

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 4 APRIL 2003

02/0766/FL: CONVERSION, ALTERATIONS AND EXTENSION OF WATER TANK HOUSE TO FORM DWELLINGHOUSE – RETROSPECTIVE AMENDMENT TO PLANNING PERMISSION 98/0288/FL AT FOSTERHILL, MOSCOW BY MR & MRS HONEYMAN

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The original proposal was to convert and to extend the building to form a dwelling and to erect a wind turbine. The dwelling was principally 1½ storey, with two storey elements on the north and south elevations. The wind turbine and stable building was located to the north of the conversion with a gap of 1.2m between the buildings. The dwelling was to be finished in render with a slate tiled roof.

1.2 The current application combines the original approved conversion and the stables and turbine building into one dwellinghouse. In addition, this proposal includes revised window and door arrangements, an additional dormer and veluxes plus a conservatory on the west elevation.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet and that the decision notice be withheld until the Solicitor to the Council has satisfactorily amended the existing Section 75 Agreement under the terms of the Town & Country Planning (Scotland) Act 1997 in respect of those sightlines referred to in para 3.5 of the report.

3. CONCLUSIONS

3.1 Given the negligible relevance of the very elderly adopted plan it is considered that in the determination of the application, greater weight should be placed on the East Ayrshire Local Plan (Finalised Version with Modifications) and the other material considerations.

3.2 It is considered that although the proposal is contrary to the East Ayrshire Local Plan (Finalised Version with Modifications), it is a minor departure with significant weight being placed on the site's recent planning history.

3.3 Based on the recent planning consent it is concluded that there are circumstances in this case to allow an exception to policy. It is considered that the

proposal will have no detriment to the community and will not set a precedent to allow new housing in the countryside, contrary to local plan policy.

CONTRARY DECISION NOTICE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee as it would not be a significant breach of policy.

Alan Neish
Head of Planning and 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.

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Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a retrospective full planning application which is to be considered by the Local Planning Committee under the scheme of delegation because it represents a minor departure from the Finalised East Ayrshire Local Plan (as Modified).

2. APPLICATION DETAILS

2.1 **Site Description:** The application site consists of a brick built water tank house located to the south west of Moscow which was converted to form one domestic dwelling following grant of consent by this Committee on 21 August 1998. The building is accessed by a farm road currently serving Fairfield and Castlehill Farms.

2.2 **Proposed Development:** The original proposal was to convert and to extend the building to form a dwelling and to erect a wind turbine. The dwelling was principally 1½ storey, with two storey elements on the north and south elevations. The wind turbine and stable building was located to the north of the conversion with a gap of 1.2m between the buildings. The dwelling was to be finished in render with a slate tiled roof.

2.3 The current application combines the original approved conversion and the stables and turbine building into one dwellinghouse. In addition, this proposal includes revised window and door arrangements, an additional dormer and veluxes plus a conservatory on the west elevation.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Coal Authority have no adverse comments on the proposed development.

Noted.

3.2 The Department of Community Services, Outdoor Amenities Section and Moscow and Waterside Community Council have no objection to this application.

Noted.

3.3 Scottish Water have advised that any septic tank should be positioned to enable ease of servicing.

Noted. This issue can be addressed by means of a condition.

3.4 Scottish Environment Protection Agency have no objection provided that the drainage arrangements are to their satisfaction.

Noted. Conditions securing appropriate details can be attached to any grant of planning permission.

3.5 The Roads and Transportation Division require that the road includes a turning head suitable for residential developments and that the sightline standard at the junction with the A719 is 2.5m by 215m.

The issue of the turning head can be dealt with by means of a condition. There is an existing Section 75 Legal Agreement regarding the provision of sightlines which was signed in relation to the previous consent on this site (Ref: 98/0288/FL). This Agreement will require to be amended to relate to this current proposal.

4. REPRESENTATIONS

4.1 There have been no objections to the proposal. A letter in support of the application was submitted by the applicant's agent:

"The original planning permission to convert the derelict water tank house into a dwellinghouse was granted in 1998. This application utilised the existing water house and extended it. A separate building was also proposed which provided stables and power room. This equated to approximately 34 sq.m. The planning permission also permitted the existing roof of the water tank house to be replaced with a hipped roof of a steeper slope which allowed new floorspace to be created at first floor level. This proposal therefore allowed an extension of 48 sq.m. which was considered to be consistent with policy.

