

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 15 AUGUST 2003

**03/0178/FL: PROPOSED NEW HOUSING DEVELOPMENT AT HIGHFIELD
(PHASE 2), OCHILTREE**

APPLICATION BY HOPE HOMES SCOTLAND

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of 34 dwellinghouses on the site. The proposal involves the erection of 2 two-bedroom houses, 17 three-bedroom houses, and 15 four-bedroom houses. The proposal comprises a mix of 19 two-storey house types, 5 one-and-a-half storey house types, and 10 single storey house types. It is proposed to form an access to the site from Highfield Place and form a 5.5 metre wide orbital road within the site to serve the development. The proposed residential road layout incorporates traffic calming measures. The driveways of the proposed dwellinghouse would access this road. 2 metre wide footpaths are proposed on either side of this new access road. A bollarded 3 metre wide grassed area and footpath is also proposed to link to Stewart Avenue, to provide emergency access to the development.

1.2 It is proposed to finish the dwellinghouses with stone effect basecourses and feature panels, with a buff, dry dash render finish proposed on the remaining wall areas. The roofs of the dwellinghouses are proposed to be clad with a black concrete tile. Vertically boarded timber fencing is proposed to define the plot boundaries. 1.8 metre high fencing is proposed along the majority of the southern site boundary which faces adjacent housing development, and the majority of other rear garden areas. Between plots, 0.9 metre high fencing is proposed in most cases and 0.9 metre high stock-proof fence is proposed along the entire northern site boundary. It is proposed that front garden areas shall be open plan.

1.3 A Sustainable Urban Drainage System (SUDS) arrangement has been incorporated within an area of designated amenity open space towards the south-eastern corner of the application site to deal with surface water run-off within the site. Following the submission of amended plans, an equipped children's play area has been shown adjacent to the proposed SUDS arrangement.

1.4 A landscaping plan has been submitted by the applicant showing landscaping along the western site boundary and the retention and replanting of the existing hedge along the eastern site boundary. Some internal landscaping in

the form of small tree and shrub planting has been shown as part of the development.

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 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. However, it is considered that these material considerations are not of sufficient weight to justify refusal of the application.

3.2 To ensure that the proposed development meets with the provisions of the East Ayrshire Local Plan, appropriately worded conditions should be attached to any planning permission granted to ensure that:-

- i. an appropriate scheme of landscaping is incorporated along the western boundary of the site and within the development;
- ii. any future domestic garages developed within each individual plot relate appropriately to the respective dwellinghouse in terms of their general design, finishes, mass, and scale;
- iii. the proposed play equipment and open space area is established within the site and maintained thereafter;
- iv. the requirements of East Ayrshire Council's Roads and Transportation Division are met;
- v. the proposed SUDS scheme meets with SEPA's requirements;
- vi. the proposed dwellinghouses are built in accordance with the submitted plans; and
- vii. 1.8 metre high timber screen fencing is erected along all rear boundaries to safeguard standards of residential amenity.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused 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 such a decision would represent a substantial departure from Council 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

SOUTHERN LOCAL PLANNING COMMITTEE: 15 AUGUST 2003

**03/0178/FL: PROPOSED NEW HOUSING DEVELOPMENT AT HIGHFIELD
(PHASE 2), OCHILTREE**

APPLICATION BY HOPE HOMES SCOTLAND

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, due to the scale of the proposed development and the fact that the proposed development is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a greenfield site located to the west of Ochiltree, and extends to approximately 2.3 hectares. The site is open, generally level and agricultural in use. It is surrounded to the north and west by agricultural land, to the south by the existing housing on Highfield Place, and to the east by existing housing on Broom Crescent, Poole Avenue, and Douglas Brown Avenue.

