

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE – 4 MAY 2004

DECISION OF THE CENTRAL LOCAL PLANNING COMMITTEE HELD ON 2 APRIL 2004 RELATING TO PLANNING APPLICATION NO 03/0975/FL: PROPOSED ERECTION OF SIX DWELLINGHOUSES AT KILMAURS ROAD, KNOCKENTIBER BY G & S HOMES

Report by the Depute Chief Executive/Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform the Committee of the decision of the Central Local Planning Committee held on 2 April 2004 regarding the above planning application.

2. BACKGROUND

- 2.1 The Central Local Planning Committee on 2 April 2004 considered a report dated 25 February 2004 (attached as an Appendix) by the Head of Planning and Building Control and agreed that this application be referred to the Development Services Committee with a recommendation for approval on the grounds that although the site is outwith the settlement boundary, it should be viewed as a natural infill site and given its proximity to the settlement boundary the proposed development is an acceptable departure from the adopted East Ayrshire Local Plan.
- 2.2 Although 7 objections have been submitted in respect of this application, they were not present or represented at the meeting of the Central Local Planning Committee held on 2 April 2004, and, accordingly, no Hearing took place. There is, therefore, no requirement for a Hearing at the meeting of the Development Services Committee.

3. FINANCIAL/LEGAL IMPLICATIONS – NIL.

4. POLICY IMPLICATIONS

- 4.1 The Committee are referred to the report dated 25 February 2004 by the Head of Planning and Building Control, attached as an Appendix to this report.

5. RECOMMENDATIONS

- 5.1 It is recommended that the Committee consider the planning application with reference to the Head of Planning and Building Control's report dated 25 February 2004 and with consideration to the recommendation by the Central Local Planning Committee as detailed in paragraph 2.1 above.

Fiona Lees
Depute Chief Executive/
Executive Director of Corporate Support

6 April 2004

CB/LM

LIST OF BACKGROUND PAPERS – NIL

Any person wishing further information on this report should contact Bill Walkinshaw, Administration manager on telephone number (01563) 576135.

Implementation Officer: Christine Baillie, Administrative Officer.

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 5 MARCH 2004

**03/0975/FL: PROPOSED ERECTION OF 6 DWELLING HOUSES
AT KILMAURS ROAD, KNOCKENTIBER
BY G & S HOMES**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the erection of 6 dwelling houses consisting of 3 different house types. Three of the proposed dwellings are located in the south and west of the site (Plots 17, 18 & 20) and consist of detached 6 apartment L-shaped bungalows finished in red or buff mix facing brick, white render and grey concrete roof tiles. Two of the bungalows located to the western boundary have a conservatory located to the rear of the property and a detached garage. Plot 19, located to the eastern boundary of the site, consists of a detached 5 apartment bungalow finished in a buff mix facing brick, white render and grey concrete roof tiles. The remaining plots (Plots 7 & 8) are located to the eastern boundary of the application site and consists of two 4 apartment, 2 storey semi-detached dwellings finished in buff mix facing brick, white render and grey concrete roof tiles. Access to the development would be from the existing access on Kilmaurs Road through the adjacent residential development.

2. RECOMMENDATION

2.1 It is recommended the application be refused for the reasons indicated on the attached sheet.

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report, the application is considered to be contrary to the Development Plan and therefore, given the terms of Sections 25 and 37(2) of the Town and country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise.

3.2 As indicated in Section 6 of the report there are material considerations relevant to this application. The consultation responses received have no adverse comments to make regarding the proposed development, with the exception of Scottish Water's objection which could be dealt with by attaching a suitably worded condition to any grant of planning consent. The proposed development conflicts with the policies of the EALP . The majority of the

development involves the erection of houses outwith the settlement boundary of Knockentiber. Although the applicant has provided a justification, it is not considered acceptable in terms of the criteria of Policy RES 13 nor does it have sufficient weight to require an exception to policy given the availability of other sites in Knockentiber.

3.3 In this regard it is considered that the proposed development cannot be justified as a departure from the Development Plan.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control the application will require to be referred to the Development Services Committee because there would be a significant breach of policy.

Alan Neish
Head of Planning and Building Control

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.

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 5 MARCH 2004

**03/0975/FL: PROPOSED ERECTION OF 6 DWELLING HOUSES
AT KILMAURS ROAD, KNOCKENTIBER
BY G & S HOMES**

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as it is contrary to East Ayrshire Local Plan and recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is agricultural land measuring approximately 0.24 hectares in size situated to the north of the settlement of Knockentiber. The site is bounded by Kilmaurs Road to the west, agricultural land to the east, the existing G&S Homes housing development to the north and by a single storey dwelling house to the south. Mature hedging to the boundary with Kilmaurs Road currently screens the site.