The dwellinghouse was however built differently to that approved. The dwellinghouse has largely been constructed as approved but instead of building the stables/power room separately, the 1.5m gap separating the two buildings has been infilled and the two buildings joined. This equates to an additional extension of 8.5sq.m. at ground floor level to that which was originally approved. In addition to this a conservatory of 17 sq.m. has been added to the house. This proposal now results in an extension of 73.5 sq.m. of the original tank house.

Whilst an extension of this size would strictly be contrary to Policy RES7 (ii), the proposal has to be considered in the context of the approved development and the purpose of the policy.

NPPG1 makes it clear that it should not just be detailed wording of policies that should be considered but also the purpose or aim of the policy. The purpose of Policy RES7(ii) is to ensure that any new development is not allowed to expand the original building to an extent that would have an adverse affect on the rural area. It also seeks to ensure that a significant proportion of the original building is utilised in the conversion.

The development subject to this application is approximately 80% approved and which was considered to comply with policy. The remaining 20% is made up of the infill of the area between the original approved dwellinghouse and stables/power room and a conservatory. In relation to the infill of the area, whilst this does result in a small increase in the overall size of the dwellinghouse, in physical terms it does not result in the proposed dwellinghouse extending or projecting beyond the building lines established by the original planning consent. The alterations also have been undertaken in a matter which respects the original design and character of the house. As a result any additional impact on the rural area is minimal and therefore there cannot be any conflict with the purpose of Policy RES7.

In relation to the conservatory, this does extend the ground floor area beyond the 50% mark but the conservatory is not of a size that renders the proposal unacceptable. It is of a size consummate with the size of the dwellinghouse and is designed and located in a way which reduces its impact on the rural area.

In conclusion therefore, whilst the proposed development now represents a proposal that increases the ground floor area of the original building by more than 50%, the increases involved are not significant and should be considered in the context of the approved dwellinghouse under reference 98/0288/FL. In this context material considerations indicate that in particular, the alterations to the original approved dwellinghouse do not render the proposal unacceptable and therefore this application should be approved.

It should be also noted that the proposed dwellinghouse is of a style and design which replicates that of the original approval. This has been complimented by additional landscaping carried out by the applicant that includes approximately 60 fir trees to the west of the site and approximately 7 broadleaf trees within the courtyard area. The applicant is also presently planting a new beech hedge along the 300m of road from the A719 to the entrance of the site.”

Noted. As the proposal currently stands it does not comply with the local plan policies relating to conversions. However, it is accepted that the major difference between the previous consent and the current application is the infilling of the gap between the converted tank house and the stables/power room building. It is therefore accurate to state that although the overall size of the dwellinghouse has been increased,

the footprint of the original consented buildings is not greatly increased by the physical joining of the two buildings.

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 planning application, the development plan comprises the Approved Ayrshire Joint Structure Plan and the Ayr County Development Plan (1953).

5.2 However, the Adopted Ayr County Development Plan is now almost 50 years out of date. Given the age of this plan, its relevance to the planning application is negligible. Nevertheless, within this Plan the site is identified as agricultural land. There are no policies in the plan relating to conversion of buildings or new houses in the countryside and therefore greater weight should be attached to the other material considerations.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of this application are the East Ayrshire Local Plan (Finalised Version with Modifications) (EALP), the previous planning consent for the conversion of this building to a dwellinghouse and the representation from the applicant.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered a prime material consideration.

6.3 Policy RES7 of the EALP is supportive of rehabilitation or conversion to residential use of existing and traditionally designed and constructed buildings both within settlements and the rural area subject to the criteria summarised below:

- (i) the structural condition of the building and its suitability for conversion;
- (ii) the conversion would, to eaves level, be comprised in the greater part from retained walls rather than new walls;
- (iii) services and access are available;
- (iv) the design is in character with the appearance of the area;
- (v) the Council's design requirements are met and the style and design of the original building is reflected; and
- (vi) the proposal does not damage the architectural integrity of the building.

The Council may consider a relaxation of criteria (ii) above in relation to courtyard outbuildings.

