

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 05 NOVEMBER 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 sought to develop the site for residential purposes in phases over an indicative period of four years with the most northerly portion of the site forming parkland to provide for a Sustainable Urban Drainage system. The proposed access to the residential development site would be taken off the B7034. The applicant has submitted an indicative phasing plan indicating four distinct phases of development.

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 Outline planning permission is being sought to establish the principle of developing a site for residential purposes. The site is located just outside the settlement of Dalrymple within the Rural Protection Area and therefore must be considered as an extension to the settlement. The developer had stated an intention to demonstrate a shortfall in the effective housing land supply however this has not yet been forthcoming. There is no shortfall at present and hence no justification for extending the greenfield supply of housing land.

3.3 The suitability of the proposed site as an extension to the settlement would be considered as and when a shortfall has been identified and additional land is being sought. There are a number of issues which would also require to be resolved if the principle of developing this site is found to be acceptable. This would primarily relate to the likely impact on the local road network. The site comprises an area of approximately eight hectares and its development would therefore represent a significant increase in the amount of traffic using the local roads. Hence a Traffic Impact Assessment would be required to identify how to address this matter. Albeit this has not been submitted as requested it is not considered that this would be sufficient reason alone to recommend refusal of the application.

3.4 The objection as stated by Scottish Water and the third party concerns regarding surface water runoff are matters which 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.

3.5 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 a shortfall, nor demonstrated a case which 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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APPLICATION BY HOPE HOMES SCOTLAND

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, due to it being recommended for refusal and having attracted letters of objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located in the Rural Protection Area of the countryside and lies immediately east of the settlement of Dalrymple. Extending to an area of eight hectares it encompasses an elongated open field on the south side of the B742 and spans across this road to a triangular area of land. There are no significant features on the site that is in agricultural use for grazing purposes at present.

2.2 The east boundary of the field is defined by a native hedgerow beyond which lies agricultural land and the B7034 public road runs south of the site. A recent residential development at Viaduct View lies to the west, and the former Doon Valley Caravan Park, currently under construction for residential purposes, also lies to the west. The residential development at Primpton Avenue is on the west of the triangular area on the north side of the B742 road and land pertaining to the property known as Burnside Cottage lies east of this ground.

2.3 **Proposed Development:** Outline planning permission is sought to develop the site for residential purposes in phases over an indicative period of four years with the most northerly portion of the site forming parkland to provide for a Sustainable Urban Drainage system. The proposed access to the residential development site would be taken off the B7034. The applicant has submitted an indicative phasing plan indicating four distinct phases of development.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has deferred making a recommendation on the application until such time as the applicant has submitted a Traffic Impact Assessment.

The developer has been advised of this requirement but at the time of writing the report this had not been submitted.

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 been consulted but no response had been received at the time of writing this report.

Noted.

3.4 Power Systems has no objection to the proposed development.

Noted.

3.5 Transco has advised of a 180mm Intermediate Pressure Main running through the proposed development area. It is very likely that the main will require to be diverted and they recommend that this is carried out before any works are carried out. They have advised that a copy of their consultation response was also sent to the applicant advising them of this.

Should outline planning permission be granted for the development of this site the developer would require to address the matter of the main in the site layout and this would be addressed at the developer's expense.

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

Noted.

3.7 Dalrymple Community Council has stated that it is opposed to this development as there are other sites in Dalrymple which have been identified for development and should be developed first. This application is outside the

Dalrymple boundary and does not meet the East Ayrshire Local Plan so they are totally against the planning application.

Noted.

4. REPRESENTATIONS

4.1 In addition to the objections from Scottish Water and Dalrymple Community Council the application has attracted three letters of objection from third parties. The main points of objection can be summarised as follows:

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

The site is located in the Rural Protection Area of the countryside and is indeed outwith the settlement boundary of Dalrymple. This objection is a material planning consideration of significant weight which would indicate that the application should be refused.

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

The applicant has stated that the application has been made on the basis of a shortfall of housing land supply in the area however no information has been submitted to demonstrate this. Hence this objection is a material planning consideration in the determination of the application.

4.4 This proposed development would spoil the outlook from our property on two sides.

The outlook from the writer's house is not a material planning consideration of any weight in the determination of this application.

4.5 The current sewerage facilities at present are and would be unable to withstand such a development as was discussed at recent meeting on future housing developments.

Scottish Water has objected to the proposed development and the developer would be required to resolve the matter of foul drainage prior to any works commencing should planning permission be granted. This objection is not material in the determination of the application.

4.6 The proposed SUD system - this field already floods badly in wet weather. Can the drainage cope with increased surface water from this development? Is there a likelihood of smells from this system?

If the current application for outline planning permission is granted the proposed method of surface water runoff would require to be submitted within the context of a Reserved Matters application. This would also require the approval of the Scottish Environment Protection Agency. However, this is not a matter which would indicate the application should be refused at this stage.

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

Given the scale of the proposed development the Council's Roads Division has requested that a Traffic Impact Assessment is undertaken in order that the impact on the local road network can be thoroughly addressed. This objection is therefore material but at this stage is not considered to be sufficient to justify a recommendation of refusal on these grounds alone.

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).

Approved 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 a 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 agriculture and forestry.

The proposal has not been justified against any of the above criteria and is therefore contrary to Policy G5.

5.3 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;

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

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

The proposal cannot be justified against Policy G5 and is therefore contrary to 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 below, 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;

The developer has not demonstrated that there is a shortfall in the supply of effective housing land, despite a number of requests for relevant supporting information as a means of justifying the proposed development.

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

- (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 RES2.

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 representations.

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 Dalrymple Community Council who have objected on the grounds that the site proposed for development is outwith the settlement envelope and this is a material consideration.

Representations

6.3 The objections are primarily based on the fact that the site is outwith the settlement and is therefore contrary to the development plan, hence these objections are material to the determination of the application. The other objections in relation to traffic impact, flooding, drainage and services and facilities are material but would not be of sufficient merit at this outline stage to justify a recommendation of refusal on these grounds alone.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. It is recommended that if the Committee is minded to approve the application, then the matter of the TIA along with developer contributions to the Council's Sports, Leisure and Recreation Fund should be secured through a Section 75 legal agreement.

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 Outline planning permission is being sought to establish the principle of developing a site for residential purposes. The site is located just outside the settlement of Dalrymple within the Rural Protection Area and therefore must be considered as an extension to the settlement. The developer had stated an intention to demonstrate a shortfall in the effective housing land supply however this has not yet been forthcoming. There is no shortfall at present and hence no justification for extending the greenfield supply of housing land.

8.3 The suitability of the proposed site as an extension to the settlement would be considered as and when a shortfall has been identified and additional land is being sought. There are a number of issues which would also require to be resolved if the principle of developing this site is found to be acceptable. This would primarily relate to the likely impact on the local road network. The site comprises an area of approximately eight hectares and its development would therefore represent a significant increase in the amount of traffic using the local roads. Hence a Traffic Impact Assessment would be required to identify how to address this matter. Albeit this has not been submitted as requested it is not considered that this would be sufficient reason alone to recommend refusal of the application.

8.4 The objection as stated by Scottish Water and the third party concerns regarding surface water runoff are matters which 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.

8.5 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 a shortfall, nor demonstrated a case which 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

NM/NM/SMB
21 October 2004
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

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

The above **OUTLINE** 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 Ayrshire Joint Structure Plan which requires 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 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 supply of effective housing land supply. It would therefore breach Policy RES2 of

the 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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