

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE - 19 DECEMBER 2000

DECISION OF THE SOUTHERN LOCAL PLANNING COMMITTEE HELD ON 1 DECEMBER 2000 RELATING TO PLANNING APPLICATION NO 00/0473/FL: CONVERSION OF EXISTING BYRE INTO PRIVATE DWELLINGHOUSE AT ROTTEN ROW, BY OCHILTREE

Report by the Depute Chief Executive/Director of Corporate Resources

1. PURPOSE OF REPORT

- 1.1. The purpose of this report is to inform the Committee of the decision of the Southern Local Planning Committee held on 1 December 2000 regarding the above application.

2. BACKGROUND

- 2.1 The Southern Local Planning Committee on 1 December 2000 considered an executive summary and report dated 22 November 2000 (attached as an Appendix) by the Head of Planning and Building Control and agreed to refer the application to the Development Services Committee for determination with a recommendation for approval of the application for the reason that the proposal was substantially in compliance with the Council's Planning Policy.

3. FINANCIAL/LEGAL IMPLICATIONS - NIL

4. POLICY IMPLICATIONS

- 4.1 The Committee are referred to the report dated 22 November 2000 by the Head of Planning and Building Control, attached as an Appendix to this report.

5. RECOMMENDATION

- 5.1 It is recommended that the Committee consider the planning application by reference to the Head of Planning and Building Control's report dated 22 November 2000, and with consideration to the recommendation of the Southern Local Planning Committee as detailed in paragraph 2.1 above.

Fiona Lees
Depute Chief Executive/
Director of Corporate Resources

5 December 2000
IG/LR

LIST OF BACKGROUND PAPERS - NIL

Any person wishing further information on this report should contact Bill Walkinshaw, Administration Manager on telephone number (01563) 576135.

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 01 DECEMBER 2000

**00/0473/FL : CONVERSION OF EXISTING BYRE INTO PRIVATE
DWELLINGHOUSE AT ROTTEN ROW, BY OCHILTREE**

APPLICATION BY MR MONTGOMERIE

EXECUTIVE SUMMARY

1. DEVELOPMENT DESCRIPTION

1.1 Permission is sought for the conversion of an existing byre into a private dwellinghouse. The byre adjoins the adjacent dwellinghouse and forms part of a courtyard. It is of traditional design and appearance, with painted brick walls and slate roof. The building is however in a state of disrepair with parts of the wall having fallen down and other parts suffering from structural cracking.

2. RECOMMENDATION

2.1 It is recommended that the application be refused on the grounds listed on the attached sheet.

3. SUMMARY OF ANALYSIS

3.1 The proposed development does not fully comply with the policy provisions of the East Ayrshire Local Plan Finalised Version, as the proposal is not capable of being implemented while retaining, to at least eaves level, the existing external walls of the building. Although the proposed development would form an integral part of the existing courtyard farm and would result in a substantial improvement in the appearance of the building, only 38% of the existing walls are to be retained. The other 62% of the walls are structurally unsound, and the proposal cannot be implemented without their demolition and re-build. The proposed development is therefore contrary to the provisions of the East Ayrshire Local Plan, Finalised Version.

**Alan Neish
Head of Planning & 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.

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 01 DECEMBER 2000

00/0473/FL : CONVERSION OF EXISTING BYRE INTO PRIVATE
DWELLINGHOUSE AT ROTTEN ROW, BY OCHILTREE

APPLICATION BY MR MONTGOMERIE

Report by the Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose 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 proposed development is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description** : The application site lies approximately 425 metres west of the minor road between the A70 at Killoch and the B7046 near Skares. The site forms part of a courtyard farm steading. The site is bound by a dwellinghouse and farm buildings to the west and by agricultural land to the north, south and east.

2.3 **Proposed Development** : Permission is sought for the conversion of an existing byre into a private dwellinghouse. The byre adjoins the adjacent dwellinghouse and forms part of a courtyard. It is of traditional design and appearance, with painted brick walls and slate roof. The building is however in a state of disrepair with parts of the wall having fallen down and other parts suffering from structural cracking.

2.4 It is proposed to completely demolish part of the byre. Furthermore, the proposal would involve the taking down and re-building a substantial part of the byre. It is proposed to use some of the existing stone in the re-building, with the remaining part of the walls being built in blockwork. Three small extensions are also proposed. These include, two new entrances to the west elevation and a small porch extension (approximately 5 square metres), to the south elevation.

2.5 The building will be finished in traditional materials i.e. slate roof, wet-dash render to existing and new walls and timber sliding sash and case windows. A large area of private open space is to be provided to the west of the proposed dwellinghouse.

3. CONSULTATION AND ISSUES RAISED

3.1 Ochiltree Community Council has not responded to the consultation letter.

Noted.

3.2 Scottish Power, British Gas Transco and The Coal Authority have no adverse comments to make on the proposed development.

Noted.

