

# **EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 20 MAY 2005**

**04/0708/FL: PROPOSED RESIDENTIAL DEVELOPMENT FOR PRIVATE DWELLINGS AT LANGDALE PARK, KNOWE VIEW, OCHILTREE**

**APPLICATION BY HOPE HOMES SCOTLAND LIMITED**

## **EXECUTIVE SUMMARY SHEET**

### **1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought to develop the site for residential purposes with the erection of 31 dwellinghouses, construction of residential road and provision of public open spaces. The proposed dwellings comprise the following types and numbers:

- (i) 2 Iona (3 bedroom semi detached villa)
- (ii) 2 Belston (2 bedroom semi-detached villa)
- (iii) 6 Eaglesham (4 bedroom detached villa)
- (iv) 4 Fisherton (3 bedroom detached villa)
- (v) 2 Gretton (3 bedroom detached bungalow)
- (vi) 4 Kirkdale (3 bedroom detached villa)
- (vii) 2 Lynmouth (4 bedroom detached villa)
- (viii) 4 Mapleton (4 bedroom detached villa)
- (ix) 2 Palmerston (4 bedroom detached villa)
- (x) 1 Sandford (3 bedroom detached bungalow)
- (xi) 2 Quarrywood (3 bedroom detached bungalow).

1.2 The proposed development would essentially be developed as a further phase of development to the north of existing phases at Knowe View with the dwellings being set out around a residential loop road. Open space is provided both centrally and on the northern and western boundaries of the development site. The proposed dwellings are of the same style, design and finish as existing dwellings within the Langdale Park residential development. The layout of the site also provides for a sustainable urban drainage system and for tree and shrub planting within open space areas.

### **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 would also indicate the application should be refused.

3.2 Although located to the north of the existing residential development at Knowe View, the site is located just outside the settlement boundary of Ochiltree, within the Rural Protection Area and therefore must be considered as an extension to the settlement. The developer has been requested for additional information to demonstrate a shortfall in the effective housing land supply however this has not yet been forthcoming. It is considered at this time that there is no shortfall within the East Ayrshire housing market area and hence there is no justification for extending the greenfield supply of housing land.

3.3 The objection as stated by Scottish Water regarding the drainage of the site is a matter that would require to be fully resolved by the developer before any development could commence on site, should the Committee be minded to approve the application. Drainage is not a matter which would justify refusal of the application on these grounds alone.

3.4 The site proposed for development is on a greenfield site outwith the settlement envelope for which no justification has been submitted. The proposal is therefore contrary to the development plan and the developer has not demonstrated any shortfall, nor demonstrated a case that would justify 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, Development and Building Standards, the application will require to be referred to the Development Services Committee because it would represent a significant departure from the development 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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### 04/0708/FL: PROPOSED RESIDENTIAL DEVELOPMENT FOR PRIVATE DWELLINGS AT LANGDALE PARK, KNOWE VIEW, OCHILTREE

#### APPLICATION BY HOPE HOMES SCOTLAND LIMITED

#### 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 Local Planning Committee under the scheme of delegation, as the proposed development is contrary to policy, is the subject of objections and is recommended for refusal.

## 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located to the north of the existing private residential development site at Knowe View in Ochiltree. The site extends to approximately 1.8 hectares and is presently agricultural land in pastoral use.

2.2 The site is bounded to the south by the existing residential development at Knowe View, to the east by existing Local Authority housing at Douglas Brown Avenue, and to the north and west by open agricultural land. In terms of topography, the site gently rises in a south-east to north-west direction.

2.3 **Proposed Development:** Full planning permission is sought to develop the site for residential purposes with the erection of 31 dwellinghouses, construction of residential road and provision of public open spaces. The proposed dwellings comprise the following types and numbers:

- (i) 2 Iona (3 bedroom semi detached villa)
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2.4 The proposed development would essentially be developed as a further phase of development to the north of existing phases at Knowe View with the dwellings being set out around a residential loop road. Open space is provided both centrally and on the northern and western boundaries of the development site. The proposed dwellings are of the same style, design and finish as existing dwellings within the Langdale Park residential development. The layout of the site also provides for a sustainable urban drainage system and for tree and shrub planting within open space areas.

### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 East Ayrshire Council Roads and Transportation Division has no objections to the proposed development subject to conditions. The site will require to be served by internal roads that comply with the Roads Development Guide 1996 and will require construction consent from East Ayrshire Roads Department. This consent would cover details such as road widths, footways, road construction, street lighting, drainage, traffic calming etc. and must be in place prior to commencing roadworks on site. The layout currently submitted may require minor amendments to geometry, off road parking and access locations. A road bond must be submitted by the developer prior to commencing house building work on site. Junction visibility splay areas of 2.5 metres by 35 metres will be required at all internal road junctions with no object greater than 1 metre in height allowed within these areas. 15-metre forward visibility is required at speed bends. No surface water must be allowed to discharge from driveways onto existing or proposed public roads. Parking requirements must be to Roads Development Guide 1996 (3 internal spaces for each 4 bedroom house and 2 internal spaces for each 3 bedroom house). The visitor parking shown on the submitted plans is acceptable. Any garages must be set back a minimum distance of 6 metres from the rear of the footway. Private driveways will require to be paved for a minimum distance of 2 metres from the rear of the footway or service strip to avoid overcarry of loose material onto the public road. Driveway manoeuvrability should be provided for off-road parking.

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

3.2 Scottish Water has objected to the application whereby the proposed development drains to the public sewerage system. This is due to the cost of providing infrastructure to serve the development being outwith their “reasonable cost” obligation.

***The developer would require to resolve this issue with Scottish Water prior to any development commencing on site should the Committee be minded to approve the application.***

3.3 The Scottish Environment Protection Agency has no objections in principle to the proposals provided that the drainage arrangements are to its satisfaction. All foul drainage from the development must be connected to the public sewerage system in accordance with Scottish Water requirements. The development must not entail the use of dual manholes for connections to the existing sewage system, either in the public sewers or within the curtilage of the development. SEPA would seek a condition requiring the applicant to obtain assurance from Scottish Water that the additional foul drainage arising from this development will not cause or contribute to premature operation of downstream consented storm sewer overflows. SEPA requests a condition requiring the applicant to install a surface water treatment system designed and constructed in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland. Soils in this area may not be suitable for infiltration systems and therefore surface treatment structures may be more appropriate. All waste materials generated by this development that require to be removed such as construction, demolition materials and surplus excavated material, must be removed from the site by licensed waste carriers. Waste must be removed to a site that has either an appropriate waste management licence or is registered with SEPA as exempt from licensing.

***Appropriate conditions and notes can be attached to any consent granted for the proposed development to meet the requirements of SEPA.***

3.4 Power Systems has no objection to the proposed development.

***Noted.***

3.5 Transco has no adverse comments to make on the proposed development.

***Noted.***

3.6 National Air Traffic Services has no safeguarding objection to the proposed development and had no adverse comments to make.

***Noted.***

3.7 Ochiltree Community Council has objected to the proposed development as it lies outwith the village boundary and is therefore contrary to Policy RES1 of the East Ayrshire Local Plan. The proposal does not fulfil the criteria laid down in Policies RES13 and RES14 and contravenes Policy RES2. The development is not intended to house agriculture, forestry or rural enterprise and tourism related employees. Ochiltree Community Council believes that the proposed development should be refused due to these contraventions to the local plan. Should the development be allowed, the Community Council believes that a precedent would be set, allowing further development to go ahead unchecked,

thereby destroying the unique character of Ochiltree and other villages within East Ayrshire.

***The site is located in the Rural Protection Area of the countryside and is indeed outwith the settlement boundary of Ochiltree. This objection is a material planning consideration of significant weight that would indicate that the application should be refused. The proposed development is contrary to the policy provisions of the adopted East Ayrshire Local Plan as described more fully in Section 5 of this report.***

3.8 West of Scotland Archaeology Service has not responded to the consultation letter.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 Apart from the objections received from Ochiltree Community Council and Scottish Water, no other third party objections have been received with regard to the proposed development.

***Noted.***

#### **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). The site in question comprises an area of land lying outwith but directly adjacent to the settlement boundary of Ochiltree as indicated in the adopted East Ayrshire Local Plan.

##### Ayrshire Joint Structure Plan

5.2 Policy L5 states that proposals to extend the greenfield 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;

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

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

***The applicant has not demonstrated any evidence of a shortfall in the effective land supply in the East Ayrshire Housing Market Area or demonstrated the effectiveness and output contribution of the site during such a shortfall period. The application has also not been justified against policies G1 to G8 of the plan. The development is therefore considered to be contrary to the provisions of the policy.***

5.3 Policy G1 states that priority will be given to the use of land in existing settlements. Any proposed development outwith settlement boundaries shall not conform to the structure plan except in three stated circumstances, as follows;

- A where it specifically accords with other policies in the structure plan;
- B in locations identified in local plans for that specific development purpose;  
and
- C where the proposed development meets appropriate development criteria as defined by the structure and local plan.