2.2 **Proposed Development:** Full planning consent is sought for the erection of 6 dwelling houses consisting of 3 different house types. Three of the proposed dwellings are located in the south and west of the site (Plots 17, 18 & 20) and consist of detached 6 apartment L-shaped bungalows finished in red or buff mix facing brick, white render and grey concrete roof tiles. Two of the bungalows located to the western boundary have a conservatory located to the rear of the property and a detached garage. Plot 19, located to the eastern boundary of the site, consists of a detached 5 apartment bungalow finished in a buff mix facing brick, white render and grey concrete roof tiles. The remaining plots (Plots 7 & 8) are located to the eastern boundary of the application site and consists of two 4 apartment, 2 storey semi-detached dwellings finished in buff mix facing brick, white render and grey concrete roof tiles. Access to the development would be from the existing access on Kilmaurs Road through the adjacent residential development.

2.3 The applicant has submitted a supporting statement for the application which makes the following main points:

1) The unique configuration and size of the site in relation to the existing settlement boundary and existing developments renders the site to have the

character of a gap or in-fill site rather than a major greenfield release site. The site is bounded to the north and south by existing residential properties and the development as proposed would represent a natural infilling between these properties. The proposals in the current application would achieve a sustainable pattern of development along the frontage to Kilmaurs Road which would naturally integrate with the existing residential nature of the area.

2) Development in this way would also represent cost effectiveness in terms of the provision of services and infrastructure. A study relating to drainage capacity at the Kilmaurs Road site by Atkins Water states that the existing system has sufficient available capacity for up to a further 24 houses without the need for upgrading of existing infrastructure or further investment. This means that further development at the G&S Homes site at Kilmaurs Road compares favourably with site 170H as identified in the East Ayrshire Local Plan, where it is understood that further major investment in drainage infrastructure is required.

3) It can be shown that there is an established demand for the proposed houses. The developer can provide evidence to back up this claim in the form of lists of actual and potential buyers for the houses. The vast majority of individuals who have expressed interest in this way are currently resident in East Ayrshire. This is significant in that, as these individuals have indicated, they wish to move up in the housing market. The people concerned are strongly interested in purchasing a home at this location and in some cases have already done so in principal. The loss of such residents if they could not be accommodated could further contribute to loss of population within the local plan area.

4) The economic benefits to the area can be categorised in 2 ways;

i) There are immediate economic benefits to the area and East Ayrshire as a whole in terms of the continued employment opportunities offered by the development of Phase 3 as proposed. Currently the developer, G&S Homes employ around 30 people on site, in construction and related jobs.

All of these employees live in East Ayrshire within a 12 kilometre radius of the site and would be retained for work associated with Phase 3. In this way it should be recognised that these jobs will be safeguarded, an important factor for East Ayrshire in this transient, highly mobile industry sector. Should the development fail to proceed, these jobs would be put at risk, as would the investment of G&S Homes in the area. This could lead to the loss of employment and skills in East Ayrshire and could jeopardise the future of an established business and significant employer.

ii) In the longer term expanding the population of Knockentiber by realising the obvious demand by local residents to relocate to the settlement, will bring further economic benefits. In growing the indigenous population of the village, support for local service provision will be enhanced thereby providing a more stable base for future investment.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Knockentiber Community Council have not responded to their consultation letter at the time of writing this report.

Noted.

3.2 The Coal Authority, East Ayrshire Council Outdoor Amenities Division, East Ayrshire Council Roads & Transportation Division and Transco have no adverse comments to make regarding the proposed development, indicating that conditions attached to any consent could address specific issues.

Noted.

3.3 East Ayrshire Council's Environmental Health Division have no objection subject to the works being carried out without causing any nuisance to existing nearby householders. They recommend conditions are attached to any consent restricting noisy operations to dayshift working and prohibiting nuisance from burning, etc. Certain contaminated land issues were raised with the developer regarding the adjacent residential development on the former scrap yard. These issues have been substantially resolved with the removal of contaminated materials from parts of the site.

Conditions can be attached to any grant of planning consent to meet the requirements of Environmental Health.

3.4 Scottish Environment Protection Agency have no objection in principle and recommend that a risk assessment is undertaken as the previous use of the site as a scrap yard may have resulted in land contamination. They have also recommended that surface water from the site is treated in accordance with Sustainable Urban Drainage System procedures.

Environmental Health have indicated that the contaminated land issues have been substantially resolved on site. Conditions and notes can be attached to any grant of planning consent with regard to land contamination and SUDS to meet the requirements of SEPA.