3.3 West of Scotland Water advises that if a septic tank is utilised it must be sited in such a manner as to allow easy access for emptying by tanker. There are no public water mains in the immediate vicinity of the proposed development. Contact should be made with West of Scotland Water to discuss how a supply of water may be obtained.

A note can be attached to any planning consent granted for the development advising the applicant of the comments of WOSW.

3.4 The Scottish Environment Protection Agency advises that they have no objections to the proposed development provided the drainage arrangements are to their satisfaction. In this regard foul drainage should be connected to a septic tank and partial or full soakaway designed and constructed to comply with the current code of practice.

A note could be attached to any planning consent granted for the development advising the applicant to contact SEPA with regard to the above.

3.5 East Ayrshire Council Roads and Transportation Division has no objection to the proposed development subject to conditions. Visibility splays of 2.5 metres by 120 metres northwards, and 2.5 metres by 160 metres southwards will be required at the new junction with the public road, with no object greater than 1 metre in height being allowed within these areas. The existing access onto the public road must be permanently closed off prior to the commencement of the development. Conditions regarding surfacing, car parking and the siting of gates are also recommended.

The required visibility splays can be achieved within land under the applicants control. This will require the lowering of an existing hedge on either side of the proposed access. Appropriate conditions can be attached to any planning consent granted for the development to meet the requirements of the Roads Division.

3.6 East Ayrshire Council Environmental Health and Waste Management Division has no objections to the proposed development.

Noted.

4. REPRESENTATIONS : None.

5. DEVELOPMENT PLAN STATUS

5.1 The relevant policy document is the East Ayrshire Local Plan, Finalised Version. The application site lies within the Rural Protection Area and is covered by residential policies.

5.2 Residential Policy RES 7 states that the rehabilitation or conversion to residential use of existing, and traditionally designed and constructed buildings both within settlements and the rural area, will be encouraged. The proposed development will require to meet the following criteria:

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 Engineers Report has been submitted by the applicants agent. This report concludes that the existing roof of the byre is so severely damaged the only practical option is to demolish and replace it completely. It states that whilst there are substantial lengths of walling in need of partial or full replacement, the existing byre has not suffered from settlement or subsidence and therefore the remaining good walls can be incorporated in the proposed dwellinghouse. Any new structure will require a new ground floor construction and a replacement roof.

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 the existing external walls shall form the majority of the external walls in the completed conversion/rehabilitation.

Due to the poor condition of the byre a large proportion (62%) of the existing walls would have to be taken down and re-built. This would include taking down the existing walls of the north, and east elevation and re-building them. The proposed development would not therefore be consistent with the provisions of the above policy. The extensions proposed are of a small scale and would comply with the provisions of the above policy.

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

Statutory undertakers and the Roads Division have no objections to make regarding the proposed development.

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 will be in keeping with the character and appearance of the adjacent steading buildings.

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 proposed design of the building reflects that of the existing building and traditional materials/finishes are to be used throughout.

- vi) the proposal does not damage the architectural integrity of the building.

Given the poor condition of the existing byre, it is considered that the proposed development will result in an improvement to the building. All alterations are considered to be sympathetic to the traditional building and will not damage its architectural integrity.

6. OTHER PLANNING CONSIDERATIONS

- 6.1 If the Committee are minded to approve this application, it would require to be submitted to the Development Services Committee for determination as it would represent a significant departure from policy.

7. LEGAL AND FINANCIAL IMPLICATIONS

- 7.1 There are no legal or financial implications for the Council in determining this application.

8. CONCLUSIONS

- 8.1 The proposed development does not fully comply with the policy provisions of the East Ayrshire Local Plan Finalised Version, as the proposal is not capable of being implemented while retaining, to at least eaves level, the existing external walls of the building. Although the proposed development would form an integral part of the existing courtyard farm and would result in a substantial improvement in the appearance of the building, only 38% of the existing walls are to be retained. The other 62% of the walls are structurally unsound, and the proposal cannot be implemented without their demolition and re-build. The proposed development is therefore contrary to the provisions of the East Ayrshire Local Plan, Finalised Version.

9. RECOMMENDATION

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

Alan Neish
Head of Planning and Building Control

22 November 2000
VE/VE

LIST OF BACKGROUND PAPERS

1. Application forms and plans.
2. Statutory notices/certificates.
3. Consultation Responses
4. East Ayrshire Local Plan Finalised Version.

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

Implementation Officer: Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 00/0473/FL

Location	Rotten Row, by Ochiltree
Nature of Proposal:	Proposed Conversion of Existing Byre into Private Dwellinghouse
Name and Address of Applicant:	Mr L Montgomerie Glennconnor Farm By Ochiltree KA18 2RJ
Name and Address of Agent:	Carricks 7 Alloway Place AYR KA7 2AE

DPO's Ref: [VE]
PPO's Ref: []

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

1. The proposed development is not capable of being implemented without major reconstruction of the byre walls, and would therefore not be in accordance with Policy RES7 of the East Ayrshire Local Plan, Finalised Version.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**

AGENDA

