

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 11 AUGUST 2006**

**06/0485/OL: ERECTION OF FOUR DWELLINGS  
AT FIELD TO THE EAST OF HAYHILL HOUSE, HAYHILL  
BY ALBA PROPERTY SERVICES**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Outline planning permission is sought for the erection of 4 detached dwellings on the site. Details have been submitted with respect to the proposed dwellings however these are considered to be indicative at this outline stage.

**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 section 5 of the report, the application in principle is 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 approved unless material considerations indicate otherwise. As is indicated in Section 6 of the report there are material considerations relevant to this application.

3.2 The outline planning application under consideration is for a residential development of four dwellings on a site within the Rural Diversification Area. The consultation responses received would indicate that approval of this application would be appropriate.

3.3 The application has been the subject of a number of letters of representation from local residents of Hayhill making reference to issues regarding loss of view and disturbance during the construction process. It is considered that such issues have been adequately addressed in section 4 of the report and are not of sufficient weight to merit refusal of the application.

3.4 The proposal at this stage is largely compliant with the principles of Policy RES14 of the East Ayrshire Local Plan and is not regarded as a linear expansion of Hayhill. As this application is only in outline a further reserved matters application will require to be submitted prior to the commencement of development works. At this later stage the specific design, scale, layout and use of materials can be examined to ensure the proposal is in keeping with its semi rural surroundings.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee as it would not be classed as a significant departure from the East Ayrshire Local Plan.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

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

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**Report by Head of Planning, Development and Building Standards**

### **1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation, as the proposal is subject to objections.

### **2. APPLICATION DETAILS**

2.1 **Site Description:** The application site lies on vacant ground to the south of the existing row of dwellings at Hayhill. To the north the site is bounded by a hawthorn hedge running the full length of the site providing a screen from the adjacent public road (C83). A strip of grass approximately 2 metres wide lies between the C83 public road and the northern hedgerow in which a bus shelter is located approximately at the centre of the site frontage. To the east the site bounds with agricultural land with a narrow mature tree belt providing a boundary. Further trees and shrubbery continue along the southern boundary of the application site providing a natural boundary with the adjacent agricultural ground. During the site inspection it was noted that a static caravan presently occupies an area of ground along the western boundary with the adjacent smallholding. However it would appear that no persons are occupying the caravan.

2.2 The site extends to an approximate area of 5400 metres<sup>2</sup> comprising of largely level ground, with the exception of the land to the south of the site which falls towards the rear boundary, with the remaining ground consisting of undeveloped level agricultural ground.

2.3 **Proposed Development:** Outline planning permission is sought for the erection of 4 detached dwellings on the site. Details have been submitted with respect to the proposed dwellings however these are considered to be indicative at this outline stage.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Drongan Community Council has not responded to the consultation letter at the time of writing this report

***Noted.***

3.2 East Ayrshire Council's Roads and Transportation Division has no objections to the proposed development subject to the following road safety requirements being met:

- (i) The visibility splay areas of 2.5m by 120m will require to be formed and maintained at each of the new access points with no obstruction to visibility greater than 1 metre in height being allowed within these areas.
- (ii) The access to the site shall be taken via a twinned tarred standard access crossing to East Ayrshire Roads standards.
- (iii) The private driveways shall require to be paved for a minimum distance of 2 metres from the rear of the new footway to avoid the overcarry of loose material onto the public road.
- (iv) An internal car turning area shall be formed within each site to allow vehicles to enter and leave the site in forward gear
- (v) Parking requirements shall be to the Roads Development Guide 1996 including visitor parking.
- (vi) A 2.5m wide by 12m long servicing layby shall be formed by the applicant adjacent to the public road.
- (vii) A 2m wide public footpath shall require to be constructed along the frontage of the site. The formation of the new footway shall not reduce the overall width of the C783.
- (viii) The existing bus shelter shall require to be moved back into the application site area to accommodate the frontage footway and layby.
- (ix) Two new road gullies will require to be provided and tied into the existing drainage system.
- (x) The traffic calming village gateways will require to be renewed and improved with details to be agreed with the Roads Department.

