

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 22 JUNE 2001

**01/0265/OL : PROPOSED RESIDENTIAL DEVELOPMENT AT
WATSON FARM, OCHILTREE**

APPLICATION BY HOPE HOMES

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 This is an outline planning application for a residential development within the site. No details of design and layout have been provided at this stage. An indicative internal road layout has however been provided. It is proposed to access the site from the approved housing site to the south.

1.2 Although no details of the number of houses proposed have been submitted, if the site was to be developed at a similar density to the recently approved development to the south, approximately 70 dwellings could be accommodated within the site.

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 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. As is indicated at paragraph 5.2 in the report, the application is considered to be contrary to the Adopted Ayrshire Joint Structure Plan although it is considered to be in accordance with the Adopted Mauchline/Drongan/Ochiltree Local Plan. As previously advised, the Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan which has now been superseded by the AJSP Plan. The AJSP is however a more recent expression of policy, and greater weight should be given to this Approved Plan than to the Adopted Local Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated in Section 6 in the report, there are material considerations relevant to the determination of this application.

3.2 Given the age of the Adopted Mauchline/Drongan/Ochiltree Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) (EALP) should be considered as a prime material consideration. Indeed, at the recent appeal for 26 houses on the neighbouring site the Reporter indicated that the weight that should be given to the Adopted Local Plan was minimal. The most recent figures regarding the supply and demand of housing in East Ayrshire conclude that there is no shortfall in effective housing land in the relevant market area, and therefore there is no need for an additional release of housing land. Furthermore, the proposal does not meet the terms of the Local Plan's Housing Development Strategy which directs medium size developments along the A76/A735 corridor.

3.3 In addition, the recent approval of 26 houses at the neighbouring site mentioned above, has provided an adequate supply of effective housing land within Ochiltree to meet anticipated local needs inline with the East Ayrshire Local Plan development strategy, and no further housing is required to meet demand. The proposed development is therefore contrary to policies contained within the EALP.

3.4 Should the Committee be minded to approve the application, it would be considered a significant departure from policy and would therefore require to be referred to the Development Services Committee for consideration.

3.5 In terms of the letter of objections, it is acknowledged that the proposed development is contrary to a number of policies contained within the AJSP and the EALP. Concerns regarding the ability of the sewage system to sustain the development, have not been echoed by West of Scotland Water. The Education Department, while not objecting to the development has indicated that additional residential housing may produce pressures in relation to Ochiltree Primary School.

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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APPLICATION BY HOPE HOMES

Report by Head of Planning and Building Control

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 it is subject to objections, and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description** : The application site is a greenfield site located to the west of Ochiltree. The site is 10.08 acres in area and comprises agricultural land. It is bounded to the west, north and south by agricultural land, and to the east by the existing housing on Broom Crescent. Although the land immediately to the south of the site is currently in agricultural use, planning permission for the erection of 26 dwellinghouses has been approved within this area, following appeal.

2.2 **Proposed Development**: This is an outline planning application for a residential development within the site. No details of design and layout have been provided at this stage. An indicative internal road layout has however been provided. It is proposed to access the site from the approved housing site to the south.

2.3 Although no details of the number of houses proposed have been submitted, if the site was to be developed at a similar density to the recently approved development to the south, approximately 70 dwellings could be accommodated within the site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads Division has no objections to the proposed development subject to the following conditions:-

- (i) All internal roads shall comply with the Roads Development Guide 1996 and will require Construction Consent from East Ayrshire Roads Division;
- (ii) Junction visibility splay areas of 2.5 metres by 35 metres shall be required at all internal road junctions with no object greater than 1 metre in height allowed within these areas;
- (iii) A bollarded pedestrian/emergency access shall be provided onto the end of Stewart Avenue.

Other conditions are recommended regarding the surfacing of driveways, parking requirements, the siting of garages and driveway manoeuvrability.

Conditions could be attached to any consent granted for the proposed development to meet the requirements of the Roads Division. Other matters could be addressed under the requisite Construction Consent application that the developer will require to secure from the Roads Division.

The Roads Division has also indicated that in view of the additional traffic generated by Phase 2 of this development, the 30mph speed limit on the C124 road shall require to be re-located prior to the formation of the new access. The developer will be required to fund the promotion of the traffic orders and provision of signs at an estimated cost of £2,500. Traffic calming (in the form of Textureflex markings and 30 roundels) will also require to be provided by the developer at the relocated 30mph sign positions on the C124. The applicant should be advised that Construction Consent and a Road Bond will be required.

