

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 26 MARCH 2004

**04/0136/OL: PROPOSED ERECTION OF NEW RESIDENTIAL DWELLINGS
AT BURNTON ROAD, DALRYMPLE**

APPLICATION BY HOPE HOMES SCOTLAND

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is being sought for the development of the site for residential purposes. The site plan as submitted illustrates a phased development over a period of four years, starting with the southern end of the field. An area of parkland in the northern tip of the site would accommodate a Sustainable Urban Drainage system.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reasons listed 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. As is indicated at Section 6 of the report, there are material considerations relevant to this application and it is considered that these indicate the application should be refused.

3.2 The application under consideration is for the residential development of a site which lies outwith the current settlement envelope. The site is within the Rural Protection Area and no justification has been cited for the development in this rural area. Nor has the developer demonstrated there is a shortfall in the housing land supply for the area.

3.3 In the absence of any locational need case there is no justification for the proposed development which would represent a significant departure from the development plan. The recommendation must therefore be one of refusal.

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 it would be a significant departure from the development plan.

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.

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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 because the proposed development is contrary to policy and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises an area of agricultural land extending to 8.4 hectares immediately east of the settlement of Dalrymple. It is situated between the B7034 road to Hollybush on the south and the B742 road to the north. A triangular parcel of land on the opposite side of the B742 also forms part of the application site. Residential properties lie immediately west of the site and a native hedgerow forms the eastern boundary beyond which lies agricultural land.

2.2 The site is undulating in nature and has no significant features other than Meadowpark Farm which is located in the northeast corner of the large field.

2.3 **Proposed Development:** Outline planning permission is being sought for the development of the site for residential purposes. The site plan as submitted illustrates a phased development over a period of four years, starting with the southern end of the field. An area of parkland in the northern tip of the site would accommodate a Sustainable Urban Drainage system.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Ayrshire Joint Structure Plan Team has advised that the development lies outwith the settlement boundary which has recently been recognised within the local plan. Outwith settlement, proposals for development shall only conform

with the Structure Plan where they meet the criteria set out in Policy G5. This proposal does not meet these criteria and accordingly the proposal is not consistent with the Structure Plan policy.

Noted. The policy implications of the proposals are set out in Section 5 of this report.

3.2 East Ayrshire Roads and Transportation Division has deferred making a recommendation on the proposed development. They have advised that a development of this scale would require a Traffic Impact Assessment.

It is recommended that if the Committee are minded to approve the application, then their consideration of the application should be deferred until such TIA is submitted and assessed.

3.3 Scottish Water has objected to the proposed development for the reason that the cost of providing infrastructure to serve the development is outwith Scottish Water's "reasonable cost" obligation.

Should the Committee agree to grant approval of the application this is a matter which may be addressed by condition and at the detailed matters stage.

3.4 Transco has advised that there is a main which is likely to require to be diverted and this should be done prior to any works commencing on site.

A plan showing the relevant apparatus has been submitted and this shall be passed to the developer if the Committee agree to approve the application. In any case Transco state that they will correspond with the developer regarding this.

3.5 Power Systems has no objection to the proposed development.

Noted.

3.6 The Coal Authority has no objection and no adverse comments to make regarding the proposed development.

Noted.

3.7 Dalrymple Community Council has advised that they are against this development. There are other sites in the boundary of Dalrymple which have been identified for development and should be developed first.

Noted.

3.8 The Scottish Environment Protection Agency has been consulted but no response had been received at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 This planning application has attracted two third party letters of representation. The following objections have been raised:

4.2 The writer has an unspoilt view from their lounge window and they wish to know if this will be affected.

The view from a property is not a material planning consideration and therefore has no weight in the determination of the application.

4.3 The proposed SUD system is in a field which already floods badly in wet weather and can the drainage cope with increased surface water from this development. Is there a likelihood of smells from this system.

The application is for outline consent only and should the submitted site plan be approved, the proposed SUD system would require the further approval of SEPA which would be addressed at the detailed matters stage.

4.4 Increased density of traffic in surrounding areas affecting already poor quality roads and an increase in traffic noise in our immediate area.

If the Committee agree to approve the planning application this will require to be the subject of further consultation with the Council's Roads and Transportation Division. This will enable an assessment of the impact of the proposed development on the existing road network so that the appropriate mitigation measures may be installed in the interests of road safety.

4.5 Can local water supply and sewerage system cope with this development without affecting present water services?

Should planning permission be granted for the development the developer would require to investigate the water supply and this would be addressed through the building control process and between the developer and Scottish Water.

4.6 Has the village got the facilities to cope with added population increase?

At present the site is outwith the settlement envelope. If during any future review of the Local Plan, the Council are minded to include it in the future housing land supply, then the capacity of the schools and other services and facilities would form part of the assessment of the suitability of the site prior to it being finally identified for such purposes.