***Conditions can be attached to any consent granted for the development to meet the requirements of the Roads and Transportation Division.***

3.3 Scottish Water has no objections in principle to the proposed development however advise that a separate application should be made to Scottish Water Planning and Development Services team for permission to connect to the public waste water system and water network at the appropriate time. In addition a totally separate drainage system will be required for surface water discharging to a suitable outlet. Scottish Water supports the principal of a sustainable urban drainage system (SUDS) and this should be considered in the surface water drainage design.

***Noted.***

3.4 Transco has no adverse comments to make on this application.

***Noted.***

3.5 Power Systems has no adverse comments to make on this application.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 Four letters of representations have been received objecting to the proposed development, the main points of which are summarised below:

4.2 I have stayed in Hayhill all of my life and I am putting in a strong objection towards the development for these four dwellings being built straight across the road from where I live. I have stayed here in Hayhill for the peace and quiet and having the countryside straight out my door, which I capture in my day to day life of being an elderly resident. My view and peace and quiet is going to be disturbed and interrupted for the period of time that this is going to take for a development that is unnecessary.

***The residential development of the application site will undoubtedly have some form of short term disruption to the immediate surroundings in terms of construction traffic and associated building noise. However this is largely accepted as unavoidable with this type of development. A condition can be attached to any consent granted limiting the construction hours in order to ensure the protection of residential amenity. Furthermore, with respects to the loss of view, this is not considered as a valid planning issue.***

4.3 There is also the reality that during the course of this building operation there will be constant disruption to all of the neighbours, dust, constant noise of machinery, filthy muddy roads and also getting awakened early in the morning by diggers and other machinery starting up and other building traffic obstructing the road.

***As noted above in the comments provided in section 4.2 of the report, during the construction period there will be a level of disturbance to the immediate neighbouring properties. However a condition can be attached to any consent granted to control the hours of construction in order to protect the nearby residential amenity.***

4.4 I feel very strongly that having four unnecessary dwellings being built in a small field is ridiculous for the amount of disruption and mess going to be made and interrupt my view and peace and quiet not only for the period of time it takes for these unprepossessing dwellings to be developed but for the rest of my life time staying here looking out my window at four houses that are unnecessary.

***Reference is made to the unnecessary development of the proposed site, however as noted in section 5.4 of the report the proposed development is in compliance with the principles of policy RES14 allowing an expansion to an existing undefined grouping of four or more dwellings within the Rural Diversification Area of up to 50%, with a maximum of four new dwellings. As the proposal is in compliance with this policy the principle of four new dwellings at this location is therefore acceptable.***

4.5 I also have a pet dog that is a young dog and she is very fearful and flighty. I feel that having loud noises and heavy vehicles going by our gate will cause my dog to panic which may cause her to bolt while outside playing as she is not used to having noisy surroundings.

***Whilst undertaking a site visit it was noted that a number of vehicles some of which are large frequently pass by the existing dwellings of Hayhill, some of these being a mix of agricultural machinery and local buses. The objectors' point regarding the effect on their pet dog during the construction period is not a consideration of such materiality as to merit refusal of the application.***

4.6 Most of the residents here in Hayhill are elderly like myself or retired and stay here for the country life and I fell this plan will totally disrupt everyone's day to day life.

***It is accepted that any new development at this rural location will alter the outlook and built form of the small settlement of Hayhill.***

***Whilst outlook is not a material planning consideration, an appropriately designed development could be secured at detailed application stage which respected the character of the area.***

## **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 (1999) and the Adopted East Ayrshire Local Plan (2003).

### Ayrshire Joint Structure Plan

5.2 Policy G6 states that development proposals outwith settlements in the Rural Diversification Areas shall conform to the structure plan where the development:

A comprises an acceptable form of residential development as defined by the local plan;

***It is considered that, in principle, subject to a satisfactory design for the houses being submitted, the proposal does comprise an acceptable form of residential development as defined by the local plan therefore the proposal meets with A above.***

B provides for sensitive industrial, business, recreational or tourism development with a demonstrated site specific locational need;

***N/A***

C can be justified in terms of social and economic benefit to the community;

***Such a residential development would have limited social and economic benefit to the community.***

D contributes to rural land diversification: or

***The proposed residential development would not contribute to rural land diversification.***

E provides for the operational needs of agriculture and forestry.

