

## **EAST AYRSHIRE COUNCIL**

**NORTHERN LOCAL PLANNING COMMITTEE: 04 DECEMBER 2009**

**09/0706/PP: CHANGE OF USE OF LAND TO FORM CAR PARK  
AT 2 HAMILTON GARDENS, STEWARTON  
BY EAST AYRSHIRE COUNCIL**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 The application relates to changing the use of the derelict area of land to form a public car park providing one accessible parking bay, one parent and child parking bay and 17 parking bays. The proposal also includes the demolition of an outbuilding. It is also proposed to install three street lighting columns.

#### **2. RECOMMENDATION**

**2.1 It is recommended that the application be approved subject to a condition.**

#### **3. CONCLUSIONS**

3.1 As indicated 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 There are material considerations relevant to the application and it is considered that these are not of sufficient weight 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 and Economic Development, the application would not require to be referred to the Full Council as this would not constitute a significant breach of policy.

**Alan Neish**  
**Head of Planning and Economic Development**

**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 Economic Development**

### 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for planning permission which is to be considered by the Local Planning Committee under the scheme of delegation, due to the fact that objections have been submitted in respect of the application and the Planning Authority is the applicant and landowner.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises an area of vacant and derelict land and derelict building situated in Hamilton Gardens in Stewarton. The site is bounded to the west by the garden ground of the property at 22 High Street and by an area of open space. To the north and east, the site is bounded by Hamilton Gardens and to the south the site is bounded by the vacant property at 24 High Street. (There is a current planning application for this site 09/0693/PP for the change of use from office accommodation to hairdressers and three flats).

2.2 **Proposed Development:** The application relates to changing the use of the derelict area of land to form a public car park providing one accessible parking bay, one parent and child parking bay and 17 parking bays. The proposal also includes the demolition of an outbuilding. It is also proposed to install three street lighting columns.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objection to the proposal.

***Noted.***

3.2 East Ayrshire Councils Access Panel has no objection to the proposal.

***Noted.***

3.3 Stewarton and District Community Council has not commented on the application

***Noted.***

3.4 West of Scotland Archaeology Service (WOSAS) has not objected to the proposal. However, WOSAS consider that it is possible that significant archaeological deposits and features from the earliest stages of this part of the town's development may survive below the modern hard surfaces which are present across the site.

***Should planning permission be granted a condition could be attached to any consent to address this issue.***

#### **4. REPRESENTATIONS**

4.1 One letter of objection signed by 15 objectors and four other letters of objection have been received in connection with the application. The points of objection are:

4.2 Noise levels increasing, especially late at night or early morning.

***As the application site is currently vacant and derelict land, it is acknowledged that the proposal will result in a degree of increased noise level at the site. However this is likely to be minimal in nature and restricted to short time periods and is therefore unlikely to constitute a significant adverse effect on the amenity of the surrounding area.***

4.3 Pollution.

***Given that the proposed car park is not of a substantial size or scale and it is located immediately adjacent to Stewarton town centre, it is not considered that there would be any significant adverse effect on the surrounding area in terms of pollution.***

4.4 Anti social behaviour.

***The proposal also includes the provision of three street lighting columns on Hamilton Gardens which will provide an improved level***

***of lighting at this location which will result in improved natural surveillance of the site.***

4.5 Difficulty negotiating vehicles parked in Hamilton Gardens.

***It is acknowledged that there is currently on street parking at Hamilton Gardens and that this particular area is located adjacent to the sheltered housing at Hamilton Gardens. However the proposed car park is mainly situated to the south of the residential properties at Hamilton Gardens and will provide off street parking. Consequently the proposal is therefore unlikely to result in a significant adverse effect on the amenity of the surrounding area.***

4.6 Elderly residents leaving or returning to their homes in the Hamilton Gardens Sheltered Housing Complex would face a large increase in traffic in this area and the traffic would be a hazard.