The re-location of the 30mph speed limit and the traffic calming would require to be secured through an agreement under Section 69 of the Local Government (Scotland) Act (1973). A note can be attached to any consent granted for the proposed development advising the applicant of the requirement for Construction Consent and the provision of a Road Bond from the Roads Division.

3.2 West of Scotland Water indicates that there is a public sewerage system to which a connection may be made and their permission should be sought to connect to the public sewerage system. This development will involve the provision of sewers that may become vested in West of Scotland Water. The layout and specification of these sewers shall be agreed by them. There are no public water mains in the road and contact should be made regarding how the proposed site would be served.

A note advising the applicant to make early contact with the West of Scotland Water Authority could be attached to any planning permission granted for the development.

WOSWA also indicates that Sustainable Urban Drainage Systems should be employed on the surface water drainage system.

Should the application be granted, a note in respect of the implementation of a sustainable urban drainage system could be included on the planning permission.

3.3 The Scottish Environment Protection Agency has indicated that whilst they have no objections in principle to the proposed development they have concerns regarding possible pollution or erosion of the small watercourse adjacent to the site. SEPA wishes to ensure that the appropriate Sustainable Urban Drainage Systems are selected (and installed) so as to infiltrate /attenuate all drainage on site where possible. SEPA would wish to ensure that the run-off hydrograph from the completed development is similar to that currently being experienced from the greenfield site. SEPA would wish to meet with the Planning Division, West of Scotland Water and the developer to discuss the drainage arrangements prior to full planning permission being granted. The developer should consider the use of French drains /infiltration trenches for roof water to minimise the amount of surface water run off from the site.

Should the application be granted a note regarding the implementation of Sustainable Urban Drainage Systems can be attached to the planning permission. Furthermore, a note advising the developer to make early contact with SEPA can be attached to any planning consent if granted.

3.4 Scottish Power, The Coal Authority and East Ayrshire Council Outdoor Services Department have no adverse comments to make regarding the proposed development.

Noted.

3.5 British Gas Transco have commented that no mechanical excavation must be carried out within 500mm of Transco Plant.

A condition could be attached to any planning consent regarding the above.

3.6 Ochiltree Community Council has objected to the application on the following grounds:

(i) The size of the development is inappropriate in relation to the size of the village;

Noted.

(ii) The existing school is already running close to full capacity and they do not think that it would be able to sustain a development of this size;

East Ayrshire Council's Education Department has not objected to the proposed development (See Paragraph 3.7), although there

is no guarantee that children of primary school age will be accommodated at Ochiltree Primary School.

(iii) There is no specific locational need to build these houses and they cannot be justified in terms of social benefit to the community;

Noted.

(iv) This development would represent a large increase in traffic commuting to and from the village as well as the village itself;

Noted, however there are no objections to the proposal from the Roads Division, (see paragraph 3.1).

(v) They have reason to believe the local sewage treatment plant would not be able to sustain a development of this size;

West of Scotland Water has no objections to the proposed development (See Paragraph 3.2).

(vi) A significant increase in population would put severe strain on the village and its limited amenities.

Noted.

3.7 East Ayrshire Council's Education Department has advised that additional residential housing in the Ochiltree area may produce pressures in relation to Ochiltree Primary School. 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 this occurring, the Education Authority would require to maintain its statutory duties by re-directing pupils to alternative provision.

Noted.

4. REPRESENTATIONS

4.1 Two letters of objection (including the objection from Ochiltree Community Council summarised above) have been received with regard to the proposed development. The second objection is summarised as follows:

4.2 It is considered that this is a significant development in view of the number of houses required in East Ayrshire. Policy ADS2 of the Ayrshire Joint Structure Plan (AJSP) 1999 states that Kilmarnock is the primary location for major residential development, not Ochiltree.

Policy ADS2 of the AJSP directs major residential development within East Ayrshire to Kilmarnock. The proposed development, anticipated as being of up to 70 houses, is considered as being a

medium sized development. Policy ADS2 is not therefore considered pertinent to this application.

4.3 A development of this size does not “adhere to the guiding principle of protecting the countryside for it’s own sake” as stated in Policy ADS5 of the AJSP.

It is acknowledged that the proposed development is contrary to the policy provisions of AJSP Policy ADS5 (See Paragraph 5.3).

