

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 16 MARCH 2007

**06/0202/FL: ALTERATIONS TO EXISTING HOUSE AND CONVERSION OF
EXISTING FARM OUTBUILDINGS TO FORM 3 HOUSES
AT BELLISLE, HURLFORD, KA1 5JE
BY MR AND MRS MARSHALL**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Planning permission is sought to extend the existing dwellinghouse and convert the existing farm outbuildings to form an additional three dwellinghouses. The alterations to the existing dwellinghouse and byres/outbuildings to form three dwellinghouses include the formation of a porch to the existing dwellinghouse and block no.2 and the formation of new window and door openings.

1.2 The application also includes alterations to the existing access junction with the A719 to include the formation of a lay by, widening of the access and provision of sightline visibility splays.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.

3. CONCLUSIONS

3.1 As indicated in the report the application is considered to be contrary to the terms of the Development Plan. Therefore it should be refused unless material considerations indicate otherwise.

3.2 As per Section 6 of the report there are material considerations relevant to the application. Chief amongst these is the application's inability to provide a safe means of vehicular access.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will require to be referred to the Development Services Committee as that would be a significant departure from Council 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, due to the fact that the application is subject to an objection and the applicants are not agreeable to enter into a legal agreement with the Council to secure the necessary sightline visibility splays at the access junction.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located off the A719 south west of Galston and south east of Hurlford. The application site consists of an existing dwellinghouse and ancillary outbuildings/farm byres. The surrounding land is predominantly in agricultural use with the exception of the residential properties at Bellisle Cottage at the access junction to the site and Bellaird House to the north west.

2.2 **Proposed Development:** Planning permission is sought to extend the existing dwellinghouse and convert the existing farm outbuildings to form an additional three dwellinghouses. The alterations to the existing dwellinghouse and byres/outbuildings to form three dwellinghouses include the formation of a porch to the existing dwellinghouse and block no.2 and the formation of new window and door openings.

2.3 The application also includes alterations to the existing access junction with the A719 to include the formation of a lay by, widening of the access and provision of sightline visibility splays.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Galston Community Council raise no objections to the application.

Noted.

3.2 East Ayrshire Council's Roads and Transportation Division have recommended refusal of the application given that the applicants have confirmed that they are unwilling to enter into a legal agreement with the Council in order to secure the visibility splay areas at the A719 junction.

The application cannot be favourably considered, given that the applicants are unwilling to enter into a legal agreement to secure the sightline visibility splay areas that cross over a third party's land. The landowner pertaining to the south west visibility splay has submitted a letter to the Division confirming that he has no objection to the applicant "sighting over the perimeter wall" of the property to achieve the required sight line along the A719.

3.3 Scottish Water have raised no objections to the application subject to the applicant making a separate application to Scottish Water for permission to connect to the public water network. They advise that there are no known sewers in the vicinity of the proposed development.

Notes can be attached to any grant of planning permission advising the applicant of Scottish Water's comments.

3.4 Scottish Environment Protection Agency (SEPA) have no objections in principle but have raised concerns regarding the drainage arrangements due to a lack of detail in the submitted plans. SEPA notes that a soakaway for the disposal of septic tank effluent is proposed however this requires to be supported by an assessment of the suitability of ground conditions. Should the report on ground conditions conclude that they are unsuitable for a soakaway, SEPA may consider a proposal to discharge treated sewage effluent to a watercourse with a secondary treatment from a reed bed/ wetland system or package treatment plant required prior to any discharge. Surface water will require to be excluded from the foul drainage system to minimise the amount of drainage being treated and should be discharged to a separate soakaway or to a watercourse via a suitably designed Sustainable Urban Drainage System (SUDS).

Conditions can be attached to any consent issued to address the above drainage matters prior to the commencement of any development on site.

4. REPRESENTATIONS

One letter of objection has been received in relation to the proposal. The points for objection are summarised as follows:

4.1 The septic tank overflow runs into the objectors field and the objector alleges that it could not cope with any additional houses. The objector is not aware of any soil percolation tests being carried out and request's SEPA's recommendation on solving this problem given that it affects the objector's land.

Should the Committee grant planning permission a condition will be attached pertaining to drainage requirements prior to the commencement of any works on site, as detailed in Section 3.4 of this report. The issue of the existing drain affecting land out with the control of the applicant is a separate legal matter.

4.2 The applicant does not own all of the land to form the necessary sight lines and parking bay required for the lorry and the farmer who owns this land has informed the objector he has no intention of selling it.

