

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 02 MARCH 2007**

**07/0003/LB, 07/0004/FL: CHANGE OF USE FROM DWELLING TO OFFICES/  
ERECTION OF DISABLED ACCESS RAMP  
AT: 75 LONDON ROAD, KILMARNOCK  
BY LYNN LAUGHLAND**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the change of use of the existing dwelling to form office accommodation. Full planning consent and listed building consent is sought for the erection of a disabled access ramp to the main entrance of the proposed office, on London Road. No other external alterations are proposed as part of the development.

**2. RECOMMENDATION**

**It is recommended that the applications be approved, subject to the conditions on the attached sheets.**

**3. CONCLUSIONS**

3.1 As indicated at Section 5 of the report the applications are considered to accord with the policies of the Adopted Local Plan. Therefore given the terms of Sections 25 and 37 (2) of the Town and Country Plan (Scotland) Act 1997 the applications should be approved unless material considerations indicate otherwise.

3.2 As indicated at Section 6 of the report there are material considerations relevant to these applications. The proposal accords with policies ENV2, ENV 4, RTC1 and IND6 of the Adopted EALP as it is not considered that the proposed change of use and erection of disabled access ramp will have an adverse impact on the residential amenity of the area or have an adverse impact on the visual quality of the Listed Building or the London Road Outstanding Conservation Area. The Roads Division have no adverse comments relative to the proposed

use and the comments of the objector's, whilst noted, relative to traffic congestion and parking are not echoed by the Roads Division. The proposal is for a small administrative office development that will have only minimal visitors whilst it is considered that there are also economic benefits from the proposals, by way of securing existing jobs and potentially providing additional jobs in the future to East Ayrshire.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the applications be refused contrary to the recommendation of the Head of Planning, Development and Building Standards they will not require to be referred to the Development Services Committee as there would be no significant breach of 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 & Building Standards**

### **1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present for determination a full planning application and Listed Building Consent Application which are to be considered by the Local Planning Committee under the scheme of delegation as they are subject to objections.

### **2. APPLICATION DETAILS**

2.1 **Site Description:** The application site extends to approximately 0.154 hectares and comprises the existing C-Listed dwelling house and garden grounds at 75 London Road. The application site is surrounded by traditional detached and semi detached dwellings to the north, east and west on London Road, with Nursery Lane to the south of the application site, which provides a rear access to the application site and the surrounding dwellings on London Road, Nursery Avenue and Middlemass Drive.

2.2 **Proposed Development:** Full planning permission is sought for the change of use of the existing dwelling to form office accommodation. Full planning consent and listed building consent is sought for the erection of a disabled access ramp to the main entrance of the proposed office, on London Road. No other external alterations are proposed as part of the development.

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

3.1 East Ayrshire Council Roads and Transportation Division have no objections to the applications.

***Noted.***

3.2 East Ayrshire Council's Environmental Health Licensing and Community Safety Division have no objections to the proposed development but advise that they will have an on-going interest in the use of the premises as an office under the Health and Safety at Work Act 1974.

***Noted.***

3.3 The Piersland/Bentinck Community Council have not responded to their consultation at the time of writing this report.

***Noted.***

3.4 Historic Scotland originally advised that they were of the opinion the external ramp would have a detrimental impact on the visual amenity of the buildings formal entrance, and suggested consideration be given to relocating the disabled access ramp to an alternative doorway on the frontage . The applicant's agent verbally advised that it would not be possible to relocate the access ramp as the internal configuration of the property would prevent wheelchair users from accessing the main offices. Historic Scotland were advised of this and of the fact that the large mature trees to the frontage are protected by a TPO, therefore reducing any perceived visual impact the proposed disabled access ramp would have on the frontage of the listed-building. Historic Scotland have now advised, in writing that they accept this.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 There are seven objectors to the proposed development and a brief summary of their main points of objection is as follows:

4.2 The access road which is only for 75 and 77 London Road is at times congested with people parking in front of number 77. They envisage problems with congestion of traffic entering and leaving number 75 if this is to be a homecare service. This is a Conservation Area and is therefore not suitable for commercial purposes.

***The concerns of the objector relative to traffic congestion, whilst noted, are not echoed by the Roads Division. It is not considered that a non-residential use in this location would have a detrimental***

***impact on the amenity or quality of the Conservation Area. It should be noted that part of the premises at 75 London Road was previously used as a dental practice and that there are a number of non-residential uses in the London Road Outstanding Conservation Area, including the Council's offices at 10 London Road; The London Road Medical Practice; the Masonic Hall; the Broomhill Hotel and the Dick Institute.***

4.3 The proposals will have an impact on the market value of our property, especially as it overlooks number 75.

***The objector's concerns in relation to property values are not a material consideration in the determination of a planning application.***

4.4 They object to such a commercial use in a prime residential area where it is likely to devalue the residential properties.

***Members are referred to the responses to 4.2 and 4.3 above***

4.5 In the past when this property was a Dental Surgery they had problems with vehicles parking in the road directly in front of the house and using their driveway as a turning area.

***The objector's concerns in relation to the previous use of the site as a Dental Practice are noted, however the Council's Roads Division have no objections or adverse comments to make in relation to the proposed development. Inconsiderate or illegal on-street parking at this location is an issue for Strathclyde Police.***

4.6 The proposals show no provision for parking at what appears will be a busy office. The bus stop and barrier at the top of Middlemass Drive would make access to the forecourt difficult.

***The Council's Roads Division have no objections or adverse comments to make in relation to the proposed development.***

4.7 The applicant has stated that they are looking to bring jobs to East Ayrshire as a result of the proposals; they do not agree that commercial premises in a prime residential area are necessary to achieve this, especially for an expanding business.