4.4 In conjunction with Phase 1 of this development, which has yet to commence, this represents significant development to which the local Primary School could not sustain.

The Department of Educational and Social Services has not specifically objected to the proposed development (See Paragraph 3.7). The Department however has stated that additional residential housing may produce pressures in relation to Ochiltree Primary School. Notwithstanding this, the Department would have a statutory duty to direct pupils to alternative provision.

4.5 A development of this magnitude is not in keeping with the immediate landscape and is therefore contrary to policies G2(A) and G8(I) of the AJSP.

The development is proposed within the rural area, and although the site lies directly adjacent to existing housing and an approved housing site, it is considered that the development would have an adverse effect on the environment and amenity of the village.

4.6 The well established and maintained hedge to the east of the proposed site should be preserved in the interests of wildlife.

A condition could be attached to any planning consent, if granted, regarding the retention of the hedge along the eastern boundary of the site.

4.7 The proposed development does not meet the criteria outlined in Policy G5 of the AJSP.

Policy G5 of the AJSP outlines specific criteria to which development proposals in the Rural Protection Area shall conform. These criteria refer to the requirement for a site specific locational need and the proposed development does not comply with this policy.

4.8 This proposal represents a large proportion of East Ayrshire’s total housing requirement, most of which is in Kilmarnock. This would not encourage efficient use of other brownfield land, as is encouraged in Policy G8(B) & (D) of the AJSP. Furthermore, it can be assumed that each

household in this category of development will be car users. This will therefore increase car usage to and from the village, contrary to Policy G8(E) of the AJSP.

Noted.

4.9 One of the main assets of Ochiltree as a desirable place to live is its size and character. To turn it into an urban sprawl is counter to this. Therefore this type of development is based on business reasoning and not social benefit.

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), (AJSP), and the Adopted Mauchline/Drongan/Ochiltree Local Plan (1993). The Adopted Local Plan was prepared in the context of the then emerging Strathclyde Structure Plan.

5.2 Policy ADS3 of the AJSP states that new residential, economic, commercial, cultural, educational and community development shall be directed to, and located within, settlements as defined by the local plans.

Within the Adopted Mauchline/Drongan/Ochiltree Local Plan, the site is located within the settlement boundary of Ochiltree. The East Ayrshire Local Plan (Finalised Version with Modifications) (2001), (EALP) however is the only local plan for East Ayrshire which conforms to the approved AJSP. Substantial weight must therefore be given to the relevant provisions of the EALP. The proposed development lies outwith the settlement boundary, as defined by the EALP, and is therefore contrary to the Policy ADS3 of the AJSP.

5.3 Policy ADS5 of the AJSP states that the three Ayrshire Councils shall adhere to the guiding principle of protecting the countryside for its own sake.

The proposed development would be contrary to the provisions of the above policy as the site lies within the Rural Protection Area, as defined by the EALP.

5.4 Policy L2 of the AJSP states that in assessing the supply and demand for housing the three Ayrshire Councils shall:

- (a) treat each of East, North and South Ayrshire Council areas as Housing Market Areas; and

- (b) be guided by forecasts of demand in the Structure Plan, or its reviews.

Noted.

5.5 Policy L3 of the AJSP indicates that in addition to the effective housing land supply at March 1998, local plans shall allocate sufficient land to meet housing shortfalls. (A shortfall of 210 houses in the East Ayrshire Housing Market Area in the period 1998-2005 is identified. The plan offers guidance that this shortfall should be accommodated within the Kilmarnock and Loudoun Housing sub-market area).

There are 3 Sub-Market Areas within the East Ayrshire Housing Market Area, namely Cumnock and Surrounding Area; Kilmarnock & Loudoun; and Ayr, North Carrick & Doon. The site lies within the Ayr, North Carrick & Doon Sub-Market Area.

Although Policy L3 indicates that there is a shortfall of 210 units in the Housing Market Area, there has since been a review of housing supply and demand in Ayrshire for the period 2000-2007. This review was approved by the Ayrshire Joint Structure Plan and Transportation Committee at their meeting of 08 September 2000. The review was premised upon the 1998 based Scottish Executive Household Projections' published in August 2000, and the Ayrshire Audit of Land Supply produced for 31 March 2000, which included sites shown in the Finalised East Ayrshire Local Plan. The review indicated that East Ayrshire had a surplus of housing land (of 22 units) to meet requirements in the period 2000-2007 and made no recommendation that a further land release was required in any of the three East Ayrshire Housing Sub-market areas.