It is noted that the applicant does not own all of the land pertaining to the sight line visibility splay and given that the applicant is unwilling to enter into a legal agreement with the Council and neighbouring land owner to secure the necessary visibility splay the application cannot be supported. The agent acting on behalf of the applicant has advised that the purchase of the land to form the lay by has been agreed and the necessary legal paperwork is currently being processed.

4.3 The property of Bellisle Farm is now owned by a Mr and Mrs George Thompson.

The applicant's agent has confirmed that Mr & Mrs George Thompson are not now the owners and he owner notified the present owners in October 2006.

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 (2003).

Ayrshire Joint Structure Plan

5.2 There are no specific policies contained within the structure plan that are relevant to the assessment of this application.

East Ayrshire Local Plan

5.3 Policy RES7 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;

A structural engineer's report was submitted confirming that the buildings are capable of 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 existing floor area and at least 50% of the external wall area in the completed conversion/ rehabilitation shall be formed from the external walls of the original building;

No major extensions or alterations to the footprint of the buildings are proposed and it is considered that the existing ground floor area of the property will not be exceeded by more than 50%. Similarly, it is considered that more than 50% of the completed wall space will be formed from existing walls.

(iii) the development meets the service requirements of all appropriate statutory undertakers and the Council as Roads Authority;

The Council's Roads and Transportation Division recommend refusal of the application given that the applicants are not prepared to enter into a legal agreement to secure the sightline splay that encompasses land outwith their control. Therefore the proposal is contrary to this criterion.

(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 proposal is in keeping with the character and appearance 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; and

It is considered that the proposal meets the design requirements of the Council and all alterations are fairly minor and respect the rural style and character of the existing buildings on site.

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

It is considered that the proposal respects the architectural integrity of the buildings.

5.4 Policy RES22 requires all developers to observe the minimum standards for the provision of private open space detailed in Schedule 4 of the Local Plan.

The garden ground provision for each dwelling house significantly exceeds the minimum 100 sq metre requirement detailed in Schedule 4.

5.5 In conclusion it is considered that the proposal fails to meet all the requirements of policy RES7 therefore the proposal is contrary to the relevant provisions of the Development Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the planning history of the site and the impact on the amenity of the area.

Consultation Responses

6.2 The Council's Roads and Transportation Division's response indicates that the application should be refused.

Impact on the Amenity of the Area

6.3 Given that the applicants have not secured the necessary requirements to ensure safe access and egress from the property it is considered that the proposal will impose a detrimental impact on the amenity of the area in terms of road safety.

Planning History

6.4 Agricultural Notification (04/0467/AN) for erection of a general agricultural shed was approved 7 June 2004.

6.5 Planning permission (03/0413/FL) for erection of a dwellinghouse and agricultural shed was approved on 8 August 2003.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council resulting from this application.

8. CONCLUSIONS

8.1 As indicated in the report the application is considered to be contrary to the terms of the Development Plan. Therefore it should be refused unless material considerations indicate otherwise.

8.2 As per Section 6 of the report there are material considerations relevant to the application. Chief amongst these is the application's inability to provide a safe means of vehicular access.

9. RECOMMENDATION

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

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will require to be referred to the Development Services Committee as that would be a significant departure from Council policy.

Alan Neish
Head of Planning, Development and Building Standards

07 March 2007
(WS/SA)
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Adopted East Ayrshire Local Plan (2003).
5. Planning Permission 03/0413/FL.
6. Agricultural Notification 04/0467/AN.

Anyone wishing to inspect the above papers please contact William Stewart, Principal Planning Officer on 01563 578165.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0202/FL

Site of Proposal: Bellisle
Hurlford
KILMARNOCK
KA1 5JE

Nature of Proposal: Alterations to Existing House and Conversion
of Existing Farm Outbuildings to Form Three
Houses

Name & Address of Applicant: Mr & Mrs D Marshall
Bellisle
Hurlford
KA1 5JE

Name & Address of Agent: Manson Associates
2 Park Gardens Lane
GLASGOW
G3 7YL

DPOs Reference: WS/SA

The above FULL application should be refused for the following reason:-

1. The application fails to meet the necessary road safety requirements, cannot provide a safe means of vehicular access and is thereby contrary to criterion (iii) of Policy RES7 of the Adopted East Ayrshire Local Plan.

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VIEWING PLEASE CONTACT (01563) 576790.**