

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 17 MARCH 2006**

**05/0963/FL: ALTERATIONS TO FORM THREE DWELLINGHOUSES  
AT PLOTS 2, 3 & 4, LANGDYKE FARM, WATERSIDE  
BY ALTHERAN PROPERTIES LTD**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Full planning consent is sought for the change of use of the redundant farm outbuildings to form three dwellinghouses. The proposal involves the formation of dormer windows and attic rooms within the roof space of the new dwellings to provide bedroom accommodation. It is proposed that each new dwellinghouse will have at least 100 sq metres of private garden ground.

1.2 The proposal includes the improvement of the existing junction with the public highway incorporating a bellmouth layby with appropriate access splays, sightlines and hardstanding area for refuse collection. The proposal aims to provide a 3.5 metre wide access road, a turning head and appropriately allocated parking spaces for the new residential units adjacent to the conversion. The existing farmhouse remains unaffected by these proposals.

#### **2. RECOMMENDATION**

**2.1 It is recommended that the application for planning permission be approved subject to the conditions listed on the attached sheet but that permission not be issued until the Solicitor to the Council has concluded a formal Agreement with the applicants under Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of the points raised in paragraph 7.1 of the report.**

#### **3. CONCLUSIONS**

3.1 As indicated in Section 5 of the report, this application is considered consistent with the Development Plan. Therefore the application should be approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 there are material considerations relevant to this application however none are considered to be of such significant weight as would merit refusal of the application.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards the application will not require to be referred to the Development Services Committee as this would not represent a significant departure from policy.

**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 it is subject to an objection.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is Langdyke Farm located ½ mile to the south of Waterside within the Rural Protection Area, as defined in the Local Plan. The site area constitutes some existing vacant single storey stone and slate roofed farm buildings, and the farm access road to the junction of the A719 public road.

2.2 **Proposed Development:** Full planning consent is sought for the change of use of the redundant farm outbuildings to form three dwellinghouses. The proposal involves the formation of dormer windows and attic rooms within the roof space of the new dwellings to provide bedroom accommodation. It is proposed that each new dwellinghouse will have at least 100 sq metres of private garden ground.

2.3 The proposal includes the improvement of the existing junction with the public highway incorporating a bellmouth layby with appropriate access splays, sightlines and hardstanding area for refuse collection. The proposal aims to provide a 3.5 metre wide access road, a turning head and appropriately allocated parking spaces for the new residential units adjacent to the conversion. The existing farmhouse remains unaffected by these proposals.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division do not object to the proposal provided that the access junction with the public road is improved

to meet the required sightlines and the junction re-constructed to adoptable standard, and a residential standard turning head and 3.5 metre wide carriageway can be provided.

***The proposal incorporates the requirements of the Roads Division however conditions can be attached to any grant of planning consent addressing the timing and maintenance of these requirements. As the applicant is the prospective purchaser of the site not all of the land required for the junction sightlines is within the applicant's control therefore the land owners have been notified of the proposals, and a Legal Agreement will be required to ensure these upgrades are carried out and maintained thereafter.***

3.2 Scottish Environment Protection Agency does not object to the proposal provided the drainage arrangements meet their criteria, with their preferred method being a sub soil soakaway system for the disposal of septic effluent. They note that surface water should be excluded from the septic tank.

***Conditions can be attached to any grant of planning permission, requiring the submission of details and provision of the proposed drainage.***

3.3 Moscow and Waterside Community Council have objected to the proposal due to the environmental impact of the removal of the two established trees at junction with the public highway to incorporate the new road junction. They recommend that the new junction be created 20 metres or so south of the existing access thus resulting in the trees being retained and a new access having optimum site lines in both directions.

***It should be noted that the two trees which are referred to by the Community Council are not protected by any statutory powers and therefore the landowner could remove them at any time without the need for permission from the Planning Authority. The roads improvements required to facilitate this proposed development safely will require the removal of the two trees. It should be noted that a similar proposal, planning permission 04/0984/FL for barn conversion which also required the removal of the trees, was granted consent on 21 February 2005.***

#### **4. REPRESENTATIONS**

4.1 No letters of objection have been received in relation to this proposal from members of the public however as indicated above the Community Council object to the proposal.

## 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 and the Adopted East Ayrshire Local Plan (EALP).

### Ayrshire Joint Structure Plan

5.2 There are no relevant policies in the Ayrshire Joint Structure Plan.

### East Ayrshire Local Plan

5.3 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 an engineers report which indicates that the buildings are 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 meets the above criteria.***

(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.

***The proposal is fully in keeping with the character of the area.***

(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 proposal accords with the requirement of the Council's design guidance.***

(vi) the proposal does not damage the architectural integrity of the building and reuses wherever possible, any existing traditional building materials found on site.

***The proposal accords with the requirement of the Council's design guidance and is fully in keeping with the character of the area.***

5.4 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.***

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

6.1 The principal material considerations relevant to the determination of this application are the consultation responses received which are addressed in Section 3 of the report, the planning history for the site and impact upon the amenity of the area.

### Consultation Responses

6.2 The consultation responses are detailed in the report and do not raise any issues sufficient to warrant refusal of this application, although the objections of the Community Council have been noted.

### Planning History

6.3 Planning Permission 04/0984/FL, was approved on 21 February 2005 for the proposed change of use of redundant farm buildings to form three dwellinghouses. This planning permission necessitated the removal of the two trees at the junction with the public highway.