It should be noted that although the surplus of housing land in East Ayrshire was small, the method of calculation used by the Structure Plan Team, includes a 10% flexibility adjustment on demand (+278units) and an allowance for an anticipated reduction in out-migration (+1159 units). In addition, no allowance is made in the calculation for "windfall" sites. A very large margin of flexibility is therefore built into the calculation.

It is therefore considered evident that sufficient land has been allocated within the EALP to meet demand in the East Ayrshire Housing Market Area and the proposal is contrary to Policy L3.

5.6 Policy L5 states that proposals to extend the greenfield supply of land for residential development shall require to:

- (a) demonstrate clear evidence of shortfall in effective land supply in the relevant Housing Market Area;
- (b) demonstrate effectiveness and output contribution during the shortfall period; and

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

As is indicated in paragraph 5.5 above, there is no shortfall of effective land supply in the East Ayrshire Housing Market Area. The proposed development has not been justified against the criteria of Policy L5 and consequently does not therefore comply with the provisions of the above policy.

5.7 Policy G1 of the AJSP indicates that the three Ayrshire Councils shall, in providing for new development, give priority to the use of land within existing settlements. Any proposed development outwith settlement boundaries shall not conform to the structure plan except:

- (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 specifically accord with other policies in the structure plan. Furthermore, the site is not identified within the EALP for development purposes and does not meet appropriate development criteria outlined in the AJSP and the EALP. The proposed development is therefore contrary to the provisions of Policy G1.

5.8 Policy G2 commits the three Ayrshire Councils to actively improving the urban and rural environment and not being supportive where there would be significant adverse effects arising from development.

It is not considered that the site could be developed without adverse environmental effects.

5.9 Policy G5 indicates the circumstances where development proposals in the rural protection area would be acceptable.

The proposal does not comply with this policy as it does not demonstrate the necessary locational need, social and economic benefit or contribution to the rural economy.

5.10 The proposed development also has to be determined against the Adopted Mauchline/Drongan/Ochiltree Local Plan (1993). Notwithstanding the age of the Adopted Local Plan, the proposed development falls within an area designated 'Housing' and requires to be assessed under policy RES 26 which states that there shall be a presumption in favour of housing development on such designated sites.

The proposed development is consistent with the policy provisions of the adopted local plan, whose relevance though is

greatly diminished by reason of its age, and when set against the other material considerations.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications)(2001), (EALP), the objections detailed in Section 4 above, national planning policy guidelines and the planning history of the site.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the EALP should be considered as a prime material consideration.

6.3 Strategic Development Policy SD3 of the EALP states that within the Rural Protection Area, development proposals relating to land located outwith settlement boundaries will be acceptable to the Council only where the development:

- (i) comprises an acceptable form of residential use as detailed in Policy RES13 of the Local Plan; or
- (ii) can be fully justified in terms of site specific locational need; or
- (iii) can be fully justified in terms of social and economic benefit to the community; or
- (iv) contributes to rural land diversification; or
- (v) provides for the operational needs of agriculture or forestry.

The development does not comprise an acceptable form of residential use as identified in Policy RES13 nor does it contribute to rural diversification or provide for the needs of agriculture or forestry. The applicant has not provided any site specific locational justification for the development nor have they fully justified it in terms of social and economic benefit to the community The proposal is therefore contrary to the provisions of this policy.

6.4 Policy RES2 states that proposals for residential development outwith but adjacent to the settlement boundaries will not be acceptable unless all of the following criteria are fully satisfied:-

- (i) there is a demonstrated shortfall in the supply of effective housing land within the relevant Housing Sub-Market Area;

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

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

The site could be considered to be effective as there are no major constraints to its development. Although Policy L3 indicates that there is a shortfall of 210 units in the Housing Market Area (and guides provision to the Kilmarnock and Loudoun Housing Sub-Market Area), this shortfall has been fully met by the sites identified in the EALP. The subsequent review approved in December 2000 indicates that there is now no shortfall in effective housing land in the East Ayrshire Housing Market Area. There is therefore no need or justification for an additional release of housing land and the application is contrary to Policy RES2.

- (iii) The proposal meets the terms of the Housing Development Strategy of the Local Plan.