***The proposed development does not fall within any of the above categories and is therefore not acceptable in terms of policy G1.***

5.4 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 a demonstrated site-specific locational need;

***The applicant has not demonstrated any site-specific locational need for the development.***

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

***The development has not been justified in terms of social and economic benefit to the community***

- C contributes to rural land diversification: or

***The development does not contribute to rural land diversification.***

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

***The development does not provide for the operational needs of agriculture or forestry.***

**In summary, the proposed development does not meet any of the above categories and is therefore not acceptable in terms of policy G5.**

### East Ayrshire Local Plan

5.5 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;

***The applicant has not demonstrated any shortfall in the supply of effective housing land within the East Ayrshire Housing Market Area.***

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

***The applicant has not demonstrated that the site would be effective and contribute to output during any identified shortfall period.***

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

***The proposal represents a medium scale development in a settlement not located within the A76/A735 corridors and with existing or potential access to the Glasgow / Dumfries railway line. It is not therefore considered that 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

***Apart from the objection from Scottish Water, which is based on 'reasonable cost' criteria, it is considered that there are no service or infrastructure issues that would presume against approval of the application.***

(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.

***The development would appear to comply with most of the Council's policies with regard to design and layout and it is considered that the development will have minimal impact on the visual and natural environment. However the location of the area of open space in the***

***central portion of the site, comprising as it does a backland location, does not comply with the provisions of policy RES 20(iii).***

5.6 Policy RES13 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 for four stated purposes these being;

(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, as detailed in Policy RES8 above.

***The proposed development does not comprise any of the above categories of development.***

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

***No site-specific locational need for the development has been provided by the applicant.***

In addition, the policy enables the Council to request applicants for the categories of residential development described above, to justify their proposals through the submission of detailed supporting information.

***No supporting information for the development has been provided by the applicant.***

***In the absence of any justification for the proposal in terms of Structure Plan Policy L5 and Local Plan Policy RES2, the proposal cannot be supported in terms of planning policy.***

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

6.1 The principal material considerations relevant to the determination of the application are the consultation responses.

## Consultations Responses

6.2 Scottish Water has objected to the proposed development however it is not considered that this objection is sufficient to make a recommendation of refusal. The only other objection is from Ochiltree Community Council who have objected on the grounds that the site proposed for development is outwith the settlement envelope and is contrary to the policy provisions of the adopted East Ayrshire Local Plan and this is a material consideration.

## **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 would also indicate the application should be refused.

8.2 Although located to the north of the existing residential development at Knowe View, the site is located just outside the settlement boundary of Ochiltree, within the Rural Protection Area and therefore must be considered as an extension to the settlement. The developer has been requested for additional information to demonstrate a shortfall in the effective housing land supply however this has not yet been forthcoming. It is considered at this time that there is no shortfall within the East Ayrshire housing market area and hence there is no justification for extending the greenfield supply of housing land.

8.3 The objection as stated by Scottish Water regarding the drainage of the site is a matter that would require to be fully resolved by the developer before any development could commence on site, should the Committee be minded to approve the application. Drainage is not a matter which would justify refusal of the application on these grounds alone.

8.4 The site proposed for development is on a greenfield site outwith the settlement envelope for which no justification has been submitted. The proposal is therefore contrary to the development plan and the developer has not demonstrated any shortfall, nor demonstrated a case that would justify a departure from the development plan.

## **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, Development and Building Standards, the application will require to be referred to the Development Services Committee because it would represent a significant departure from the development plan.

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

HM/HM  
05 May 2005

### **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).

Anyone wishing to inspect the above background papers should contact Mr. Hugh Melvin on 01563 555481.

**Implementation Officer: Dave Morris**

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 04/0708/FL

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Location	Langdale Park Knowe View Ochiltree
Nature of Proposal:	Proposed residential development of private dwellings
Name and Address of Applicant:	Hope Homes Scotland Limited Watson Terrace DRONGAN KA6 7AB
Name and Address of Agent	

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

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

1. The development does not conform to any of the criteria as set out in Policy G5 of the approved Ayrshire Joint Structure Plan which states that development proposals outwith settlements in the Rural Protection Areas shall only conform to the structure plan where the development meets the criteria stated in the policy.
2. The proposal to develop a site in the countryside for residential purposes has not been demonstrated to meet the criteria as stated in the terms of Policy L5 and is therefore contrary to this policy of the approved Ayrshire Joint Structure Plan.
3. The site is located in the Rural Protection Area of the countryside and the developer has not demonstrated that there is a shortfall in the effective housing land supply. It would therefore breach Policy RES2 of the adopted East Ayrshire Local Plan the provisions of which state that proposals to extend the greenfield supply of land for residential development outwith, but adjacent to, the settlement boundaries will not be acceptable unless all of the criteria as stated in the policy are fully satisfied.

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