

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 03 MARCH 2006**

**05/1031/FL: PROPOSED CHANGE OF USE FROM HAIRDRESSER AND  
GENTS BARBER TO 2 BED FLAT WITH STORE BELOW  
AT 42 OLD STREET, KILMARNOCK  
BY MR J DONNELLY**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning consent is sought for the change of use of the former hairdressing salon and gents barbers to form a two bedroom flat on the upper level of the premises and for the formation of a storage area, including bin storage, on the ground floor. Access to the upper floor flat is proposed to be taken via the existing stairway whilst access to the proposed storeroom is to be taken from a new access door located to the front elevation and from the communal access close

**2. RECOMMENDATION**

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

**3. CONCLUSIONS**

3.1 As indicated in Section 5 of the report, the application is considered to be largely in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 there are material considerations relevant to this application. The Roads Division has no adverse comments to make in relation to the proposed development. It is considered that the applicant has demonstrated that no further retail use could be attracted to the premises despite the applicant advertising the former hairdressing salon and gents barbers for lease. In order to bring this derelict building into economic use and to improve the overall appearance of the area, it is considered that a residential use would be acceptable given the predominance of residential dwellings in the immediate

vicinity. The issues raised by the objector, whilst noted, are not considered material to the determination of the planning application as the use of the rear access to Moodie Court would be a matter for the applicant and landowner. It is considered that the proposed development will bring a vacant derelict building back into economic use.

### **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 it will not require to be referred to the Development Services Committee as there would be no significant breach of 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 full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as it is subject to an objection.

#### **2. APPLICATION DETAILS**

2.1 **Site Description:** The application site comprises a vacant ground floor shop unit and a three roomed vacant former hairdressers salon on the upper floor of a two storey traditional building within the Riccarton area, to the south of Kilmarnock. The building also contains a vacant former newsagents shop. The application site is bound by modern flatted dwellings to the south and west, to the north by vacant derelict land and to the east by Riccarton Parish Church and Graveyard.

2.2 **Proposed Development:** Full planning consent is sought for the change of use of the former hairdressing salon and gents barbers to form a two bedroom flat on the upper level of the premises and for the formation of a storage area, including bin storage, on the ground floor. Access to the upper floor flat is proposed to be taken via the existing stairway whilst access to the proposed storeroom is to be taken from a new access door located to the front elevation and from the communal access close

#### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 East Ayrshire Council's Roads and Transportation Division have no adverse comments to make regarding the proposed development.

***Noted.***

3.2 There is no Riccarton Community Council in existence for this area.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 One letter of objection was received and a summary of their grounds of objection are detailed below.

4.2 The communal use of entry between 40-42 Old Street would be changed radically if it became a rear entrance to Moodie Court

***The applicant has not shown any amenity ground associated with the proposed dwelling and does not indicate that the rear access to the building is to be utilised. It is understood the land immediately to the rear of the application site is not in the applicant's ownership. In order to undertake access to or egress from the rear access the applicant would require right of access over the land from the owner. As such this issue is a matter for the applicant and landowner and is not material in the consideration of this application.***

#### **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).

##### Adopted Ayrshire Joint Structure Plan

5.2 There are no policies within the Ayrshire Joint Structure Plan relevant to the determination of this planning application.

##### Adopted East Ayrshire Local Plan

5.3 Policies RTC11, RES7 and RES22 of the Adopted EALP are specifically relevant in the determination of the application.

5.4 Policy RTC11 encourages and supports the reuse of vacant properties formerly in Schedule 5 use. The re-use of such properties or the re-development of the land to an appropriate residential or other alternative use not included in Schedule 5 will be acceptable only where It can be demonstrated, to the satisfaction of the Council, that an appropriate use falling within the Classes

described in Schedule 5 cannot be found; and the proposed use of the property is sympathetic to the character and amenity of the area concerned.