2.2 At the time of writing a substantial amount of soil has been stripped and removed from the application site.

2.3 **Proposed Development:** Full planning permission is sought for the erection of 34 dwellinghouses on the site. The proposal involves the erection of 2 two-bedroom houses, 17 three-bedroom houses, and 15 four-bedroom houses. The proposal comprises a mix of 19 two-storey house types, 5 one-and-a-half storey house types, and 10 single storey house types. It is proposed to form an access to the site from Highfield Place and form a 5.5 metre wide orbital road within the site to serve the development. The proposed residential road layout incorporates traffic calming measures. The driveways of the proposed dwellinghouse would access this road. 2 metre wide footpaths are proposed on either side of this new access road. A bollarded 3 metre wide grassed area and footpath is also proposed to link to Stewart Avenue, to provide emergency access to the development.

2.4 It is proposed to finish the dwellinghouses with stone effect basecourses and feature panels, with a buff, dry dash render finish proposed on the remaining wall areas. The roofs of the dwellinghouses are proposed to be clad with a black concrete tile. Vertically boarded timber fencing is proposed to define the plot boundaries. 1.8 metre high fencing is proposed along the majority of the southern site boundary which faces adjacent housing development, and the majority of other rear garden areas. Between plots, 0.9 metre high fencing is proposed in most cases and 0.9 metre high stock-proof fence is proposed along the entire northern site boundary. It is proposed that front garden areas shall be open plan.

2.5 A Sustainable Urban Drainage System (SUDS) arrangement has been incorporated within an area of designated amenity open space towards the south-eastern corner of the application site to deal with surface water run-off within the site. Following the submission of amended plans, an equipped children's play area has been shown adjacent to the proposed SUDS arrangement.

2.6 A landscaping plan has been submitted by the applicant showing landscaping along the western site boundary and the retention and replanting of the existing hedge along the eastern site boundary. Some internal landscaping in the form of small tree and shrub planting has been shown as part of the development.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has commented that the site will require to be served by internal roads which comply with the Roads Development Guide 1996 and will require Construction Consent from East Ayrshire Council Roads Department. This consent would cover details such as road widths, footways, road construction, street lighting, drainage, and traffic calming and must be in place prior to the commencement of roadworks on site. The revised layout submitted would require minor amendments to geometry to provide the required forward visibility at the speed bends. A road bond must be submitted by the developer prior to commencing building works on site. Bollards will be required at speed tables and raised junctions. An additional speed table is required adjacent to Plots 32 and 33 which will require repositioning of the private driveways to these plots.

Conditions and appropriately worded notes can be attached to any planning permission granted for the proposed development to meet these requirements of the Roads and Transportation Division.

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 thereafter. 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 requirement must be in accordance with the Roads Development Guide 1996. The revised layout submitted shows an acceptable standard of visitor parking.

Any garages must be set back a minimum distance of 6 metres from the rear of the proposed footway. The private driveways proposed will require to be paved for a minimum distance of 2 metres from the rear of the footway or service strip to avoid the over-carry of loose material onto existing or proposed public roads.

A bollarded pedestrian/emergency access must be provided onto the end of Stewart Avenue. The revised layout submitted has shown an access to Stewart Avenue including a link footpath. This area will not be adoptable. The specification for the bollards must be agreed with the Roads and Transportation Division and emergency services.

In view of the additional traffic generated by the proposed development, the 30 mph speed limit on the C 124 public road will require to be re-located prior to the access to the development. The developer will be required to undertake the work at no cost to East Ayrshire Council. Additionally, a village gateway feature, including road markings, textureflex and bollards will require to be provided by the developer at the relocated 30mph sign positions on the C 124 public road.

No part of this development must commence until the agreed visibilities for Phase 1 measuring 4.5 metres by 160 metres to the west and 4.5 metres by 90 metres to the east are provided at the junction with the C 124 public road. No part of this development must commence until a satisfactory surface water drainage outfall has been installed by the developer in line with the Construction Consent for Phase 1 of the development site. Scottish Water have indicated that they will take over the future maintenance of the proposed SUDS arrangement proposed to the point of connection to the burn on the south side of the A 70 public road.

Conditions can be attached to any planning permission granted for the proposed development to meet these requirements of the Roads and Transportation Division.