Having at one point been identified in the Cumnock and Doon Valley District Wide Local Plan, the proposed site was deleted from the EALP as there was a significant oversupply of land in the Doon Valley Housing Sub-Market Area of the East Ayrshire Housing Market Area in the period to 2005. The release of a large greenfield site at Ochiltree (up to 70 dwellings could be anticipated within the site) would be contrary to the Housing Development Strategy of the East Ayrshire Local Plan Finalised Version. The Strategy directs the larger scale developments of 100+ houses to the main settlements of Kilmarnock and Cumnock, and medium size developments, of which the proposal is one, to settlements located along the A76/A735 corridor and with existing or potential access to the Glasgow/Dumfries railway line. Ochiltree is shown to be outwith this corridor as illustrated within the EALP.

The Housing Development Strategy also encourages the growth of all settlements, where possible, to meet housing demand generated locally within each particular settlement concerned. The EALP identifies two sites for residential development within Ochiltree, namely 1-5 Main Street (identified as being suitable for conversion to 10 flats) and a site to the rear of Main Street which is identified as the Cairnhall site (identified as being suitable for the development of 10 dwellinghouses). The Scottish Executive Reporter, at the Public Local Inquiry for the first phase at Watson Farm (see paragraph 6.5) concluded that there was insufficient land allocated in Ochiltree to meet local need and allowed the appeal. Currently the 26 houses approved at Watson Farm, and the re-commencement of work on the development of 10 flats at 1-5 Main Street, brings the effective supply at Ochiltree to 36 dwellings. Given that at March 31 2000, average house completions in Ochiltree amounted to 2 houses per annum taken over the previous 7 years, this brings the supply of land sufficient for a period of 18 years at the current level of completions.

It is therefore concluded that the proposed development does not meet the terms of the Housing Development Strategy of the EALP and is therefore contrary to the policy provisions of Policy RES2(ii).

(iv) Road access and all other services and infrastructure can be provided to the standard required by the relevant public and statutory service providers.

No objections to the proposed development have been received from statutory consultees.

(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.

No details of design or layout have been submitted at the outline stage. Indicative planting to the north and west of the site has been shown on the submitted plans. It is considered that the proposed development would have a detrimental impact on the visual and natural environment. The proposed planting to the west and north of the site would not reduce the impact of the development within this rural area to an acceptable degree. A Section 75 Agreement would be required to secure any such planting outwith the application site.

6.5 Policy RES 13 states that the Council will be supportive of residential development of single houses in the countryside where it can be demonstrated that the houses are required on a permanent basis:-

- (i) for an 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.

Developments for which a site specific locational need cannot be demonstrated to the satisfaction of the Council will not receive Council support.

Although relating to a site within the countryside, the application does not relate to a single house and the applicant has not provided any site specific locational justification for the development which would meet the above criteria. The proposal is therefore contrary to the provisions of this policy.

6.6 **Planning History:** the site has been the subject of previous applications for planning permission as follows:

(i) CD/89/149 - Outline planning permission for the erection of 80 dwellinghouses within part of the site was refused by the Scottish Development Department on 16 November 1989.

(ii) CD/91/32 – Outline planning permission was approved on 4 September 1991 for residential development (an indicative layout showed 12 houses). The northernmost part of this site was located within part of the site presently under consideration.

(iii) 99/0727/FL – Full planning permission was approved for the erection of 26 dwellinghouses at Watson Farm on 12 February 2001. This site lies directly to the south of the proposed development.

This application was approved by the Scottish Executive following an appeal against the Council's refusal of the application. The Scottish Executive Reporter concluded that there was substantial pressure for further housing in Ochiltree, and there were no other effective sites identified in that settlement within the EALP. The Reporter however indicated that no more than minimal weight should be given to the Adopted Local Plan given the current status of the EALP.

6.7 National Planning Policy Guideline 3: Land for Housing (NPPG3) states under paragraph 37 that small towns and villages should be protected from inappropriate large scale development where local authorities consider this would adversely affect the local environment and amenity. The release of sites in green belts should be considered only in exceptional circumstances and where the release can be justified as part of an overall strategic appraisal of housing land requirements in a structure plan and where it does not undermine the continued overall effectiveness of the green belt.

It is considered that the size and scale of the proposed development, which could accommodate up to 70 dwellings, would adversely affect the local environment and amenity of the village of Ochiltree. As indicated in section 5 and in this section above, the strategic appraisal of housing land requirements undertaken in both the AJSP and the EALP does not justify the release of this green belt site for residential development.