6.4 Agricultural notification 05/0637/AN, was approved on 01 July 2005 for two feed and implement stores including lambing and general agricultural use.

6.5 Planning Permission 99/0236/FL, was approved on 17 May 1999 for the proposed refurbishment and internal alterations of the existing farmhouse.

## Impact Upon Amenity

6.6 Despite the loss of the trees at the entrance to the site the impact of the proposal on the amenity of the area is considered to be acceptable. In terms of visual impact, the site is relatively isolated though is visible from the A719. The design accords with the Council's Design Guidance and the consultees have raised no issues in terms of drainage and roads which cannot be addressed by the attachment of appropriate planning conditions.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial implications for the Council in the determination of this application. The applicant will require to enter into a Section 75 Legal Agreement in relation to the extended road junction sightlines to be provided prior to the occupation of the first dwellinghouse.

## **8. CONCLUSIONS**

8.1 As indicated in Section 5 of the report, this application is considered consistent with the Development Plan. Therefore the application should be approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6 there are material considerations relevant to this application however none are considered to be of such significant weight as would merit refusal of the application.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application for planning permission be approved subject to the conditions listed on the attached sheet but that permission not be issued until the Solicitor to the Council has concluded a formal Agreement with the applicants under Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of the points raised in paragraph 7.1 of the report.**

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards the application will not require to be referred to the Development Services Committee as this would not represent a significant departure from policy.

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

08 March 2006  
(CSI/MMM)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Letter of Objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. Application No: 04/0984/FL 05/0637/AN 99/0236/FL

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

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0963/FL

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Site of Proposal:	Plots 2, 3, 4 Langdyke Farm Langdyke Farm Waterside KILMARNOCK      KA3 6JA
Nature of Proposal:	Proposed Alterations to Form 3 no. Dwellings
Name & Address of Applicant:	Altheran Properties Ltd Ravenstone House 4 Ravenstone Drive Giffnock GLASGOW      G46 6AL
Name & Address of Agent:	BSP Architects Ravenstone House 4 Ravenstone drive Giffnock GLASGOW      G46 6AL

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DPOs Reference: CSI/MMM

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

1. 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.

2. The developer shall contact the Head of Planning, Development and Building Standards immediately upon the completion of all downtakings and prior to the commencement of any new building works; this is to enable an inspection

of the site. Further works shall re-commence only once this inspection has taken place.

REASON To ensure that the development relates to the rehabilitation, rather than the new construction of dwellinghouses.

3. This approval relates to the change of use and rehabilitation of former agricultural buildings to form dwellinghouses and not to the erection of new dwellinghouses in the countryside.

REASON To ensure that the development relates to the rehabilitation and change of use of former agricultural buildings, rather than the new construction of dwellinghouses.

4. The formation of windows and doors shall be undertaken in such a manner as to ensure the remainder of the existing walls to at least eaves level are retained.

REASON To ensure that the development relates to the rehabilitation and change of use of former agricultural buildings, rather than the new construction of dwellinghouses.

5. Notwithstanding the plans hereby approved, the roofs of the dwellinghouses shall be covered in natural slates.

REASON In the interests of visual amenity and to maintain the visual quality of the area.

6. Notwithstanding the plans hereby approved, details/samples of all external finishing material to be used shall be submitted to, and approved in writing by the Planning Authority before any development commences on the site, and thereafter implemented as approved.

REASON In the interests of visual amenity.

7. Notwithstanding the plans hereby approved, the private access off the junction onto the A719 should be widened to 5.5 metres for a distance of 10.5 metres, and shall be constructed to Roads Division's standards, prior to any construction works commencing on site.

REASON In the interests of road safety.

8. Notwithstanding the plans hereby approved, the layby at the junction with the A719 shall be formed to an adoptable road standard, prior to the occupation of any of the dwellinghouses hereby approved.

REASON In the interests of road safety.

9. The proposed junction with the A719 shall be formed so as to achieve the required visibility sightlines of  $x = 2.5$  metres and  $y = 215$  metres and shall be completed prior to any other construction works commencing on site.

REASON In the interests of road safety.

10. Details of the means of foul drainage for the site shall be submitted to and agreed in writing with the Planning Authority, prior to any work commencing on site. Thereafter, the agreed scheme shall be implemented prior to the occupation of any of the houses hereby approved and subsequently shall be retained and maintained in accordance with the agreed details.

REASON To ensure that the proposal can be accommodated without adverse impacts on the existing drainage infrastructure.

11. Notwithstanding the plans hereby approved, any septic tank provided to serve the development shall be sited in such a position as will enable it to be emptied by the tanker.

REASON In the interests of public safety.

NOTES:-

1. The applicant is advised that the proposed road works will require a road construction consent prior to commencement of the works. Early contact with East Ayrshire Council's Roads and Transportation Division is advised in this regard.
2. SEPA have advised that all drainage arrangements should be to their satisfaction and consideration given to a sub soil soakaway system. SEPA have further advised that septic tank and soakaway systems will require to accord with current Code of Practice BS6297:1983. The developer is advised to contact SEPA at Redwood Crescent, Peel Park, East Kilbride, G74 5PP (Tel. No. 01355 574200, particularly with regard to confirming the drainage requirements.

**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.**