***The applicant has indicated that the property was marketed for a retail use over 2 years ago and no interest has been shown. Any interest shown indicated that the location of the shops was the biggest drawback, together with lack of other shops in the area and the deterioration of the building. The building has been empty for 3 years and has recently been a target for vandals. It is considered that the use of the property for residential purposes is appropriate and would be in keeping with the surrounding area.***

5.5 Policy RES7 encourages the rehabilitation or conversion of existing, and traditionally designed and constructed buildings to residential use, subject to the proposals meeting the requirements of the Roads Division, the proposal being fully in keeping with the character and appearance of the area within which it is located, the proposal meeting all the design requirements of the Council and reflecting the style and design of the original building located on the site.

***The use of the building for residential purposes is considered to be in-keeping with the existing building and locality as the area is now predominantly residential. The Council's Roads and Transportation Division have no adverse comments to make in relation to the proposed development and the proposed external alterations do not have an adverse impact on the building.***

5.6 Policy RES22 requires all developers to observe the minimum standards for the provision of private open space of 25 m<sup>2</sup> per bedroom.

***No private open space is provided for the development. However, it is considered that an exception to the above policy can be made in this instance as the development is for the conversion of a vacant derelict building in a poor state of repair with no existing external space.***

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

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and representation received that are addressed in Sections 3 and 4 of this report and the planning history of the site.

## Consultation Responses and Representation Received

6.2 It is not considered that any aspects of the consultation responses have raised any issues that would warrant the refusal of this application. The concerns of the objector are not material in the determination of this application as the applicant is not intending to use the rear entrance to Moodie Court.

## Planning History

6.3 02/0667/FL Proposed change of use from hairdressing salon to three no. bedsits refused by Central Local Planning Committee on 20 December 2000.

***The application was refused on the grounds that the proposed development would result in the loss of existing commercial floor space and should be retained as such. The applicant has demonstrated that the marketing of the premises for a retail use has proved to be unsuccessful with no real interest shown to use the property for a retail purposes. The applicant has, therefore, considered that the only viable option available would be to convert the derelict premises to residential use.***

## **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 is considered to be largely in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6 there are material considerations relevant to this application. The Roads Division has no adverse comments to make in relation to the proposed development. It is considered that the applicant has demonstrated that no further retail use could be attracted to the premises despite the applicant advertising the former hairdressing salon and gents barbers for lease. In order to bring this derelict building into economic use and to improve the overall appearance of the area, it is considered that a residential use would be acceptable given the predominance of residential dwellings in the immediate vicinity. The issues raised by the objector, whilst noted, are not considered material to the determination of the planning application as the use of the rear

access to Moodie Court would be a matter for the applicant and landowner. It is considered that the proposed development will bring a vacant derelict building back into economic use.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions 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, Development and Building Standards it will not require to be referred to the Development Services Committee as there would be no significant breach of Council Policy.

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

21 February 2006  
(BD/MMM)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Adopted East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan.
6. Planning Application No: 02/0667/FL.

Anyone wishing to inspect the above papers please contact Barry Douglas on 01563 576770.

***Implementation Officer: Dave Morris***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/1031/FL

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Site of Proposal: 42 Old Street  
KILMARNOCK  
KA1 4DX

Nature of Proposal: Change of Use from Hairdresser and Gent  
Barber to 2-Bed Flat with Store Below

Name & Address of Applicant: Mr J Donnelly  
36 Gatehead Road  
Crosshouse  
KILMARNOCK  
KA2 0JG

Name & Address of Agent:

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DPOs Reference: BD/MMM

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 received on 28 September 2005 and the amended plan (Rev B) received by the Planning Authority on 20 December 2005.

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

2. Notwithstanding the approved plans, details and samples of the proposed render finish to the front elevation and the proposed store entrance door shall be submitted to and approved by the Planning Authority, in writing, prior to the commencement of development on site and implemented as approved prior to the occupation of the flat.

REASON In the interests of visual amenity.

3. Notwithstanding the approved plans the proposed store entrance door shall open inwards.

REASON In the interests of pedestrian safety.

4. Notwithstanding the approved plans the proposed store shall be used in association with the flatted dwelling only and shall not be used for any other purpose without the benefit of planning consent.

REASON To enable the Planning Authority to retain control over the development of the site in the interests of residential amenity.

5. Notwithstanding the approved plans, any proposed future use of No. 38 Moodie Court shall require a separate application for planning permission and no change of use is approved under the present application.

REASON To enable the Planning Authority to retain control over the development of the site.

**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.**