

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 04 AUGUST 2006

**06/0569/FL: PROPOSED UPGRADING AND EXTENSION OF FARM
BUILDINGS TO FORM 7 DWELLINGS
AT EAST RAW'S FARM, MOSCOW
BY ATD DEVELOPMENTS LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the change of use of the remaining farm building into three residential units and the erection of three dwellinghouses to match the style of the original now demolished stone byres, to reinstate the original horseshoe arrangement. It is also proposed to convert the free-standing byre to the south of the farm steading into a dwellinghouse.

1.2 The proposal would be finished externally in stone and wet dash render painted white with a slate roof finish.

1.3 The proposal would also include the formation of a new road access to the site 130 metres east of the existing access. This new access road would provide access for six of the development's seven houses as well as for the residential properties to the south of East Raws without the need for them to negotiate the farm steading. The seventh house of this development and the existing house at 2 East Raws Cottage would be served through the relocation of the existing access road. The proposal will provide 28 parking spaces within the site as well as a turning head for larger vehicles and a communal bin storage area. The development's drainage will be serviced via a Biodisc unit with reed bed system.

1.4 The proposal would utilise pitched roof dormer windows and velux windows to provide accommodation at first floor level within the barn elements of the development

1.5 It should be noted that this proposal mirrors planning application 05/0931/FL in all aspects except houses 1,2 and 6 would be completely new build rather than conversion of the byres.

2. RECOMMENDATION

2.1 It is recommended that the Committee note the contents of the report, the expiry date for representations relative to the press advert and the presence of a consent for an identical built form on this site.

2.2 It is further recommended therefore that the Committee remit authority for the determination of the application to the Head of Planning, Development and Building Standards with any decision to be taken by him only upon conclusion of the advert period and without receipt of a public representation in that period.

3. CONCLUSIONS

3.1 As stated in the report the application is considered not to be in accordance with the terms of the Development Plan. Therefore it should be refused unless material considerations indicate otherwise.

3.2 As indicated in Section 6 of the report the proposal will result in the same number of houses of the same appearance and form as the previously approved planning consent. The error which resulted in the demolition of some of the original structure is unfortunate. On balance, there are material considerations which are relevant to the application and it is considered that they are of such significant weight as to merit the approval of the application contrary to the development plan.

CONTRARY DECISION NOTE

Should the Committee not agree that the application be remitted for determination to the Head of Planning, Development and Building Standards, the application will require to be determined by the next appropriate Northern Area Local Planning Committee.

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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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 a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation, as the proposal is not in accordance with the Development Plan.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is the former farm steading of East Raws Farm, Moscow, measuring 1.6 hectares in area and bounding onto the C33 Kilmarnock to Moscow road. Access to the farm steading is taken from the C33 via a track adjacent to 2 East Raws Cottage. This access track also provides access through the farm steading to other residential units to the south of the site.

2.2 During the implementation of planning consent 05/0931/FL part of the original horseshoe shaped farm steading was accidentally demolished. The two storey farmhouse and one of the barns have been retained while the wings have been demolished. A smaller free-standing byre to the south of the farm steading has also been retained on site. The roofs have been removed from all the buildings. The site has also been cleared of various large agricultural sheds

2.3 **Proposed Development:** Full planning consent is sought for the change of use of the remaining farm building into three residential units and the erection of three dwellinghouses to match the style of the original now demolished stone byres, to reinstate the original horseshoe arrangement. It is also proposed to convert the free-standing byre to the south of the farm steading into a dwellinghouse.

2.4 The proposal would be finished externally in stone and wet dash render painted white with a slate roof finish.

2.5 The proposal would also include the formation of a new road access to the site 130 metres east of the existing access. This new access road would provide access for six of the development's seven houses as well as for the residential properties to the south of East Raws without the need for them to negotiate the farm steading. The seventh house of this development and the existing house at 2 East Raws Cottage would be served through the relocation of the existing access road. The proposal will provide 28 parking spaces within the site as well as a turning head for larger vehicles and a communal bin storage area. The development's drainage will be serviced via a Biodisc unit with reed bed system.

2.6 The proposal would utilise pitched roof dormer windows and velux windows to provide accommodation at first floor level within the barn elements of the development

2.7 It should be noted that this proposal mirrors planning application 05/0931/FL in all aspects except houses 1,2 and 6 would be completely new build rather than conversion of the byres.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no objection to the proposal subject to the attachment of appropriate conditions to any grant of Planning Permission, in particular addressing the improvement of access to East Raws Cottage

Planning conditions can be attached to any grant of planning permission addressing the issues raised by the Roads Division.