As noted in response to para 4.1 above, the proposal does not comply with this policy in terms of criteria (ii). However, in light of the previous consent granted it is considered that the current proposal which links the two buildings, is likely to have been acceptable if the original development had been completed as per the consent and a further application submitted to join the buildings. Consequently, it is considered that the proposal is acceptable as a minor departure from policy.

6.4 The planning history of the site is also a relevant material consideration. Consent was previously approved in April 1999 for the conversion of the water tank house to form one new dwelling and the erection of a wind turbine.

As is acknowledged in response to para 4.1 the primary difference from that previously approved is the physical link which now joins the conversion to the stables/power room building. Consequently, since this proposal, with the exception of the conservatory, does not greatly increase the footprint of the original consent building, it is considered that in this instance an exception can be made to policy.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 It is considered that consent should be granted subject to the existing Section 75 Legal Agreement being amended. There are no financial implications for the Council in the determination of this application.

8. CONCLUSION

8.1 Given the negligible relevance of the very elderly adopted plan it is considered that in the determination of the application, greater weight should be placed on the East Ayrshire Local Plan (Finalised Version with Modifications) and the other material considerations.

8.2 It is considered that although the proposal is contrary to the East Ayrshire Local Plan (Finalised Version with Modifications), it is a minor departure with significant weight being placed on the site's recent planning history.

8.3 Based on the recent planning consent it is concluded that there are circumstances in this case to allow an exception to policy. It is considered that the proposal will have no detriment to the community and will not set a precedent to allow new housing in the countryside, contrary to local plan policy.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet and that the decision notice be withheld until the Solicitor to the Council has satisfactorily amended the existing Section 75 Agreement under the terms of the Town & Country Planning (Scotland) Act 1997 in respect of those sightlines referred to in para 3.5 of this report.

CONTRARY DECISION NOTICE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee as it would not be a significant breach of policy.

Alan Neish
Head of Planning and Building Control

25 March 2003

(YN/MS)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Letter of support.
5. Ayr County Development Plan (1953).
6. Approved Ayrshire Joint Structure Plan.
7. East Ayrshire Local Plan (Finalised Version with Modifications).
8. Approved Strathclyde Structure Plan.
9. Previous Planning Application: 98/0288/FL.

Anyone wishing to inspect the above papers should contact Yvonne Nisbet on (01563) 576771.

Implementation Officer: Dave Morris

Form TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 02/0766/FL

Location: Fosterhill
MOSCOW
Galston

Nature of Proposal: Proposed Conversion, Alterations & Extensions of
Water Tank House to Form Dwellinghouse –
Retrospective Amendment to Planning Permission
98/0288/FL

Name & Address of Applicant: Mr & Mrs J Honeyman
Fosterhill
MOSCOW
Galston KA4 8PJ

Name & Address of Agent: James Barr
226 West George Street
GLASGOW G2 2LN

DPO's Ref: YN/MS

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

1. This approval relates to the change of use and rehabilitation of a water tank house to form a single dwellinghouse and not to the erection of a new dwellinghouse in the countryside.

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

2. Notwithstanding the plan(s) 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 interest of public safety.

3. The septic tank and soakaway shall be designed and constructed in accordance with the current Code of Practice BS6297: 1983. The applicant shall carry out percolation testing on site to assess the suitability of the sub-soil for effluent disposal. Surface water shall be excluded from the septic tank.

REASON In the interest of public safety.

4. Notwithstanding the submitted plans, the visibility splay areas of 2.5m by 215m shall be provided at the junction of the access to the development with the public road (A719). No obstruction to visibility greater than one metre in height shall be allowed within these areas.

REASON In the interest of road safety.

5. Parking provision and turning space for 3 nos cars shall be provided and maintained within the curtilage of the site off the farm road. Such provisions shall be completed within 2 months of the date of this consent.

REASON In the interest of road safety.

6. A turning head suitable for residential developments shall be provided on site to the satisfaction of the Roads Division. The turninghead shall be completed within 2 months of the date of this consent.

REASON In the interests of road safety.

7. The existing hedge along the eastern boundary of the site shall be retained intact and maintained thereafter to the satisfaction of the Planning Authority (except insofar as to allow access to the site).

REASON In the interests of visual amenity.

8. No trees shall be felled, lopped or have roots cut on the site without the written consent of the Planning Authority.

REASON In the interest of visual amenity.

9. Notwithstanding the provision 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 In the interests of visual amenity.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**