

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 16 MAY 2003

**02/0478/FL: PROPOSED RENOVATION AND EXTENSION OF DERELICT
FARMHOUSE AT BURNANNE, GALSTON
BY KERR TIMBER LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The application is to renovate and extend a derelict farmhouse to form one new dwelling. The proposed dwellinghouse comprises 3 bedrooms and is to be finished in roughcast with smooth cement bands and a grey slate or slate substitute roof.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report, the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposal is considered to accord with the Development Plan and therefore the application should be approved unless the material considerations indicate otherwise.

3.2 The proposal is in accordance with the guidance contained in NPPG14 which permits such developments subject to appropriate conditions. Since the proposed conditions have been recommended by both SNH and RSPB it is considered that the development is acceptable.

3.3 With regard to the letter of objection, it is considered that the issues raised have been addressed by the conditions proposed by SNH and RSPB in their consultation replies.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application would 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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02/0478/FL: PROPOSED RENOVATION AND EXTENSION OF DERELICT FARMHOUSE AT BURNANNE, GALSTON BY KERR TIMBER LTD

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of the 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 because it is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The site extends to some 0.10ha and is located approx 2.5 miles south east of Galston. The site currently comprises a derelict farmhouse. The property is a single storey stone masonry walled building with an asbestos cement sheeted roof. The building is located approx 65m from the public road.

2.2 **Proposed Development:** The application is to renovate and extend a derelict farmhouse to form one new dwelling. The proposed dwellinghouse comprises 3 bedrooms and is to be finished in roughcast with smooth cement bands and a grey slate or slate substitute roof.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have commented that as the public road is too narrow to permit two way traffic, the following improvements will be required:-

1. The public road is to be widened over the frontage of the new access to form a passing place;
2. An intervisible passing place either side of the new access is to be provided (at a maximum distance of 150 metres from the new access). The width of the passing places shall be 5.0m and 6.0m long, plus tapers.

A road opening permit will be required to ensure that the construction of the passing places complies with the Roads Division standards.

Noted. The above comments can be attached as conditions and notes to any grant of planning permission.

3.2 The Coal Authority have no adverse comments on the proposals.

Noted.

3.3 Scottish Natural Heritage (SNH) does not object to the proposed development. However, since there may be barn owls nesting in nest boxes in the farmhouse, the Wildlife & Countryside Act 1981 (as amended) makes it an offence intentionally to take, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also a particular offence to disturb any bird included in Schedule 1 while it is in, on or near a nest containing eggs or young, and to disturb dependent young of such a bird.

Hence it is important that works affecting the possible barn owl nest do not take place while the birds are resident and breeding. Works – including removal of a nest box – may be carried out outwith the breeding season when birds are not present. Before any such works are carried out SNH recommend that the nest box be examined by an individual possessing an appropriate license from SNH to confirm that birds are absent.

SNH would also recommend, by way of mitigation, that the nest box is relocated immediately to a suitable nearby location, in order that barn owls may use it in the following breeding season.

Noted. The issues raised by SNH can all be addressed by means of conditions attached to any grant of planning permission.

3.4 The Royal Society for the Protection of Birds do not object to the proposal subject to the following conditions:

1. The applicant does not cause any disturbance to the nesting barn owls, their eggs, nest or young. To avoid this, there should be no alterations to the building between April and September inclusive; and
2. The applicant retains a suitably qualified ornithologist to erect two barn owl nest boxes at appropriate locations near the proposed development.

Noted. The above conditions can be attached to the grant of any planning permission.

3.5 The Scottish Environment Protection Agency (SEPA) have no objection to this proposal provided that the drainage arrangements are to the Agency's satisfaction. In view of the absence of a watercourse suitable for the acceptance of septic tank effluent it is recommended that the possibility of providing a sub-soil soakaway system for effluent disposal is investigated. The septic tank and soakaway will require to be designed and constructed in accordance with the current code of practice BS6297: 1983. This will require the applicant to carry out percolation testing on site to assess the suitability of the sub-soil for effluent disposal. Surface water should be excluded from the septic tank. If the ground conditions prove to be unsuited for this method of effluent disposal, then the applicant should contact SEPA

directly to discuss what are the alternative options for collecting, treating and disposing of the sewage effluent arising at the site.

Noted. A condition requiring that all drainage must be provided to SEPA's satisfaction can be attached to any grant of planning permission.

3.6 Scottish Water have not replied at the time of writing this report.

Scottish Water have been consulted in respect of their responsibilities for water supply and drainage issues. Whilst it would be inappropriate to commence development where the solution to be employed regarding these issues was undecided; in the case of the single dwelling proposed, a condition attached to a consent but preventing development until such time as these two issues had been resolved, would be appropriate.