3.2 Scottish Environment Protection Agency - No reply at the time of writing.

Noted.

3.3 Moscow and Waterside Community Council have no objection to the proposal.

Noted.

4. REPRESENTATIONS

4.1 The proposal was advertised in the Kilmarnock Standard as Development Contrary to the Development Plan. The time period for this advert expires on 05 August 2006, the day following this Committee. The neighbour notification period has fully expired and at the time of writing the report no letters of objection have been received in relation to this proposal from members of the public.

4.2 Given that the neighbour notification period has elapsed, given that this is the submission of a proposal whose 'end product' will be a development identical in numbers and appearance to a consent already granted and given that expiry of the advert period occurs on the day following Committee, it is considered appropriate to present this report to Committee. Any decision notice for this application should be with held until the conclusion of the advert time period. If any letters of objection are received within the balance of the advert time period, then the application would require to be determined at the next appropriate meeting so as to afford objectors appropriate opportunity to arrange for representation at Committee.

4.3 In a supporting letter, the applicant's agent has indicated that this planning application was required due to an error on site which was the inadvertent demolition of several walls intended for retention. They also indicate that immediately upon discovering this error the applicant stopped work and contacted the Planning Department to advise them of the situation. They highlight that the project involves the upgrading of the access roads and sightlines to East Raws, which will not only benefit the development but will also, benefit the existing cottages and farmhouses at Fleminghill.

Given the swiftness with which the developer brought the issue of the demolition to the attention of the Planning Authority it is considered that this was a genuine error. It would appear that the applicant has not gained from the situation as the development has halted and the proposal remains unchanged from the earlier consent.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 requires 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 and the Adopted East Ayrshire Local Plan (EALP).

Ayrshire Joint Structure Plan

5.2 Policy G1 of the Structure Plan indicates that only development which accords with the Local Plan Policies is acceptable outwith settlement boundaries.

The proposed development fails to accord with Policy RES 7 of the East Ayrshire Local Plan therefore the proposal fails to accord with Policy G1 of the Structure Plan.

5.3 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;

No site specific locational need for three new dwellinghouse in the rural protection area has been provided. However it is noted that the application has been required due to an error on site which demolished perfectly sound sections of the farm steading for which the developer had obtained planning consent for their conversion.

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

It is considered that there will be no social and economic benefit to the community.

C contributes to rural land diversification: or

It is considered that the proposal does not contribute to rural land diversification.

D provides for the operational needs of agriculture and forestry.

It is considered that the proposal does not provide for the operational needs of agriculture and forestry.

East Ayrshire Local Plan

5.4 Policy RES 7 encourages the rehabilitation or conversion of existing and traditionally designed and constructed buildings to residential use, subject to a set of stated criteria being met, as follows:

- i) The Council will require to be satisfied that the structural condition of the building is suitable for its conversion to residential use.

The applicant has provided a structural survey, which indicates that the remaining buildings are still suitable for conversion.

- ii) The proposal is capable of being implemented while retaining, to at least eaves level, the existing external walls of the building. Any extension shall be limited to a maximum of 50% of the ground floor area of the existing building and a minimum 50% of the external wall area in the completed conversion/rehabilitation shall be formed from the external walls of the original building.

The proposal fails to meet this criteria as the proposed building is two storeys in nature with additional ground floor extensions while the existing building is single storey in nature, therefore the proposal significantly exceeds this criteria by over 50%.

- iii) The development meets the service requirements of all appropriate statutory undertakers and the Council as Roads Authority.

The Roads Authority have no objection to the proposal subject to the attachment of appropriate conditions.

- iv) The proposal is fully in keeping with the character and appearance of the area within which it is located.

It is considered that the scale and mass of the proposal are acceptable in this locality as they respect the proportions of the original farm steading,

- v) The proposal meets all the design requirements of the Council and reflects the style and design of the original building located on the site.

The scheme accords with the requirement of the Council's Design Guidance.

- vi) The proposal does not damage the architectural integrity of the building and re-uses where possible, any existing traditional building materials found on site.

The proposal would result in the reinstatement of the horseshoe farm steading arrangement through the new build element and the conversion of the remaining farm buildings. The external materials proposed are appropriate for the rural setting of the building.

5.5 Policy RES 22 requires all developers to observe the minimum standards for the provision of public open space detailed in Schedule 4 of the Local Plan.

The proposal accords with the open space requirements of the Local Plan.

5.6 Policy TLR5 states that the Council will request all potential developers of residential sites comprising four or more houses, to enter into a Section 75 Agreement with the Authority for contributions towards the provision of appropriate leisure and recreational facilities within the area to which the development relates.