***The houses will not provide for the operational needs of agriculture and forestry.***

East Ayrshire Local Plan

5.3 The application site lies within the Rural Diversification Area (RDA) but the grouping of houses to be expanded lies just outwith the RDA in the Rural Protection Area. Given that the application site itself is within the RDA, policy RES 14 is being used to assess the proposal.

Policy RES14 is supportive of small scale residential developments within the identified Rural Diversification Area, in one of three stated circumstances. One of those circumstances is pertinent to the application, this being where:

(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, subject to a set of stated criteria being met, as follows;

- any proposed expansion of such a housing group being limited to 50% of the total number of dwellings existing in that grouping as of 1 January 1999, up to a maximum of 4 new housing units, subject to the provision of Policies RES15 and 17 below;

***The proposed expansion meets with the above requirements.***

- any development requiring to be appropriate in terms of design to the particular location in which it is proposed

***The application is in outline but a site layout and elevations of the proposed houses have been submitted. It is considered that their indicative details are completely out of character with surrounding houses and the rural area in general. For this reason the application fails to meet with the above requirement.***

- any development requiring to be sensitive to the design and layout of the existing settlement or group of buildings; and

***The proposed two storey, modern design is not sensitive to the design of the existing settlement of Hayhill.***

- any development requiring to meet the standards required by all relevant public and statutory service providers.

***Consultees have no objections in principle to the application.***

This section of the policy also particularly encourages the sensitive infilling of any available gap sites consolidating existing dwellings within the group in preference to any linear expansion of the grouping of houses concerned.

***It is considered that the proposed development could be considered as a consolidation of existing dwellings as the site is located across from existing dwellings adjacent to an existing house. There would be no linear expansion of Hayhill.***

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representations, the statement of support and the Ayrshire Joint Structure Plan Finalised Version (New).

### Consultations Responses

6.2 The consultation responses received would indicate that approval of the application would be appropriate.

### Representations

6.3 The four third party representations received show concern with respect to the issues resulting from the erection of four dwellings, most of these in conjunction with concern about loss of views and the adverse issues resulting from the construction process at this location. However, these issues have been sufficiently addressed in Section 4 of the report and therefore it is considered that they are not of sufficient weight to merit refusal of the application.

### Ayrshire Joint Structure Plan Finalised Version

#### 6.4 COMM 5 - Housing in the Countryside

Throughout the rural areas there shall be a general presumption in favour of housing development within existing communities, the reuse and redevelopment of redundant buildings for housing, the development of infill sites within existing housing groups and clusters and the development of housing to meet the operational requirements of agriculture and other rural businesses.

The three Councils shall identify in local plans or supplementary planning guidance policies where various types of residential development in the countryside would be considered acceptable, and establish criteria against which single or small scale residential development in the countryside can be assessed.

***It is considered that the proposed houses would constitute the development of housing within existing housing groups and that the proposal therefore complies with policy COMM 5.***

## **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 in principle is 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 approved unless material considerations indicate otherwise. As is indicated in Section 6 of the report there are material considerations relevant to this application.

8.2 The outline planning application under consideration is for a residential development of four dwellings on a site within the Rural Diversification Area. The consultation responses received would indicate that approval of this application would be appropriate.

8.3 The application has been the subject of a number of letters of representation from local residents of Hayhill making reference to issues regarding loss of view and disturbance during the construction process. It is considered that such issues have been adequately addressed in section 4 of the report and are not of sufficient weight to merit refusal of the application.

8.4 The proposal at this stage is largely compliant with the principles of Policy RES14 of the East Ayrshire Local Plan and is not regarded as a linear expansion of Hayhill. As this application is only in outline a further reserved matters application will require to be submitted prior to the commencement of development works. At this later stage the specific design, scale, layout and use of materials can be examined to ensure the proposal is in keeping with its semi rural surroundings.