3.5 Scottish Water has objected to this application due to cost of providing infrastructure to serve the development, deemed as being out with Scottish Water's 'reasonable cost' obligations in terms of the Sewerage (Scotland) Act 1968. Scottish Water would remove its objection if the applicant:-

(i) Bears the cost of the increase in capacity of Scottish Water's existing infrastructure to accommodate their development; and/or

(ii) Promotes a scheme that does not compromise the quality and quantity of discharge from the existing sewerage system and which is in terms satisfactory to Scottish Water.

A negative suspensive condition could be attached to any grant of planning consent to ensure that no work commences on site until the infrastructure has been upgraded to the satisfaction of Scottish Water.

4. REPRESENTATIONS

There are 7 objectors to the proposed development (including one from Scottish Water which is detailed in Section 3.5 of the report). Their grounds of objection are as follows:-

4.1 The Environmental Health Department are investigating the current noise levels at the site and they have received complaints regarding fires being lit on site. At present the objectors have to listen to a noisy generator which runs through the night.

East Ayrshire Council Environmental Health Division has made no adverse comments regarding the proposed development. A condition could be attached to any grant of planning consent to restrict the hours of construction.

4.2 There has been an increase in the crime rate with several houses being broken into, while the police have been called to the site due to a theft and arson.

This is not a material planning consideration and is a matter to be addressed by Strathclyde Police.

4.3 The objector has noticed in the Kilmarnock Standard that a planning application was sought for the erection of a garage and conservatory at one of the plots on the existing site. This has already been built!

Noted. These comments relate to the adjacent housing site and are not relevant to the present application under consideration.

4.4 They are concerned about the established tree line that faces their property.

A condition could be attached to any grant of planning consent to ensure that the existing tree line is retained along the southern boundary of the site.

4.5 Knockentiber is a small community and is growing out of all proportion to its amenities, for instance the road is getting much busier.

The proposed development has been assessed against the policies of the East Ayrshire Local Plan in Section 5 of the report. The Council Roads and Transportation Division has made no adverse comments with regard to the proposed development in terms of road safety.

4.6 They bought a house in a semi-rural location with no surrounding properties, if the builder buys the land surrounding their property this will affect the re-sale value of their property.

The impact of the development on the value of adjacent residential properties is not a material planning consideration relevant in the determination of this application.

4.7 A bungalow is to be built right beside their boundary and they will lose all privacy.

The site is proposed to be screened by a 1.8 metre high close boarded fence that would prevent any over looking issues that could arise between the proposed new development and 34 Kilmaurs Road.

4.8 There will soon be no green belt left in Ayrshire due to the amount of new building in the area.

The proposed development has been assessed against the policies of East Ayrshire Local Plan in Section 5 of the report.

4.9 Will the existing drains be able to cope with the new development or are they to be updated? They have already noticed a substantial drop in water pressure since the existing development was built and worry about the affect any new buildings may cause.

Scottish Water have objected to the proposed development. A suitably worded condition attached to any grant of planning consent could however ensure that no works commence on site until the water and sewerage infrastructure has been upgraded to the satisfaction of Scottish Water.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

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

purpose of this application the development plan comprises the Adopted East Ayrshire Local Plan (EALP) and the Approved Ayrshire Joint Structure Plan.

Approved Ayrshire Joint Structure Plan

5.2 In terms of the Approved Ayrshire Structure Plan, Policy G5 is relevant and the criteria of this policy are very similar to Policy SD3 of the EALP with regard to site specific locational need, social and economic benefit to the community, rural land diversification and the operational needs of the agricultural and forestry sector requiring to be addressed. Policy G5 states that development proposals outwith settlements in the Rural Protection Areas shall conform to the structure plan only where the development meets specific criteria.

The assessment of the proposal against the criteria raised by the above policy is addressed in Section 5.3 of the report.

Adopted East Ayrshire Local Plan

5.3 Policies SD3, RES2, RES 13 are considered to be relevant to the proposed development. The north eastern part of the application site is within the settlement boundary and involves an increase in the number of housing units and change in house types from the consent approved on 5 November 2002.

With regard to the remaining part of the development, Policy SD3 is relevant and states that development proposals relating to land located outwith settlement boundaries will be acceptable only where the development:-

- (i) comprises an acceptable form of residential use as detailed in Policy RES 13 of the Local Plan; or
- (ii) can be fully justified in terms of site specific locational need; or
- (iii) can be fully justified in terms of social and economic benefit to the community; or
- (iv) contributes to rural land diversification; or
- (v) provides for the operational needs of agriculture or forestry.