3.2 Ochiltree Community Council has commented that the proposal is contrary to the adopted East Ayrshire Local Plan, section 6.15, as the proposed development does not appear to satisfy the criteria outlined in part (i), specifically the point pertaining to the “best support or minimise strain on existing community facilities and other services”.

The site has been included within the adopted East Ayrshire Local Plan as a site identified for housing development. The principle of the development of the site for housing purposes has therefore been established. Paragraphs 6.4 to 6.11 of this report outline the planning history of the Watston Farm site.

The Community Council states that the proposal is contrary to the adopted East Ayrshire Local Plan section 6.18 as the construction of 35 houses constitutes a medium housing development, and as such this should be directed to the A76/A735 corridor. Furthermore, we do not believe that the development is tailored to local demand within Ochiltree, does not meet site-specific need, and does not maximise the efficient use of the existing transport network, community facilities and other services. The proposal is contrary to the adopted East Ayrshire Local Plan Policy section 6.21 as the proposed development may have an effect on the amenity and privacy of neighbouring properties.

Section 6.21 of the adopted East Ayrshire Local Plan states that the Council consider it essential that all new housing developments incorporate sufficient recreational and amenity open space to meet the needs of future residents of the area. Section 6.21 does not deal with amenity and privacy of neighbouring properties. Nevertheless, the effect on the amenity and privacy of neighbouring properties is a key material consideration in the determination of the application and is assessed in Section 5 of this Report.

The proposal is contrary to the adopted East Ayrshire Local Plan Policy RES 13 parts i, ii, iii or iv.

Adopted East Ayrshire Local Plan Policy RES 13 specifically relates to housing within the identified Rural Protection Area. The site is not located within the identified Rural Protection Area and therefore Policy RES 13 of the adopted East Ayrshire Local Plan is not of relevance in the determination of the application.

The proposal is contrary to the adopted East Ayrshire Local Plan Policy RES 17 as the proposed development will, or could, contravene sections ii, iv, v, and viii.

Adopted East Ayrshire Local Plan Policy RES 17 specifically relates to housing within the identified Rural Diversification Area. The site is not located within the identified Rural Diversification Area and therefore Policy RES 13 of the adopted East Ayrshire Local Plan is not of relevance in the determination of the application.

As a Greenfield site, we do not believe that the developer demonstrates clear evidence of a shortfall in effective land supply in the relevant Housing Market Area.

The site has been included within the adopted East Ayrshire Local Plan as a site identified for housing development. The principle of the development of the site for housing purposes has therefore been established. Paragraphs 6.4 to 6.11 of this Report outline the planning history of the Watston Farm site.

We do not consider the development to be fully justified against the criteria identified in policies G1 to G8 of the Ayrshire Joint Structure Plan.

Policies G1, G5, and G6 of the Structure Plan specifically relate to proposed developments outwith defined settlement boundaries and are therefore not of relevance in the determination of the application. Policy G2 of the Structure Plan specifically relates to significant development proposals. The proposed development does not, in itself, by means of its scale constitute a significant development proposal. Policy G2 of the Structure Plan is therefore not of relevance in the determination of the application. Policy G3 of the Structure Plan specifically relates to proposed development within defined Sensitive Landscape Character Areas and is therefore not of relevance in the determination of the application. Policy G4 of the Structure Plan specifically relates to the encroachment of development into the countryside of the Ayr, Prestwick and Troon Green Belt and is therefore not of relevance in the determination of the application. Policy G7 of the Structure Plan specifically relates to proposed developments harmful to the amenity of the coast and coastal waters and is therefore not of relevance in the determination of the application. Policy G8 of the Structure Plan provides guidelines for allocating land for development purposes within Local Plans. As the site has been identified for housing development within the adopted East Ayrshire Local Plan, Policy G8 of the Structure Plan is not of relevance in the determination of the application.

We believe that the development will be sited on good quality agricultural land.

The site is not located on agricultural land identified within the adopted East Ayrshire Local Plan as either of prime quality or good quality, in terms of the MacAuley Land Use Research Institute classification.