## **9. RECOMMENDATION**

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

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee as it would not be classed as a significant departure from the East Ayrshire Local Plan.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

03 August 2006  
(RG/MMM)

FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).
7. Justification report prepared by Bell Ingram.

Anyone wishing to inspect the above background papers should contact Robin Ghosh on 01563 555483.

***Implementation Officer: Dave Morris***

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 06/0485/OL

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Location	FIELD TO THE EAST OF HAYHILL HOUSE
Nature of Proposal:	ERECTION OF FOUR DWELLINGS
Name and Address of Applicant:	ALBA PROPERTY SERVICES 32A CROUCH STREET COLCHESTER ESSEX
Name and Address of Agent	BELL INGRAM DESIGN DURN ISLA ROAD PERTH PH2 7HF

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DPO's Ref: RG/MMM  
PPO's Ref; Hugh Melvin

The above OUTLINE application should be granted subject to the following conditions.

1. The further approval of the Planning Authority shall be obtained in respect of the under mentioned matters hereby reserved. The development of the site shall not commence until all these reserved matters have been approved:

- (a) the overall site layout/internal layout of the house plots;
- (b) the size, height, design and external appearance of the proposed dwellinghouses;
- (c) the means of drainage and sewage disposal including the provision of a SUD system and details of any service diversions consequent on the development of the site;
- (d) details of the access arrangements;
- (e) the provision for car parking and turning within the site;
- (f) the boundary walls/fences to be erected;
- (g) the provision of private open space to East Ayrshire Council's standards;
- (h) existing and finished site levels/floor levels.

REASON The approval is in outline only.

2. Notwithstanding the submitted plans, layout and elevational details shown in drawing nos. 1761 L(PL)001 and 1761 L(PL)002 are indicative only and are therefore not approved.

REASON The approval is in outline only.

3. Notwithstanding the provisions of condition 1 (b) the size of the proposed dwellinghouses shall not exceed 1.5 storeys in height and shall be of a suitable rural design.

REASON In the interests of the rural visual amenity.

4. Notwithstanding the provisions of condition 1 (a) and 1 (b) above, any future development of the site shall be in accordance with the Council's Design Guidance requirements for new residential development in the countryside and the Scottish Executive's Planning Advice Note 15.

REASON In the interests of the rural visual amenity.

5. Notwithstanding the provisions of Condition 1(d) above visibility splay areas of 2.5m by 120m will require to be formed and maintained at each of the new access points with no obstruction to visibility greater than 1 metre in height being allowed within these areas.

REASON To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.

6. Notwithstanding the provisions of Condition 1(d) above the access to the site shall be taken via a twinned tarred standard access crossing to East Ayrshire Roads standards.

REASON In the interests of road safety.

7. Notwithstanding the provisions of condition 1(d) above the private driveways shall require to be paved for a minimum distance of 2 metres from the rear of the new footway to avoid the overcarry of loose material onto the public road.

REASON: In the interests of road safety.

8. Notwithstanding the provisions of Condition 1(e) above an internal car turning area shall be formed within each site to allow vehicles to enter and leave the site in forward gear.

REASON In the interests of road safety.

9. Notwithstanding the provisions of Condition 1(e) above Parking requirements shall be to the Roads Development Guide 1996 including visitor parking.

REASON In the interests of road safety.

10. Notwithstanding the provisions of Condition 1(e) above a 2.5m wide by 12m long servicing layby shall be formed by the applicant adjacent to the public road.

REASON In the interests of road safety.

11. Notwithstanding the submitted plans a 2m wide public footpath shall require to be constructed along the frontage of the site.

REASON In the interests of road safety.

12. Notwithstanding the submitted plans the existing bus shelter shall require to be moved back into the application site area to accommodate the frontage footway and layby.

REASON In the interests of road safety.

13. Notwithstanding the submitted plans two new road gullies shall require to be provided and tied into the existing drainage system.

REASON In the interests of road safety.

14. Construction works and associated deliveries on site shall not be carried out prior to 0800 hours and after 1700 hours Mondays to 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 interest of residential amenity.

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