4.7 The proposed development is planned for outside the existing settlement boundary as set out in the finalised local plan.

The application site is in the Rural Protection Area outwith the settlement envelope. This is contrary to the development plan and of significant materiality in the consideration of the application. This is discussed in section 5 of this report.

4.8 The areas marked as housing developments in the local plan have not all been taken up and therefore this ground shall be used before any new areas are designated.

Until such time as a shortfall in the effective housing land supply has been identified there would be no reasoned justification for releasing additional sites such as the one under consideration for residential purposes.

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 G5 states that development proposals outwith settlements in the Rural Protection Areas shall conform to the structure plan only where the development:

- A has demonstrated site specific locational need;
- B can be justified in terms of social and economic benefit to the community;
- C contributes to rural land diversification; or

D provides for the operational needs of agricultural and forestry.

The proposal cannot be justified against any of the above criteria and is therefore contrary to Policy G5.

5.3 Policy L5 states that proposals to extend the green field supply of land for residential development shall require to meet three criteria. Such proposals will require to:

(i) demonstrate clear evidence of shortfall in the effective land supply in the relevant Housing Market Area;

At the Public Local Inquiry into the East Ayrshire Local Plan, the Reporter concluded that there was adequate housing land within the East Ayrshire Housing Market Area in the plan period (2000-2007).

(ii) demonstrate effectiveness and output contribution during the shortfall period; and

The applicant has not submitted any evidence to suggest a shortfall in housing land supply.

(iii) be fully justified against the criteria identified in policies G1 to G8.

The proposal cannot be justified against Policy G5.

The proposal is contrary to Policies G5 and L5 of the Ayrshire Joint Structure Plan.

East Ayrshire Local Plan

5.4 Policy RES2 states that, with the exception of dwellings covered by Policies RES13 and 14, proposals to extend the greenfield supply of land for residential development outwith, but adjacent to, the settlement boundaries will not be acceptable unless all 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;

As stated previously, the Reporter at the East Ayrshire Local Plan Public Local Inquiry held in December-February 2001/02 concluded that there was an adequate supply of housing land within the plan period of 2000-2007.

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

The applicant has not submitted any evidence to suggest a shortfall in housing land supply.

- (iii) the proposal meets 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
- (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.

Given that there is no current shortfall in the supply of effective housing land within the East Ayrshire Housing Market Area and that the applicant has not submitted a justification to prove the contrary, the proposal does not comply with Policy RES22.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and third party letters of representation.

Consultation Responses

6.2 None of the consultation responses have raised any issues which would indicate that the application should be refused although a number of issues would require to be resolved.

Representations

6.3 The letters of objection have raised some material planning considerations regarding the site's location outwith the settlement envelope and indicate that the application should not be approved for this reason.

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. As is indicated at Section 6 of the report, there are material considerations relevant to this application and it is considered that these indicate the application should be refused.

8.2 The application under consideration is for the residential development of a site which lies outwith the current settlement envelope. The site is within the Rural Protection Area and no justification has been cited for the development in this rural area. Nor has the developer demonstrated there is a shortfall in the housing land supply for the area.

8.3 In the absence of any locational need case there is no justification for the proposed development which would represent a significant departure from the development plan. The recommendation must therefore be one of refusal.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons listed 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 it would be a significant departure from the development plan.

Alan Neish
Head of Planning and Building Control

12 March 2004
NM/NM
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).

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

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 04/0136/OL

Location	Burnton Road DALRYMPLE KA6 6AW
Nature of Proposal:	Proposed erection of new residential dwellings
Name and Address of Applicant:	Hope Homes Scotland Watson Terrace DRONGAN KA6 7AB
Name and Address of Agent	As Above

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

The above **OUTLINE** application should be refused for the following reasons:-

1. The proposal is to develop a site outwith the settlement envelope for residential purposes. No justification has been provided which would comply with Policy G5 of the Ayrshire Joint Structure Plan, the provisions of which state that development proposals outwith settlements in the Rural Protection Area shall conform to the structure plan only where the development meets one of the criteria as set out in the terms of the policy. These criteria have not been satisfied.
2. In proposing to develop this land outwith the settlement envelope for residential purposes the developer has not demonstrated that the land is required to meet a shortfall in the housing land supply for the Housing Market Area. This is therefore contrary to Policy L5 of the Ayrshire Joint Structure Plan and Policy RES2 of the East Ayrshire Local Plan. The provisions of both of these policies state that proposals to extend the Greenfield supply of land for residential purposes shall require to meet certain criteria as set out in the terms of the aforementioned policies. The proposal does not meet any of the said criteria and therefore does not comply with either of these policies.

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