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 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. As is indicated at paragraph 5.2 above, the application is considered to be contrary to the Adopted Ayrshire Joint Structure Plan although it is considered to be in accordance with the Adopted Mauchline/Drongan/Ochiltree Local Plan. As previously advised, the Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan which has now been superseded by the AJSP Plan. The AJSP is however a more recent expression of policy, and greater weight should be given to this Approved Plan than to the Adopted Local Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated in Section 6 above, there are material considerations relevant to the determination of this application.

8.2 Given the age of the Adopted Mauchline/Drongan/Ochiltree Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) (EALP) should be considered as a prime material consideration. Indeed, at the recent appeal for 26 houses on the neighbouring site the Reporter indicated that the weight that should be given to the Adopted Local Plan was minimal. The most recent figures regarding the supply and demand of housing in East Ayrshire conclude that there is no shortfall in effective housing land in the relevant market area, and therefore there is no need for an additional release of housing land. Furthermore, the proposal does not meet the terms of the Local Plan's Housing Development Strategy which directs medium size developments along the A76/A735 corridor.

8.3 In addition, the recent approval of 26 houses at the neighbouring site mentioned above, has provided an adequate supply of effective housing land within Ochiltree to meet anticipated local needs inline with the East Ayrshire Local Plan development strategy, and no further housing is required to meet demand. The proposed development is therefore contrary to policies contained within the EALP.

8.4 Should the Committee be minded to approve the application, it would be considered a significant departure from policy and would therefore require to be referred to the Development Services Committee for consideration.

8.5 In terms of the letter of objections, it is acknowledged that the proposed development is contrary to a number of policies contained within the AJSP and the EALP. Concerns regarding the ability of the sewage system to sustain the development, have not been echoed by West of Scotland Water. The Education Department, while not objecting to the development has indicated that additional residential housing may produce pressures in relation to Ochiltree Primary School.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons listed on the attached sheet.

Alan Neish
Head of Planning and Building Control
23 May 2001
VE/VE
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/certificates.
3. Consultation responses.
4. Letter of representation.
5. Mauchline-Drongan-Ochiltree Local Plan.
6. Ayrshire Joint Structure Plan (1999), Approved 24 January 2000.
7. East Ayrshire Local Plan, Finalised Version with Modifications (2001).
8. Previous application 99/0727/FL

Any person wishing to inspect the background papers listed above, should contact Miss Vivien Emery on 01563 555485.

Implementation Officer: Dave Morris

Application no: 00/0265/OL

Location	Watson Farm, Ochiltree
Nature of Proposal:	Proposed Residential Development
Name and Address of Applicant:	Hope Homes Watson Terrace DRONGAN KA6 7AB
Name and Address of Agent	

DPO's Ref: Vivien Emery]

PPO's Ref; [

]

The above FULL application should be refused on the following grounds:-

(1) The proposed development lies outwith the settlement boundary of Ochiltree and would be contrary to Policies SD3, RES2 and RES13 of the East Ayrshire Local Plan Finalised Version with Modifications (2001) and contrary to Policies ADS 3, ADS5 and G1 of the approved Ayrshire Joint Structure Plan (1999) as there is no demonstrated shortfall of effective housing land within the Ayr, North Carrick & Doon Sub-Market Housing Area or a justified specific locational need for the development.

(2) The proposed development does not accord with the Housing Development Strategy stated in the East Ayrshire Local Plan Finalised Version with Modifications (2001) which directs large scale major residential development to the main settlements of Kilmarnock and Cumnock and medium scale development to those settlements located along the main A76/A735 corridor and with existing or potential access to the Glasgow -Dumfries railway line.

(3) The proposed development fails to accord with Policies L3 and L5 of the approved Ayrshire Joint Structure Plan (1999) as there is sufficient land allocated for residential purposes in the East Ayrshire Housing Market Area.

(4) There is sufficient effective housing land with planning permission within Ochiltree to meet the local housing needs of the settlement, and no further additional land release is considered justified in terms of the East Ayrshire Local Plan Housing Development Strategy.

(5) The size and scale of the proposed development is out of character with the size and scale of the settlement of Ochiltree and it is considered that it would have an adverse affect on the local environment and amenity of the village of Ochiltree. In these circumstances the proposed development is contrary to the guidance given in National Planning Policy Guideline 3: Land for Housing.

**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.**

AGENDA