

**EAST AYRSHIRE COUNCIL  
NORTHERN AREA LOCAL PLANNING COMMITTEE: 16 MARCH 2007**

**05/0694/FL: PROPOSED CHANGE OF USE AND CONVERSION OF  
DISUSED FARM BUILDINGS TO CREATE FOUR RESIDENTIAL UNITS  
AT CHAPLETOUN MAINS FARM STEWARTON  
BY MR R MENZIES**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 The planning application relates to the change of use and conversion of the disused farm buildings to form four dwellinghouses. The complex of buildings is located well away from other properties and will be finished in a style and materials to match the existing farm with white render walls and grey slate roofs. The applicant has indicated the provision of passing places and traffic calming bumps throughout the length of the private access track.

**2. RECOMMENDATION**

2.1 **It is recommended that the application be approved subject to the conditions indicated on the attached sheet and that the issuing of the planning decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal agreement with the applicants in respect of a financial contribution to be made in terms of Policy TLR5 as referred to in paragraphs 5.3 and 7.1 of the report.**

**3. CONCLUSIONS**

3.1 As stated in the report the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 of the report there are material considerations relevant to the determination of this application, however it is considered that these are not of such significant weight as to 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 because such a decision would not represent 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 planning application which is to be considered by the Local Planning Committee under the scheme of delegation, as it has been subject to objections.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The application site comprises the access road, associated ground, outbuildings and the main farmhouse at Chapeltoun Mains Farm. Access to the site is via a relatively long track lying to the west of the grouping of buildings close to Chapel Hill Mound. Access to this area is gained via an unclassified road to the north-west of the main B769 Stewarton to Irvine Road. The site itself is located in open countryside and is surrounded on all sides by fields. The access point with the unclassified road is adjacent to the residential property at Chapelhill Cottage.

2.2 **Proposed Development:** The planning application relates to the change of use and conversion of the disused farm buildings to form four dwellinghouses. The complex of buildings is located well away from other properties and will be finished in a style and materials to match the existing farm with white render walls and grey slate roofs. The applicant has indicated the provision of passing places and traffic calming bumps throughout the length of the private access track.

**3. CONSULTATIONS AND ISSUES RAISED.**

3.1 East Ayrshire Council Roads and Transportation Division recommend that as the development is only now for 4 units, access is no longer required to be constructed to an adoptable standard. The servicing of the development will therefore take place at the junction with the existing public road and for this purpose the road side verge should be constructed to adoptable standards to accommodate the service lay-by.

3.2 The applicant should submit a design of the junction arrangement to the Roads Division when applying for permission to construct the lay-by. A sketch indicating the required location and size of the lay-by has been provided for the applicant's information.

***Appropriate planning conditions can be attached to the grant of any planning permission addressing these matters.***

3.3 East Ayrshire Council Cleansing Division advise that as the location is rural, the policy is for road end collection. In this case the collection point would be at the end of the access to Chapeltoun Mains Farm.

***Planning conditions can be attached to any planning consent granted to provide the lay-by and define the collection point within the public road verge.***

3.4 Scotland Gas Network confirmed they had no technical issues however advise of the presence of high pressure apparatus in the vicinity.

***This apparatus is the Eaglesham to Springside pipeline and lies well to the west of Chapeltoun Mains Farm, outwith the delineated planning application site and is unaffected by these proposals. A note could be attached to the granting of any consent, advising the applicant to contact Scotland Gas Network.***

3.5 Scottish Water have no objections to the proposal subject to the following concerns being addressed;

(a) This development may involve building over, or in such a way as to obstruct access to an existing public water main. The applicant must contact Scottish Water Operations, Technical Support team to ascertain what measures are to be taken to protect this apparatus.

(b) The applicant must make a separate application to Scottish Water Planning and Development Services team for permission to connect to the public water network at the appropriate time. It is important to note that the granting of planning consent does not necessarily guarantee a connection to Scottish Water's assets.

(c) There are no known public sewers in the vicinity of the proposed development. It is advisable that any septic tank should be sited in such a manner as to allow easy access for emptying by tanker.