The proposed development is contrary to the above policy as it is not considered to be an acceptable form of residential use in terms of Policy RES 13 and cannot be fully justified in terms of site specific locational need or social and economic benefit. The proposal does not provide for the operational needs of agriculture or forestry and does not contribute to rural land diversification.

5.4 Policy RES 2 is relevant to this proposal and states that, with the exception of dwellings covered by Policies RES 13, 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, the first of these being:

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

The Reporter did not indicate that there was any shortfall in the supply of effective housing land in his report on the East Ayrshire Local Plan Public Local Inquiry. The proposal therefore does not meet with the provisions of policy RES 2.

5.5 Policy RES 13 applies to that part of the development lying outwith the settlement boundary of Knockentiber and is supportive of residential development of houses 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;

(ii) for 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;

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

(iv) as an enabling development for the conversion of a large rural residential or institutional property.

The policy also states that development for which a site specific locational need cannot be demonstrated to the satisfaction of the Council will not receive Council support.

The applicant has submitted a supporting statement justifying an extension to the settlement boundary of Knockentiber to include the application site. They have indicated that the unique configuration and size of the site in relation to the existing settlement boundary and existing development renders the site to have the character of a gap or infill site rather than a major greenfield release site. The site is bounded to the north and south by existing residential properties and the proposal

development would represent a natural infilling between these properties. The proposals would achieve a sustainable pattern of development along the frontage of Kilmaurs Road which would naturally integrate with the existing residential nature of the area. Development would represent cost effectiveness in terms of the provision of services and infrastructure.

Whilst the applicant has provided a justification for the proposed development it cannot be accommodated within the criteria of Policy RES 13 and is not of sufficient weight to justify an exception to the above policy. The proposed development is therefore contrary to Policy RES 13.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation replies which are detailed in Section 3, the letters of objection received, detailed in Section 4 of the report and the planning history of the site.

6.2 Consultation Responses and Representations Received

It is not considered that any aspects of the consultation replies indicate that the application should be refused. With regard to the concerns of the objector; these have not been echoed by the consultees or alternatively can be addressed by attaching conditions to any grant of planning consent.

6.3 Planning History

00/0135/OL: Proposed Residential Development (Outline) approved with conditions 13 October 2002.

02/0743/RM: Proposed Housing Development, approved with conditions 05 November 2002.

This reserved matter application involved the erection of 16 houses. The present application includes the eastern part of the reserved matters application site where a turning head and two semi detached dwellinghouses were proposed. The present application involves the erection of 2 semi-detached dwellinghouses and one semi-detached dwellinghouse in this part of the site.

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 at Section 5 of the report, the application is considered to be contrary to the Development Plan and therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise.

8.2 As indicated in Section 6 of the report there are material considerations relevant to this application. The consultees have no adverse comments to make regarding the proposed development, with the exception of Scottish Water's objection which could be dealt with by attaching a suitably worded condition to any grant of planning consent. The proposed development conflicts with the policies of the EALP . The majority of the development involves the erection of houses outwith the settlement boundary of Knockentiber. Although the applicant has provided a justification, this is not considered acceptable in terms of the criteria of Policy RES 13 nor does it have sufficient weight to require an exception to policy given the availability of other sites in Knockentiber.

8.3 In this regard it is considered that the proposed development cannot be justified as a departure from the Development Plan.

9. RECOMMENDATION

9.1 It is recommended the application be refused for the reasons indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control the application will require to be referred to the Development Services Committee because there would be a significant breach of policy.

Alan Neish
Head of Planning and Building Control

25 February 2004 (BD/SA)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application from and plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letters of Representation.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. Planning Application Nos: 00/0135.FL; 02/0216/RM; 02/0743/FL;
03/0936/FL

Any person wishing to inspect the above papers please contact Barry Douglas on (01563 576770).

Implementation Officer: Dave Morris

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0975/FL

Location:	Kilmaurs Road, Knockentiber
Nature of Proposal:	Proposed Erection of 6 Dwelling houses
Name & Address of Applicant:	G & S Homes 63 Montgomerie Street Tabolton Ayr KA5 5QP
Name & Address of Agent:	Lawrence McPherson Associates The Atrium 6 New Road Ayr KA8 8EX

DOP's Ref: BD/SA

The above FULL application should be refused on the following grounds:-

1. The proposed development would constitute the erection of new dwellings in the countryside without agricultural support or a demonstrated shortfall in the supply of the effective housing land in the East Ayrshire Housing Market and would therefore not be in accordance with Policies SD3, RES 2 and RES 13 of the Adopted East Ayrshire Local Plan.
2. The proposed development would constitute the erection of new dwellings in the countryside which cannot be justified in terms of Policy G5 of the Approved Ayrshire Joint Structure Plan.

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