***Whilst it is acknowledged that the proposal may result in additional traffic movements, the proposed car park provides a total of 19 off street parking bays which does not constitute a significant size and scale of this type of development. In addition, the access to the proposed car park is situated some 25 metres distant from the nearest part of the sheltered housing so that the location of the site access should not result in any significant adverse affect on the amenity of the surrounding area.***

4.7 The main route for residents from Hamilton Gardens Sheltered Housing Complex to access the Health Centre and local shops would mean residents having to pass the car park and negotiate the increased traffic.

***The location of the health centre would suggest that the most direct route would be the existing footpath on the opposite side of Hamilton Gardens from the proposed car park, thus avoiding the access to the car park. This route is also available to access local shops. The Roads Division has not objected to the proposal.***

4.8 The junction at Hamilton Gardens and High Street is already used by traffic entering Armour Place and Hamilton Gardens. Additional vehicles leaving and entering the car park would add to this problem.

***It is acknowledged that the proposal will result in additional traffic using the junction onto High Street. However it is unlikely that the increase in traffic would result in any significant adverse affect on the amenity of the surrounding area.***

## 5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 For the purposes of this application the development plan comprises the Adopted East Ayrshire Local Plan (2003).

### Adopted East Ayrshire Local Plan

5.2 Policy ENV6 states that The Council will actively encourage and support the natural and built environment in accordance with the Local Plan Environment Development Strategy (LPEDS).

***It is considered that the proposal accords with Policy ENV6.***

## 6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representations received, the Alteration to the East Ayrshire Local Plan, and the impact on the amenity of the area.

### Consultation Responses and Representations

6.2 These do not indicate that the application should be refused.

### Alteration to the East Ayrshire Local Plan: Finalised Draft with Modifications

6.3 Policy ENV7 and PROP 70 are relevant to this proposal.

***Given that the site currently constitutes an area of vacant and derelict land, it is considered that the proposal which includes the removal of a derelict building will result in an enhancement to the visual amenity of the surrounding area.***

### Impact on the Amenity of the Area

6.6 It is considered that the proposal will result in an improvement to the visual amenity of the area as the site status is currently vacant and derelict land.

## 7. FINANCIAL AND LEGAL IMPLICATIONS

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

## **8. CONCLUSIONS**

8.1 As indicated 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 There are material considerations relevant to the application and it is considered that these are not of sufficient weight to merit refusal of the application.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to a condition.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development the application will not require to be referred to Full Council as that would not be a significant breach of policy.

**Alan Neish**  
**Head of Planning and Economic Development**

23 November 2009  
(JL/KW)

## LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letter of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Alteration to the East Ayrshire Local Plan

Anyone wishing to inspect the above papers please contact Jane Little, Senior Planning Officer, on 01563 576768.

***Implementation Officer: Dave Morris***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

09/0706/PP

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Site of Proposal: 2 Hamilton Gardens  
Stewarton

Nature of Proposal: Change of use of land to form car park

Name & Address of Applicant: Mr Keith Orton  
East Ayrshire Council  
Roads and Transportation  
Greenholm Street  
Kilmarnock  
KA1 4DJ