***Planning conditions and notes can be attached to the grant of any consent advising the applicant of Scottish Water's concerns. A condition requiring details of the drainage solution, be that a septic tank, can be required prior to any work commencing on site, with thereafter the system being implemented prior to occupation of any of the houses.***

3.6 Scottish Environment Protection Agency (SEPA) advise that they have no objections in principle to the proposal however would offer the following observations:

- (a) The watercourses in the vicinity of the development are too small to accept a direct discharge of treated sewage effluent from a septic tank. The applicant may wish to investigate the use of a soakaway however the ground condition in the area is unlikely to be suitable for a sub-soil soakaway from a septic tank.
- (b) In light of these comments, SEPA would advise that foul drainage from this site *may* require to be treated biologically by means of a septic tank and reed bed system. The applicant should contact SEPA's Ayr Team on 01292 294000 at their earliest convenience in order to agree the effluent disposal arrangements and consenting issues for this development.
- (c) Surface water from the site should be excluded from the foul drainage system and treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland, which was published by CIRIA in March 2000.
- (d) All wastes produced during the development of the site must be disposed of at a suitably licensed or exempt waste management facility in accordance with the Waste Management Licensing Regulations 1994 (as amended).
- (e) In keeping with your authority's responsibilities with regard to the National Waste Strategy Local Area Waste Plan, suitable provision should be made with regard to space for waste storage at individual properties and the development as a whole. Such provision should be in line with your Council's collection plans to address the recycling, composting, recovery and disposal targets contained within the Area Waste Plan and your authority's implementation plan.

***Planning conditions can be attached to any grant of planning permission in relation to SUDS and to establish the final drainage solution for the site. The other matters raised can be dealt with by attaching notes to any consent.***

3.7 Stewarton and District Community Council have not responded in respect of this proposal.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 The proposal was advertised in the Kilmarnock Standard and five letters of objection from two individuals have been received. The objectors raise the following concerns:

4.2 Concern has been expressed by both parties that the sightline requirements will require the removal and/or trimming back of various trees and shrubs within and adjacent to the road verge.

***Following discussions with the Roads Division it has been agreed that there will be minimal trimming and removal of vegetation to achieve the necessary sightline. These requirements relate to the public road to the north of the junction, where traffic will be approaching on the opposite of the road and the Roads Division are confident that satisfactory sightlines can be achieved.***

4.3 The remaining concerns relate to the refuse collection arrangements and the question of the share of the maintenance of the private road, as a result of the increased number of houses.

***In respect of the refuse collection point, this will be placed within the roadside verge and a planning condition attached to ensure that the bins are only left there on collection days and at no other time. Such a condition would be enforceable as it lies within the public road and is supported by the Roads Division. Similarly, the provision of a lay-by for the refuse vehicle will also be required by condition.***

***With regard to the question of the maintenance of the private track leading to Chapelton Mains Farm, this is a private legal matter between the parties concerned and not a material planning consideration.***

## **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).

### **East Ayrshire Local Plan**

5.2 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;

***The applicant has submitted a structural survey which demonstrates that all of the buildings are capable of being converted to residential use.***

- (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;

***Extensions proposed measure less than 50% of the total ground floor area. Taking all 4 units together, more than 50% of the wall space of the completed building 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 Roads Division and other consultee have raised no objections to the proposal.***

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

***The proposal is in keeping with the character and appearance of the rural 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

***The design of the scheme is acceptable.***

- (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 complements the original architectural appearance and character of the farm building.***

5.3 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 applicant has indicated that he is willing to make a contribution to the TLR5 fund. The issuing of the consent shall be withheld until a Section 75 legal agreement or other suitable arrangements have been secured in relation to the TLR5 fund contribution.***

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

***The garden grounds shown on the plans reflect the necessary open space standards in terms of Policy RES22.***

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

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

### Consultation Responses

6.2 The consultee responses have been summarised in Section 3 of the report and subject to the imposition of conditions, do not recommend against the application.