As the site is part of the rural protection area and out-with the present settlement of Ochiltree, we do not believe that the proposed development: (a) demonstrates 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 site is not located outwith the Ochiltree settlement boundary as defined in the adopted East Ayrshire Local Plan, therefore it is not located within the Rural Protection Area as defined in the same Plan. It is a fact that the site had been allocated for housing development within the adopted East Ayrshire Local Plan and the application therefore falls to be considered in terms of East Ayrshire Local Plan Policies RES 1, RES 19, RES 22, and ENV 7. Criteria (a) to (d) listed above are not of relevance for proposed developments within defined settlement boundaries.

There would be no local community benefit from the development. It is our opinion that the increased pressure on the local primary school would lead to children being transported to other schools in the area, leading to increased travel time and the potential to spend less time in the company of friends and peers both within school hours and in leisure time.

It is reasonable to assume that, should the proposed development be granted planning permission and implemented, a number of households would contain children of primary school age. It should be noted that there would be no guarantee that children of primary school age will be able to be accommodated at Ochiltree Primary School in the future. In the event of accommodation being unavailable for pupils at Ochiltree Primary School, the education authority would require to maintain its statutory duties by re-directing pupils to alternative provision in the area.

The proposed site would lead to an increase in the need to travel, particularly by car, as there is presently only an hourly bus service and no railway station within 4 miles. This would put increased pressure on the A70, which has already been identified as being extremely busy and close to capacity. The lack of local shops would also mean increased traffic flow to Auchinleck, Cumnock, Ayr and Kilmarnock.

Noted. East Ayrshire Council Roads and Transportation Division have indicated that they have no objections to the proposed development subject to a number of conditions being imposed, should planning permission be granted. No road safety or traffic volume concerns have been raised by the Roads and Transportation Division with regard to the proposed development.

The proposed development will not respect the landscape character of the area.

The topography of the site, and the situation of the site in close proximity to existing housing development, both serve to reduce the visual impact of the proposed development on the wider landscape character. Additionally, it is considered that the design of the

proposed housing is in keeping with the situation of the site on the rural-urban interface. It is also important that boundary treatment appropriate to the landscape character of the area is incorporated along the western site boundary. In this respect, appropriately worded planning conditions could be attached to any planning permission granted. The dwellinghouse finishes proposed could also be conditioned as part of any planning permission granted.

The proposed development will have an adverse impact on land quality.

The site is not located on agricultural land identified within the adopted East Ayrshire Local Plan as either of prime quality or good quality, and, subject to appropriate site drainage and servicing, the proposed development will not give rise to the threat of pollution, flooding, or erosion in the locality.

3.3 Scottish Power and Transco have no objections in principle to the proposed development.

Noted.

3.4 The Coal Authority has commented that the land is within the likely zone of influence on the surface from workings in 2 seams of coal at 530 metres to 600 metres depth, the last date of working being 1982. Ground movement from the above mentioned past coal workings should by now have ceased.

Noted.

3.5 Scottish Water has no objection in principle to the proposed development provided its operational requirements are met and the relevant consents are secured.

Noted. Should the application be approved, appropriate notes in respect of the above can be included on the planning permission.

3.6 The Scottish Environment Protection Agency (SEPA) has no objection in principle to the proposed development provided that the drainage arrangements are to SEPA's satisfaction. In this regard, SEPA has advised that all foul drainage from the proposed development must be connected to the existing public sewer to the satisfaction of Scottish Water, and the proposed Sustainable Urban Drainage System arrangement for surface water drainage at the site should be designed and constructed in line with the Sustainable Urban Drainage Systems design manual for Scotland and Northern Ireland (CIRIA C521).

Noted. The applicant has indicated in correspondence that discussions have been held with SEPA regarding the proposed

Sustainable Urban Drainage System. Should planning permission be granted, an appropriately worded condition can be attached to ensure that the proposed SUDS scheme meets with SEPA's requirements.

