective and contribute to output during the shortfall period;

No such demonstration has been made by the applicant.

- (iii) the proposal meets the terms of the Housing Development Strategy of the Local Plan;

The proposal is not considered to meet the terms of the Housing Development Strategy of the Local Plan.

- (iv) road access and all other services and infrastructure can be provided to the standards required by the relevant public and statutory service providers; and

The proposed development has been found to be acceptable in road safety terms and Scottish Water has advised there is adequate water and drainage provision to serve the proposed development.

- (v) the proposal accords with the Council's policies with regard to design and layout and has minimal impact on the visual and natural environment.

It is not considered that the development would have any adverse impact on the visual and natural environment. The indicative layout for the proposed development submitted as part of the application would appear to be acceptable.

5.5 Policy RES14 states that the Council will be supportive of small scale residential developments within the identified Rural Diversification Area where:

- (i) the houses are required on a permanent basis for the categories of development detailed in Policy RES13 above;

No justification pertaining to an economic need case has been submitted to demonstrate that the houses are required on a permanent basis for the categories stated in Policy RES13.

- (ii) the proposed development would constitute a limited addition to an existing, clearly defined group of four or more houses not delineated by a formal settlement boundary;

The proposed dwellings would not constitute a limited addition to an existing clearly defined group of four or more houses.

- (iii) the proposed development constitutes very low density housing development, forming part of an integrated group of properties with a dual residential and workplace function supporting the rural economy as detailed in Policy RES18 below.

The proposed dwellinghouses do not have a dual residential and workplace function supporting the rural economy.

The proposed development is therefore contrary to the provisions of Policy RES14.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and planning history of the site.

Consultations Responses

6.2 None of the consultation responses received have raised any issues which would indicate the application should be refused.

Planning History

6.3 The application site itself has not previously been the subject of a planning application. However, the applicant has previously applied for outline consent (Ref: 02/0778/OL) on a site immediately adjacent to the application site and beside the Patna War Memorial. This application was withdrawn when the applicant submitted an amended site plan that was significantly different from the original submission. No subsequent application was ever received.

6.4 A Notice of Intention to Develop application has been lodged by the Department of Neighbourhood Services in respect of a proposed extension to Patna Cemetery. This application has emerged as a result of a pressing requirement to extend Patna Cemetery. Agreement to funding in relation to the cemetery extension was gained following the decision of the Community Services Committee on 24 March 2004. The proposed layout of the cemetery extension and its configuration will produce the parcel of land that is the subject of the present application for a residential development.

6.5 As mentioned in Paragraph 2.2 there is an extant permission (Ref No. 03/0934/FL) for a single storey detached dwellinghouse across the road from the site and situated between an existing dwellinghouse and the new cemetery. In the absence of a justification, this application was recommended for refusal and was subsequently approved by the Development Services Committee on 1 April 2004 as a departure from the Development Plan.

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 section 5 of the report, the application is not considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. However, as is indicated at Section 6 of the report, there are material considerations relevant to this application. In this regard it is considered that the planning history of the site and the urgent need for the Council to promote an

extension to Patna Cemetery do indicate that in this particular instance a departure from the development plan may be justified.

8.2 Outline planning permission is being sought for the erection of four dwellinghouses in the countryside. The site is situated just outside the settlement of Patna in the Rural Diversification Area and no site specific locational need case has been submitted in justification of the proposed development. The applicant has however submitted a letter which makes a statement in support of the application and this does raise points which, although material, are not considered to carry significant weight in the determination of the application.

8.3 The points raised in support of the application can be summarised as:

- there is a dominance of public sector housing in the village;
- the proposed development is well placed to contribute to addressing the dual purposes of providing housing choice and fulfilling local demand for private housing and the development of this site would serve to meet such demand;
- the proposed residential properties will relate well to, and naturally integrate with, those which already exist on Cemetery Road and Fullerton Place and hence the development will have no negative environmental impact on the area; and
- the development will both maintain and improve the integrity, vitality and viability of the settlement and its rural settling and that by consolidating or expanding the population of Patna by satisfying the recognised demand in the area for housing of this type, economic benefits will accrue for the community and East Ayrshire as a whole.

8.4 On 24 March 2004 the Community Services Committee approved an extension to Patna Cemetery under the Capital Programme. A Notice of Intention to Develop for the cemetery extension has now been submitted by the Council's Community Services and this is currently under consideration. The requirement to extend the cemetery is imminent and if approved it is understood that development will commence at an early date. In carrying out this extension to the cemetery the application site would emerge as an isolated parcel which will serve no particular purpose. Albeit it is currently in the countryside, the application site would become a gap site whose development for residential purposes is considered reasonable given that it is in an area which is predominantly residential at the edge of the settlement. Should the cemetery extension not obtain planning consent, the application site would still be a natural extension to the edge of the settlement, given the planning history in the immediate surroundings. Its development for residential purposes would be acceptable in terms of its impact on services and infrastructure. Through the application of conditions it can be assured not to have a detrimental impact on the visual amenity of the area.

8.5 To conclude, the proposed development is contrary to the development plan. However, it is considered that the extension to the cemetery and the planning history do in this case justify departing from the policy regulating the erection of dwellinghouses in the countryside for the reasons stated in Para 8.4.

9. RECOMMENDATION

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

Alan Neish
Head of Planning, Development and Building Standards

21 February 2005
NM/NM/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Adopted East Ayrshire Local Plan (2003).
5. Approved Ayrshire Joint Structure Plan (1999).
6. Application 05/0096/LA
7. Application 02/0778/OL
8. Report by the Director of Community Services: capital Programme 2004/2005 dated 02 March 2004.

Anyone wishing to inspect the above background papers should contact Nicola Monroe on 01563 555485.

Implementation Officer: Alan Neish

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 04/0628/OL

Location	Land at Cemetery Road PATNA KA6 7LF
Nature of Proposal:	Proposed development of land for residential purposes
Name and Address of Applicant:	Mr G Guthrie Castle Gardens PATNA KA6 7LD
Name and Address of Agent	Lawrence McPherson Associates The Atrium 6 New Road AYR KA8 8EX

DPO's Ref: Nicola Monroe
PPO's Ref: Hugh Melvin

The above **OUTLINE** application should be approved subject to the following conditions:

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

REASON – The approval is in outline only.

2. Prior to the commencement of development the existing public road must be widened by the applicant to 5.5m along the frontage of the plots with a 2m wide kerbed footway incorporating street lighting and drainage to the satisfaction of the Planning Authority in consultation with the Roads Authority.

REASON – In the interests of road safety.

3. Each private access shall be taken via a dropped kerb access crossing surfaced for a minimum distance of 2m from the rear of the footway to avoid overcarry of loose material onto the public road.

REASON – To ensure a secure road surface in the interests of road safety.

4. Any gates shall open inwards away from the public road.

REASON – To avoid obstruction on the public highway in the interests of pedestrian and road safety.

5. Internal off road car parking shall be provided for each plot dependent on the numbers of bedrooms as per the Roads Development Guide 1996.

REASON – To ensure sufficient off road parking in the interests of road safety.

6. No surface water must be allowed to discharge onto the public road from the plots.

REASON – To ensure a secure road surface in the interests of road safety.

7. The details to be submitted further to Condition 1 above shall allow for the development to comprise solely of dwellings being one or one and a half storeys in height.

REASON – In the interests of visual amenity and to be consistent with adjacent properties off Cemetery Road.

NOTES TO APPLICANT

1. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.
2. The developer should make early contact with the Scottish Environment Protection Agency and Scottish Water to confirm their request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.
3. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.

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