### Representations

6.3 The representations have been summarised in Section 4 of the report. Some of their concerns can be covered by conditions and the remainder are not considered to be of such weight as to merit refusal of the application.

### Planning History

6.4 Planning Application 02/0423/FL for the change of use and alterations to a disused barn to form part of a dwellinghouse, demolition of plant room and erection of porch, was conditionally approved on 1<sup>st</sup> October 2002.

### Impact on the Amenity of the Area

6.5 It is not considered likely that the proposed development would have a significant detrimental affect on the amenity of the surrounding area. The properties will be finished in a style and materials compatible with their rural setting and have sufficient parking, turning and amenity space for the residents. The access and refuse collection arrangements will not significantly affect any neighbouring parties subject to the imposition of appropriate planning conditions.

## **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. CONCLUSION**

8.1 As stated in the report the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6 of the report there are material considerations relevant to the determination of this application, however it is considered that these are not of such significant weight as to merit refusal of the application.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet and that the issuing of the planning decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal agreement with the applicants in respect of a financial contribution to be made in terms of Policy TLR5 as referred to in paragraphs 5.3 and 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 because such a decision would not represent a significant departure from Council policy.

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

07 March 2007  
(WS/RH)

FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Letters of Representation.
5. Adopted East Ayrshire Local Plan (2003).
6. Planning History; 02/0423/FL

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

## EAST AYRSHIRE COUNCIL

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

05/0694/FL

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Site of Proposal:	Chapelton Mains Farm Stewarton KILMARNOCK KA3 3ED
Nature of Proposal:	Proposed Change of Use and Conversion of Existing Disused Farm Buildings to Create 4 Residential Units
Name & Address of Applicant:	Mr R Menzies Chapelton Mains Farm Stewarton KILMARNOCK KA3 3ED
Name & Address of Agent:	Hickey and Hickey 16 Oakshaw Street East PAISLEY PA1 2DD

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DPOs Reference: WS/RH

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

1. Notwithstanding the plans hereby approved, details of the service lay-by and refuse collection point adjacent to the public road, shall be submitted to and agreed in writing by the Planning Authority prior to any work commencing on site. The approved service lay-by shall be formed, prior to the occupation of any houses hereby approved and maintained in accordance with the approved details thereafter.

REASON In the interests of road safety.

2. The refuse collection point referred to in Condition 1 above shall only be used on collection days between the hours of 7am to 7pm and at no other times. Bins shall be stored at all other times within the bin storage area delineated on drawing no. 04.1044/098 Rev. B dated 16 November 2006.

REASON In the interests of the amenity of the surrounding area.

3. Before any works commence on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved by the Planning Authority in writing. The Sustainable Urban Drainage System shall thereafter be installed on site prior to the occupation of any dwellinghouses.

REASON To ensure adequate drainage is provided.

4. Details of the foul water drainage shall be submitted to and agreed in writing by the Planning Authority prior to any work commencing on site. Thereafter, the approved system shall be installed and operational prior to the occupation of any of the dwellinghouses and shall subsequently be maintained thereafter.

REASON In the interests of amenity of the area and to ensure that a satisfactory drainage system is provided.

5. External construction works and deliveries shall take place only between the hours of 8.00 a.m. to 6.00 p.m. Monday to Friday and 8.00 a.m. to 1.00 p.m. Saturday and at no time on Sundays.

REASON In the interests of the amenity of the area.

## **NOTES**

1. The developer is advised to contact Scotland Gas Networks, 95 Kilbirnie Street, Glasgow, G5 8JD (0141 418 4093), to discuss safe operating practices due to the presence of High Pressure apparatus in the vicinity.

2. The developer is advised to contact Scottish Water, Clyde House, 419 Balmore Road, Glasgow G22 6NU to discuss development close to the existing public water main and the need for a separate application/s to connect to the public water network.

3. The developer is advised to contact SEPA's Ayr Team on 01292 294000 at his earliest convenience in order to agree effluent disposal arrangements and consenting issues for this development.

4. The developer should consult the Council's Roads and Transportation Division prior to commencing any work on the service lay-by or within the public road and verges.

**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.**