4. REPRESENTATIONS

4.1 Six letters of representation have been received objecting to the proposed development, including the letter from Ochiltree Community Council, the details of which are given in section 3.2 above. The points of objection are summarised as follows:

4.2 At present the school is near to full capacity and any further families joining the village will overburden the school. One of our primary reasons for moving to Ochiltree was for our children to attend the village school. There is no provision for the school to be expanded to cope with any extra village inhabitants.

It is reasonable to assume that, should the proposed development be granted planning permission and implemented, a number of households would contain children of primary school age. It should be noted that there would be no guarantee that children of primary school age will be able to be accommodated at Ochiltree Primary School in the future. In the event of accommodation being unavailable for pupils at Ochiltree Primary School, the education authority would require to maintain its statutory duties by re-directing pupils to alternative provision in the area.

4.3 The road through the village is already busy and in poor condition. Increases in traffic will exacerbate this problem and will result in more traffic flowing through the village and particularly past the school with potentially disastrous results.

East Ayrshire Council Roads and Transportation Division has indicated that they have no objections to the proposed development subject to a number of conditions being imposed, should planning permission be granted. No road safety or traffic volume concerns have been raised by the Roads and Transportation Division with regard to the proposed development.

4.4 The village sewerage system has not been designed to cope with the quantity of waste that will be produced by 35 new families in this development.

Scottish Water has not objected in principle to the proposed connection to the public sewer.

4.5 The proposed new development will overshadow our house and the occupants will have a direct view into our home.

The proposed development is considered to comply with the Council's Design Guidance and it is not considered that overshadowing or privacy will be significant in terms of layout or design.

4.6 Prior to the addition of this site to the East Ayrshire Local Plan, sufficient land had already been allocated for development. East Ayrshire Local Plan (Schedule of Further Notifications, 22 October 2002) states that "The Structure Plan has allocated the whole of the 210 houses shortfall to the Kilmarnock and Loudon sub-market area as both the other two sub-market areas exhibit an oversupply of housing land in this period..."

The site has been included within the adopted East Ayrshire Local Plan (EALP) as a site identified for housing development. The principle of the development of the site for housing purposes has therefore been established. Paragraphs 6.4 to 6.11 of this Report outline the planning history of the Watston Farm site.

4.7 East Ayrshire Local Plan Section 6.18, paragraph 3 "...directs medium scale residential developments to the settlements located along the main A76 / A735 corridor..." Ochiltree is located outwith this corridor.

See response to paragraph 4.6 of the Report.

4.8 East Ayrshire Local Plan Section 6.18, paragraph 4 "...to meet housing demand generated locally within each particular settlement concerned." I contend that there is not sufficient demand within the settlement of Ochiltree to justify this size of development, i.e. 35 houses.

See response to paragraph 4.6 of the Report.

4.9 The proposed development is contrary to the East Ayrshire Local Plan Policies RES4, RES5 and the Ayrshire Joint Structure Plan Policy G8. To argue that the railway station in Auchinleck which is several miles away would alleviate this would be incredulous.

As the application site has been included within the adopted EALP as a site identified for housing development, Policy RES 4 is not of relevance in the determination of the application. Further, Policy RES5 is not relevant to the determination of this application. The provisions of the Ayrshire Joint Structure Plan Policy G8 are not of relevance in this instance as the site is allocated for housing development in the adopted EALP.

4.10 The Ayrshire Joint Structure Plan states that “The three Ayrshire Councils shall adhere to the guiding principle of protecting the countryside for its own sake” and ask the Council to consider its own statement in the first sentence of page 8 of the Ayrshire Joint Structure Plan which states that “The countryside of Ayrshire is important.”

See response to paragraph 4.6 of the Report.

4.11 I am worried about the effect of the proposed development on village life. Will the local school be able to cope with the influx? Ochiltree Primary School has an outstanding reputation and is one of the reasons for our move to the area.

See response to paragraphs 3.18 and 4.2 of the Report.

4.12 How will the local and main roads cope with this additional burden of traffic?

See response to paragraph 4.3 of the Report.