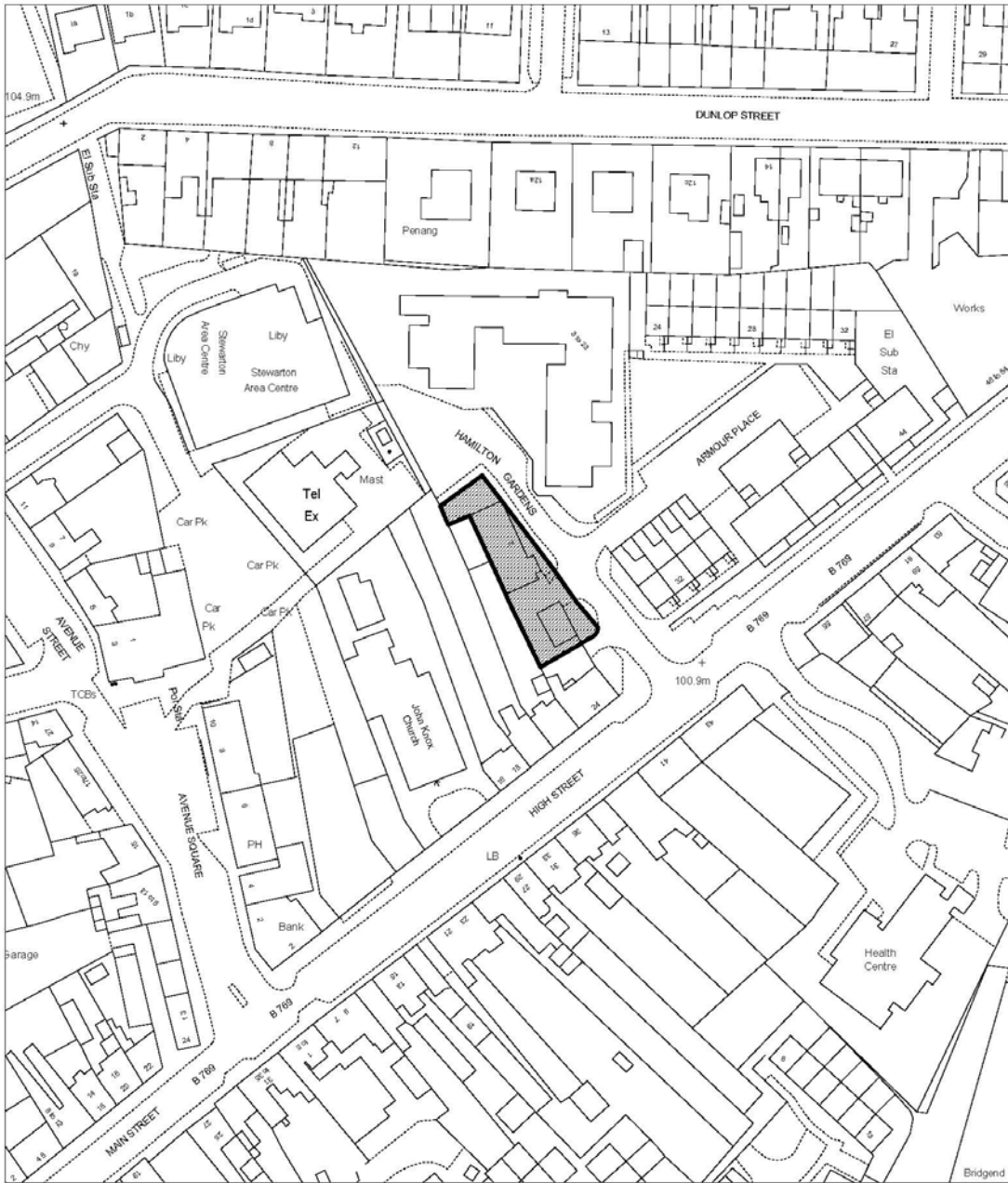
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DPOs Reference: JL/KW

The above Planning Permission application should be approved subject to the following condition.

1. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In the interests of the protection of any archaeological remains



<p>Title/Location    <b>2 Hamilton Gardens</b></p> <p>                          <b>Stewarton</b></p> <p>                          <b>Application No. 09/0706/PP</b></p>	<p>East Ayrshire Council</p> <p>Planning &amp; Economic Development Division.</p> <p>6 Croft Street Kilmarnock KA1 1JB</p> <p>Tel: (01563) 576790    Fax: (01563) 576774</p> <p>E-Mail : <a href="mailto:Planning@east-ayrshire.gov.uk">Planning@east-ayrshire.gov.uk</a></p>
<p>Key</p> <p> <b>Application Site</b></p>	<p>Com Date: 4/12/2009    Checked By</p>

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