4. REPRESENTATIONS

4.1 One letter of objection has been received which raises the following issues.

4.2 Barn Owls (Species *Tyto alba*) have nested and fledged 15 owlets over the last 3 years in the barn and have roosted here for at least 4 years. With the farmer's permission, a Barn Owl nest box was installed in 1998. Barn Owls are a protected species as described by the British Trust for Ornithology and the RSPB. Development of the barn would result in the loss of their roosting and nesting environment.

Both the RSPB and SNH were consulted on this application and their responses are noted in paras 3.3 and 3.4 above. As can be noted from their responses neither objects to the proposal and would be amenable to the development being approved subject to conditions. The conditions proposed by the consultees can be attached to any grant of planning permission.

4.3 The site is of scientific importance. Under a licence issued by SNH, owl pellets are collected for analysis. The data gained shows which prey the birds are catching which in turn builds up a biodiversity picture of the surrounding area. This information is important in establishing the long term environmental impact of schemes such as forestation/deforestation.

See response to para 4.2 above.

4.4 Barn Owls are extremely rare in East Ayrshire. Suitable habitats with roosting and nesting sites are very few. This site is in an ideal location; the barn is isolated and is surrounded by excellent habitat for the birds. This habitat is also under threat due to the imminent commercialization of the area for tree production. The hunting

and foraging area of the birds is in the vicinity of the barn. All of the above will be lost if the site is developed.

See response to para 4.2 above. Furthermore, paras 6.2 and 6.3 relate to NPPG14: Natural Heritage, which permits such developments subject to appropriate conditions being attached. It is therefore considered that the proposal is in accordance with Government Guidance subject to attachment of the conditions proposed by SNH and RSPB.

5. ASSESSMENT AGAINST THE 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.

5.2 The relevant policies within the Adopted EALP are Policies RES7, ENV7 and ENV14.

5.3 Policy RES7 encourages rehabilitations or conversions to residential use of existing and traditionally designed and constructed buildings both within settlements and in the rural area, subject to meeting the following criteria:

- (i) structural condition;
- (ii) any extension limited to a max of 50% of ground floor area of existing building and a minimum of 50% of the external wall area in the completed proposal shall be formed from the external walls of the original building;
- (iii) meets service requirements of all statutory undertakers;
- (iv) in keeping with the character of the area;
- (v) meets Council's Design requirements; and
- (vi) does not damage the architectural integrity of the building.

Following an assessment of the submitted plans it is considered that the proposal is in accordance with Policy RES7.

5.4 Policy ENV7 expects all developers to comply fully with the Council's existing and emerging Design Guidance and Policy documents in order to ensure a high standard of design for new development.

It is considered that the design of the proposed dwellinghouse, incorporating slate or slate substitute, and sash and case look-a-like windows including mullions is acceptable in this location. In addition, a condition can be attached to any grant of planning permission requiring the use of wet dash render.

5.5 Policy ENV14 aims to safeguard those features and elements of the rural environment which are of prime importance to the economy and appearance of the

area. In assessing proposals the Council shall ensure that there is minimum impact on the rural environment and consequently there is a general presumption against any development which would have a permanent adverse impact or cause unacceptable, irreparable damage to natural heritage resources requiring conservation and to existing species and habitats.

With regard to the existence of barn owls at this location it is considered that the current proposal is acceptable subject to the conditions proposed by RSPB and SNH. Neither of these consultees object to the impact of the proposed development subject to conditions relating to the timing of the works and the erection of alternative nest boxes.

5.6 The relevant policies within the Approved Ayrshire Joint Structure Plan are Policies E6 and E9.

5.7 Policies E6 and E9 requires special attention to be given to the maintenance of biodiversity wherever reasonably practical and for Councils to have regard to the need to manage features of the natural heritage which are of importance for habitats and species. Barn owls are referred to in the Ayrshire Local Biodiversity Action Plan as a key species in the Ayrshire Farmland Habitat although no specific action for the preservation of Barn Owls is mentioned in the Plan.

See response to para 5.5 above.

5.8 The proposal is therefore considered to be in accordance with both the Adopted EALP and the Approved AJSP.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other material considerations relevant to the determination of this application are National Planning Policy Guideline 14: Natural Heritage (NPPG14), the consultation responses and the letter of objection which are detailed in Sections 3 and 4 of the report.

NPPG14: Natural Heritage

6.2 This document gives guidance on how the Government's policies for the conservation and enhancement of Scotland's natural heritage should be reflected in land use planning.

6.3 Para 74 of this document states:

“Planning Authorities should have full regard to natural heritage considerations in determining individual applications and contributing to the implementation of specific projects. While in some circumstances it will be necessary to refuse planning permission on natural heritage grounds, authorities should always consider whether environmental concerns could be adequately addressed by modifying the development proposal or attaching appropriate conditions.”