4.13 If we were to erect a secluding fence to gain some privacy it would make the room at the rear of our home very dark because the rear garden is so short and the house has been built lower than our perimeter fence, therefore this would make the kitchen, dining room and summer porch dark, taking away some of our natural daylight.

Given the degree of separation of the proposed dwellinghouses from adjacent residential development within the site, and to the east and south of the site, and the presence of 1.8 metre high timber screen fencing to rear garden areas it is not considered that the proposed development will result in a material degree of window-to-window overlook or a material reduction in standards of residential amenity within and adjacent to the site, provided that the boundary fencing forms a solid visual barrier between facing properties. This can be achieved by means of an appropriately worded condition, should planning permission be granted.

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).

East Ayrshire Local Plan

5.2 The proposed development falls to be considered in terms of the Policies RES 1, RES 19, RES 22, and ENV 7 contained within the adopted East Ayrshire Local Plan (EALP). Policy RES 1 states that the Council will encourage and support the residential development of those Development Opportunity Sites identified for housing purposes on the individual Local Plan maps. The sites identified will be reserved for residential and associated recreational and amenity open space development.

The application site is a Development Opportunity Site identified for housing purposes within the EALP. Whilst the indicative capacity of the site is 30 units, this is not a prescriptive figure provided that the development proposals accords with relevant design and open space policies.

5.3 Policy RES 19 states that the Council will require all housing developers to provide areas of recreational and amenity open space as an integral part of their development proposals and to make provision for the future maintenance of these areas, once formed, to the satisfaction of the Council. Policy RES 22 states that all developers will require to observe the minimum private open space criteria and standards detailed in Schedule 4 of the Local Plan.

The appropriate area of open space provision for a development of 34 dwellinghouses, which is the case here, would be 1020 square metres. The area of open space shown meets the requirements of Policy RES 19 in terms of its size. Amended plans have been submitted showing an equipped children's play area in the south-eastern corner of the site, situated next to an area of public open space. It is considered that the proposed development now meets the requirements of Policy RES 19 and RES22.

5.4 Policy ENV 7 states that all developers will be expected to comply fully with the Council's existing and emerging Design Guidance and Policy documents relating to and advising on the particular type of development proposed. Developments which do not meet the required design standards detailed in these documents will require to be fully justified and may not be supported by the Council.

The proposed development complies with the terms of the Design Guidance.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses, representations received, and the planning history of the site.

Consultations Responses

6.2 The consultation responses do not indicate that the application should be refused.

Representations

6.3 Whilst the representations received raise some salient points, it is not considered that these representations are of sufficient weight to justify the refusal of the application contrary to the provisions of the adopted East Ayrshire Local Plan.

Planning History

6.4 The following planning history is of relevance in the determination of this application:

(i) In November 1989 an application for the development of 80 dwellinghouses at Watston Farm was called-in by Strathclyde Regional Council and refused.

(ii) Outline planning permission was granted on 4 September 1991 for residential development at Watston Farm, Ochiltree (Ref. CD/91/32). This outline planning permission involved the erection of 63 dwellinghouses. This consent was never implemented and has now expired.

(iii) The greater Watston Farm site was allocated for housing in the adopted Mauchline-Drongan-Ochiltree Local Plan 1993 and was included within the defined Ochiltree settlement boundary. This Local Plan was prepared to conform with the approved Strathclyde Structure Plan 1990.

(iv) The greater Watston Farm site was allocated for housing development purposes in the finalised Cumnock and Doon Valley Local Plan 1996 which was never formally adopted. The site was also originally allocated for housing in the consultative draft version of the East Ayrshire Local Plan. Following the release in 1998 of 1996-based household projections which showed a decrease in the number of projected households in East Ayrshire, the finalised version of the East Ayrshire Local Plan removed the allocation of the site for housing purposes. The Council agreed on 4 November 1999 that the finalised version of the East Ayrshire Local Plan would be used as both the main local plan policy base and

prime material consideration against which to determine future applications for planning permission.