The developer has indicated that they are willing to make a contribution of £4000 to the TLR5 fund.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultation responses, the Finalised Ayrshire Joint Structure Plan, planning history and the impact on the amenity of the area.

Finalised Ayrshire Joint Structure Plan

6.2 Policy COMM 5, Housing in the Countryside, indicates that throughout the rural areas there shall be a general presumption in favour of housing development within existing communities, the reuse and redevelopment of redundant buildings for housing, the development of infill sites within existing housing groups and clusters and the development of housing to meet the operational requirements of agriculture and other rural businesses.

It is considered that the proposal does not accord with the criteria contained within this policy.

Consultation Responses

6.3 The consultation responses are detailed in the report and are supportive of the proposal.

Planning History

6.4 Planning Consent 05/0931/FL was approved on 20/2/06 for the conversion of redundant farm buildings to form seven dwellinghouses.

6.5 Planning Application 04/0357/FL for the conversion of redundant farm buildings to form five houses was withdrawn on 27/1/05

6.6 Planning Consent 02/0928/FL was approved on 10/7/03 for the conversion of redundant farm buildings to form four houses

Impact on Amenity

6.7 It is considered that, given the planning history of the site, which shows that this proposal replicates the layout and design of planning consent 05/0931/FL and given the benefit the road improvements would bring to the other residential and farm units served by the new road, the proposal will have a positive impact on the amenity of the area.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 The applicant's agreement to make a contribution to the Sports, Leisure and Recreation Fund in terms of Policy TLR 5 will require a formal legal agreement to be entered into between the Council and the applicant.

8. CONCLUSIONS

8.1 As stated in the report the application is considered not to be in accordance with the terms of the Development Plan. Therefore it should be refused unless material considerations indicate otherwise.

8.2 As indicated in Section 6 of the report the proposal will result in the same number of houses of the same appearance and form as the previously approved planning consent. The error which resulted in the demolition of some of the original structure is unfortunate. On balance, there are material considerations which are relevant to the application and it is considered that they are of such significant weight as to merit the approval of the application contrary to the development plan.

9. RECOMMENDATION

9.1 It is recommended that the Committee note the contents of the report, the expiry date for representations relative to the press advert and the presence of a consent for an identical built form on this site.

9.2 It is further recommended therefore that the Committee remit authority for the determination of the application to the Head of Planning, Development and Building Standards with any decision to be taken by him only upon conclusion of the advert period and without receipt of a public representation in that period.

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Alan Neish
Head of Planning, Development and Building Standards

27 July 2006
(CSI/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Letter of Support.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.

Anyone wishing to inspect the above papers please contact Craig Iles, Senior Planning Officer, on 01563 576772.

Implementation Officer: Dave Morris

060569FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0569/FL

Site of Proposal:	East Raws Farm Moscow KILMARNOCK KA3 6HU
Nature of Proposal:	Proposed Upgrading and Extension of Farm Buildings to Form 7 Dwellings
Name & Address of Applicant:	ATD Developments Ltd Clark House Grougar Moscow KILMARNOCK KA4 8PN
Name & Address of Agent:	Architectural Design Works G13 The APL Centre Stevenston Industrial Estate STEVENSTON KA20 3LR

DPOs Reference: CSI/MMM

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

1. Notwithstanding the approved plans details of the proposed boundary treatment to the garden grounds shall be submitted to and approved by the Planning Authority prior to the commencement of the development. Said boundary treatment shall reflect the rural setting of the development.

REASON In the interests of visual amenity.

2. Prior to the commencement of works on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved in writing by the Planning Authority. Prior to the

occupation of any flats or dwellinghouses within the site, the SUDS arrangement approved under the terms of this condition shall be installed and be fully operational.

REASON To ensure the provision of adequate surface water drainage within the site.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any order or enactment replacing this, no extensions or garages (unless forming part of the approved layout plan) shall be erected on the site unless a further specific planning application is submitted to and approved by the Planning Authority.

REASON To enable the Planning Authority to ensure that such structures are provided in a manner compatible with the visual amenity of the area.

4. Notwithstanding the submitted plans the visibility splay areas of 2.5 metres by 120 metres shall be provided at both junctions of the development with the public road with no obstruction to visibility greater than 1 metre in height being allowed within these areas.

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

5. The private access shall be in the form of a layby 12 metres long, 3.5 metres wide with 12 metres long entry and exit tapers. The layby must be constructed to adoptable standards and shall be constructed prior to the occupation of the dwellinghouse.

REASON In the interests of road safety.

6. The new access road shall be constructed to adoptable standard prior to the occupation of the first dwellinghouse.

REASON In the interests of road safety.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**