It is considered in this instance, based on the advice of SNH and RSPB, that the proposal is acceptable and any potential adverse impacts can be limited by attaching conditions regarding timing of the works and erection of alternative nest boxes for the Barn Owls.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of this application.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report, the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposal is considered to accord with the Development Plan and therefore the application should be approved unless the material considerations indicate otherwise.

8.2 The proposal is in accordance with the guidance contained in NPPG14 which permits such developments subject to appropriate conditions. Since the proposed conditions have been recommended by both SNH and RSPB it is considered that the development is acceptable.

8.3 With regard to the letter of objection, it is considered that the issues raised have been addressed by the conditions proposed by SNH and RSPB in their consultation replies.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application would 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

7 May 2003

(YN/MS)
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Representation Received.
5. Approved Ayrshire Joint Structure Plan (1999).
6. Adopted East Ayrshire Local Plan (2003).
7. NPPG14: Natural Heritage.
8. Council Design Guidance.

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: 02/0478/FL

Location:	Burnanne GALSTON KA16 9LS
Nature of Proposal:	Proposed Renovation and Extension of Derelict Farmhouse
Name & Address of Applicant:	Kerr Timber Ltd 4 Newmarket Street CASTLE DOUGLAS DG7 1HY
Name & Address of Agent:	Stairhill Architecture Services Stairhill MAUCHLINE KA5 5HN

DPO's Ref: YN/MS

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

1. The proposed development shall be carried out in accordance with the application form and plans submitted on 19 June 2002 as revised by the amended plan received by the Planning Authority on 6 November 2002.

REASON To ensure that the development is carried out in accordance with the approved details.

2. This approval relates to the change of use and rehabilitation of a derelict farmhouse 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.

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

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

4. The developer shall contact the Head of Planning & Building Control 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 recommence only once this inspection has taken place.

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

5. The mullions shall be formed on the same plane and in the same material as the external surface of the wall on which they are located.

REASON In the interests of visual amenity.

6. Notwithstanding the submitted plans, details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

7. Notwithstanding any specification on the approved plans or application form, the external surface of the walls shall be finished in a wet dash render, painted in a colour to be agreed in writing with the Planning Authority prior to the commencement of development.

REASON In the interest of visual amenity.

8. Notwithstanding any specification on the approved plans or application form, details/samples of the windows and doors to be used shall be submitted to and approved by the Planning Authority before any development commences on the site. The windows shall replicate traditional sash and case windows in terms of appearance and proportion. The front door shall be of traditional form with a minimum amount of glazing.

REASON In the interest of visual amenity.

9. Notwithstanding the plans hereby approved the roof shall be covered in natural slate or a slate substitute to be agreed in writing with the Planning Authority prior to the commencement of development.

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

10. 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.

11. Details of the colour of the smooth cement banding around the windows and doors shall be submitted to and approved in writing by the Planning Authority prior to commencement of development.

REASON In the interest of visual amenity.

12. Notwithstanding the plans hereby approved the development shall include 2 chimneys. These chimneys shall be located at either end of the west elevation.

REASON In the interest of visual amenity.

13. Prior to the occupation of the dwellinghouse, the public road shall be widened over the frontage of the new access to form a passing place in accordance with Roads Division Guidelines.

REASON In the interest of road safety.

14. Prior to occupation of the dwellinghouse an intervisible passing place either side of the new access shall be provided (at a maximum distance of 150m from the new access). The width of the passing places shall be 5.0m and 6.0m long, plus tapers.

REASON In the interest of road safety.

15. Before any work commences on site, details of the provisions made for an owl hole and nesting box/loft for barn owls shall be submitted, together with details of the timing of the works, and approved by the Planning Authority.

REASON In order not to disturb or deter the nesting or roosting of barn owls, a species protected by the Wildlife and Countryside Act 1981.

16. The applicant shall retain a suitably qualified ornithologist to erect two barn owl nest boxes at appropriate locations near the proposed development. These works shall be carried out in liaison with Mr William Strachan (Tel: 01563 820052) who currently monitors barn owls in the area.

REASON In order not to disturb or deter the nesting or roosting of barn owls, a species protected by the Wildlife and Countryside Act 1981.

17. Details to be submitted under Condition 15 above shall provide for no works to be undertaken between April to September inclusive.

REASON In order not to disturb or deter the nesting or roosting of barn owls, a species protected by the Wildlife and Countryside Act 1981.

18. Notwithstanding any specification on the submitted plans, the drainage arrangements shall be provided to the satisfaction of SEPA.

REASON In the interest of public safety.

19. There shall be no commencement of development on site until full details of the proposed methods of water supply and drainage disposal have been submitted to and approved in writing by the Planning Authority.

REASON In the interests of public health and to ensure that any drainage solution can operate without detriment to the surrounding habitat.

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VIEWING PLEASE CONTACT (01563) 576790.**