(v) Planning permission was refused by East Ayrshire Council in February 2000 for the erection of 26 dwellinghouses at Watston Farm (Highfield Phase 1) (Ref. 99/0727/FL). The proposal was considered to be contrary to the policies of the finalised version of the East Ayrshire Local Plan and the Ayrshire Joint Structure Plan 1999. This consideration was principally due to the fact that the site was located outwith the Ochiltree settlement boundary as defined in the finalised version of the East Ayrshire Local Plan. Additionally, the Council considered that the proposal could not be justified in terms of the East Ayrshire Joint Structure Plan Housing Development Strategy which recognised an oversupply of housing land on the Doon Valley sub-market in the period to 2005 and did not recommend the allocation of any further land for housing purposes.

(v) The applicant appealed against this decision to the Scottish Ministers and the appeal was upheld on 12 February 2001. In sustaining this appeal and granting planning permission, the Reporter found that :-

- the proposed development accorded with the relevant provisions of the Ayrshire Joint Structure Plan and the Mauchline-Drongan-Ochiltree Local Plan 1993 when read together, and was therefore in accordance with the extant development plan; and
- there was substantial pressure for further housing in Ochiltree; and
- the application site was the only site within Ochiltree which offered the prospect of delivering houses within the period covered by the East Ayrshire Local Plan.

(vi) Outline planning permission was refused by East Ayrshire Council in June 2001 for the erection of dwellinghouses on the remainder of the greater Watston Farm site (Ref. 01/0265/OL).

(vii) Following a review of objections to the finalised version of the East Ayrshire Local Plan, the Scottish Ministers were minded to include half of the remainder of the greater Watston Farm site within the adopted East Ayrshire Local Plan 2003 as effective housing land.

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 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. However, it is considered that these material considerations are not of sufficient weight to justify refusal of the application.

8.2 To ensure that the proposed development meets with the provisions of the East Ayrshire Local Plan, appropriately worded conditions should be attached to any planning permission granted to ensure that:-

- i. an appropriate scheme of landscaping is incorporated along the western boundary of the site and within the development;
- ii. any future domestic garages developed within each individual plot relate appropriately to the respective dwellinghouse in terms of their general design, finishes, mass, and scale;
- iii. the proposed play equipment and open space area is established within the site and maintained thereafter;
- iv. the requirements of East Ayrshire Council's Roads and Transportation Division are met;
- v. the proposed SUDS scheme meets with SEPA's requirements;
- vi. the proposed dwellinghouses are built in accordance with the submitted plans; and
- vii. 1.8 metre high timber screen fencing is erected along all rear boundaries to safeguard standards of residential amenity.

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 and Building Control, the application will require to be referred to the Development Services Committee because such a decision would represent a substantial departure from Council policy.

Alan Neish
Head of Planning and Building Control

31 July 2003
RD/RD

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. East Ayrshire Council Design Guidance Note 2: New Residential Development

Anyone wishing to inspect the above background papers should contact Robert Duncan on 01563 555483.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0178/FL

| | |
|--------------------------------|--|
| Location | Highfield, Ochiltree |
| Nature of Proposal: | Proposed new housing development (Phase 2) |
| Name and Address of Applicant: | Hope Homes Scotland, Watson Terrace, Drongan, KA6 7AB |
| Name and Address of Agent | --- |

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

The above FULL application should be granted subject to the following conditions:-

1. Apart from where the conditions listed below require otherwise, the proposed development shall be carried out in accordance with the application form received on 24 February 2003 and the amended and additional plans received by the Planning Authority on 14 July 2003 and 28 July 2003.

REASON – To ensure that the development is carried out in accordance with approved details.

2. The landscaping, open space, and equipped play area proposed shall be laid out simultaneously with the development and thereafter maintained in accordance with maintenance schemes to be submitted to and approved by the Planning Authority prior to the commencement of development. The landscaping, open space, and equipped play area proposed shall be in accordance with drawing number 03/59-03 received by the Planning Authority on 28 July 2003. Planting of species shall take place not later than the next appropriate planting season after the development has commenced.

REASON – To ensure that a landscaping scheme and provision of public open space is provided to an adequate standard and subsequently maintained in the interest of residential and visual amenity

3. Notwithstanding the plans hereby approved, and the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, any domestic garage(s) associated with the development shall be set back at least 6 metres from the nearer edge of the footpath, shall be of a permanent construction and finished in the same materials as the dwellinghouse(s) to which it/they relate.

REASON – To ensure that any future domestic garages within the site are an appropriate match with the approved dwellinghouses in the interests of visual amenity.

5. A Sustainable Urban Drainage System to treat and minimise surface water run-off within the site shall be developed in accordance with the plans submitted to the Planning Authority and to the requirements of the Scottish Environment Protection Agency (SEPA).

REASON – In order to facilitate the disposal of surface water run-off as a result of the development

6. Notwithstanding the approved plans and the terms of condition 1 above, the areas of timber screen fencing outline in yellow on the approved plan shall present a boundary between plots without gaps.

REASON – In the interests of residential amenity

7. Notwithstanding the approved plans and the terms of condition 1 above, the proposed footpath shall be extended into the areas outlined in purple on the approved plan, and thereafter no object greater than 1 metre in height shall be erected or placed for the lifetime of the development.

REASON – In the interests of road and public safety

8. Notwithstanding the approved plans and the terms of condition 1 above, an additional speed table shall be formed within the application site in the position shown in orange on the approved plan to the satisfaction of the Council as Planning Authority.

REASON – In the interests of road and public safety

9. Notwithstanding the approved plans and the terms of condition 1 above, internal junction visibility splays measuring 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 thereafter. 15 metre forward visibility is required at speed bends.

REASON – In the interests of road and public safety

10. Notwithstanding the approved plans and the terms of condition 1 above, no surface water shall issue from any of the dwellinghouse plots onto any existing or proposed public roads.

REASON – To ensure the provisions and maintenance of a secure road surface in the interests of road and public safety.

11. Notwithstanding the approved plans and the terms of condition 1 above, for each dwellinghouse, 2 car parking spaces shall be formed and thereafter maintained within each plot.

REASON – To ensure that adequate car parking provision is available in relation to the approved development and thereby to secure the interests of road safety and residential amenity.

12. Notwithstanding the approved plans and the terms of condition 1 above, the emergency access shown on the approved plans shall be completed and brought into use prior to any of the dwellinghouse hereby approved being brought into use. The specification for the proposed bollards requires to be agreed with East Ayrshire Council's Roads and Transportation Division prior to the commencement of works on site.

REASON – In the interests of public safety.

13. Notwithstanding the approved plans and the terms of condition 1 above, the 30mph speed limit signs on the C 124 public road will require to be re-located and a village gateway feature, including road markings, textureflex, and bollards will require to be provided by the developer to the satisfaction of the Council as Planning Authority.

REASON – In the interests of public road safety

14. Notwithstanding the approved plans and the terms of condition 1 above, visibility splay areas measuring 4.5 metres by 160 metres to the west of the junction with the C 124 public road and 4.5 metres by 90 metres to the east of the junction with C 124 public road shall be provided with no obstruction to visibility greater than 1 metre in height being allowed within these areas thereafter.

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

15. No part of the development hereby approved shall commence until such time as the developer has indicated that a surface water drainage outfall satisfactory to the Council as Planning Authority has been installed.

REASON - To ensure the provision of appropriate surface water drainage.

NOTES TO APPLICANT

1. East Ayrshire Council Roads and Transportation Division has advised that Construction Consent will be required for the construction of the residential roads and footpaths, street lighting etc. The Division can be contacted on Tel 01563 555 330.

2. Scottish Water has advised that contact should be made with their Developer Services section to discuss how the proposed development would be best served by a public water supply. Scottish Water Developer Services can be contacted on Tel 0845 601 8855.

3. The applicant is advised to contact SEPA, 31 Miller Road, Ayr, KA7 2AX, Tel 01292 294000, regarding drainage of the site.

4. The developer shall make early contact with Scottish Water and the Scottish Environment Protection Agency to confirm their request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.

5. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**