***Members are referred to the responses to 4.2 and 4.3 above.***

4.8 Numbers 75 and 77 London Road both share access to their properties by driving over a bus stop. This is the only access route to their driveway. The applicant states that there will be minimal disruption to neighbours, they strongly disagree. The claim that there is adequate parking provision to the front and rear of the property, they are concerned that the only access to the property will be over the shared access. They claim that their driveway was previously utilised by visitors to the dentist surgery at 75 London Road which was unacceptable. If consent is granted they wish their rights as residents and access to their homes to be respected.

***The Council's Roads Division have no objections or adverse comments to make in relation to the proposed development. The shared access the objector refers to is the public road which crosses the bus stop on London Road. This road provides access to both 75 and 77 London Road, with access to Middlemass Drive prevented by way of bollards. In relation to potential illegal parking within the grounds of 77 London Road or illegal on-street parking, this is police matter.***

4.9 The applicant claims that there is sufficient parking to the rear of the property. There is no parking to the rear at present; they assume this will mean the garden will be converted into a car park. Access to the rear of the property is via Nursery Lane, residents at Number 77 London Road access their garages via this lane. The lane is a single track road and was not built for commercial traffic; this will have an impact not only for them but the other residents to the rear of 75 London Road.

***There is an existing access gate onto Nursery Avenue which leads directly onto an area of hard standing. The planning application does not provide details of any works associated with the formation of a car park to the rear of the property. Any such proposals may require planning consent dependant upon what was proposed. However, a condition could be attached to any grant of planning consent for details to be submitted demonstrating how the applicant intends to utilise the rear garden area for car parking. It is not considered that utilising the rear access lane to provide vehicular access to the premises would result in a significant reduction of residential amenity for neighbouring residents. As stated above, the Council's Roads Division have no objections or adverse comments to make in relation to the proposed development.***

4.10 Their living room and two bedrooms currently overlook Number 75 London Road, this will have an impact on what the occupants will see and this may also make the resale of their property extremely difficult.

***The objector's concern in relation to the future sale of their home is not a material consideration in the determination of the applications. The application site is bound to the rear garden by traditional two metre high stone walls and it is not considered the proposed development would result in a significant reduction of the residential amenity of adjoining neighbours.***

4.11 The property will be vacant in the evenings and weekends as it is to be used for administrative purposes only, this will increase the possibility of crime and vandalism.

***It is not considered that the property would be at any more risk than existing non-residential uses in the area. A condition requesting details of the proposed security measures to be deployed at the premises when not in use could be attached to any grant of planning consent. However, it is in the interests of the applicants that their property is secured when not occupied.***

4.12 The only other office development in the area is the Council's Headquarters which, as a former School, had a playground which provides more than adequate parking facilities for those using the offices within the building.

***As stated above there are a number of non-residential uses in the London Road area, whilst the Council's Roads Division have no objections to the proposed development.***

4.13 The proposed erection of a disabled access ramp will detract from the appearance of a dwelling house of some architectural significance and situated within a Conservation Area.

***Historic Scotland have no objections to the proposed erection of a disabled access ramp, whilst it is considered that the visual impact of the proposed ramp will be significantly reduced as a result of the mature trees protected by a Tree Preservation Order (TPO) to the frontage of the application site. The proposed access ramp will also be finished in wet dash render to match the external finish of the property.***

4.14 London Road is an Outstanding Conservation Area which the objector understands ensures special consideration to proposed developments is required by the local authority and other bodies.

***A large area of London Road is indeed an Outstanding Conservation Area. As such the Council, as Planning Authority, does have a duty to ensure development in the area takes account of the special character of the area. It is not considered the proposed development at 75 London Road will have an adverse impact on the amenity or visual quality of the Outstanding Conservation Area.***

## **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 are determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of these applications the development plan comprises the Approved Ayrshire Joint Structure Plan (1999) and the Adopted East Ayrshire Local Plan (EALP).

### The Adopted Ayrshire Joint Structure Plan

5.2 There are no specific policies of a strategic nature within the Ayrshire Joint Structure Plan relevant in the determination of these applications.

### The Adopted East Ayrshire Local Plan (EALP)

5.3 Policies ENV2; ENV4; RTC1 and IND6 of the Adopted EALP are specifically relevant in the consideration of these applications.

5.4 Through Policy ENV2, the council will actively encourage the retention, restoration, renovation and re-use of listed buildings, unlisted buildings in Conservation Areas and other locally important, especially traditional older properties, throughout the area. There will be a presumption against the demolition or partial demolition of all such properties.

***The proposal involves the re-use of an existing listed building and therefore complies with Policy ENV2.***

5.5 Policy ENV4 seeks to ensure that all development within or affecting the setting of a Conservation Area or affecting the setting of a listed building is sympathetic to the area or building concerned in terms of its layout, size, scale,

design, siting, materials and colour of finish. The Policy also states that development proposals should seek to preserve, enhance or incorporate features which contribute positively to the character or appearance of the area and have due regard to the architectural and historic qualities of the area or building concerned.

***It is considered that the proposed access ramp complies with Policy ENV4 of the Adopted East Ayrshire Local Plan in that the design, external finishes, size and scale of the proposals are in keeping with the existing C-Listed Building.***

5.6 Policy RTC1 states that the Council will adopt a sequential approach in assessing development proposals for retail and other uses appropriate to town centres as described in Schedule 5 of the Plan. Applicants proposing such developments in out-of-town centre locations are required to demonstrate that no suitable alternative site can be found or assembled within town centres and thereafter in an edge of centre location.

***The supporting information submitted by the applicant states that the nature of the office development will be largely administrative with minimum visitors expected. It is therefore considered that the development should be considered as a Class 4 use, rather than Class 2 use, (which principally includes services used by the visiting public.) The proposal should therefore be assessed against policy IND6.***

5.7 Policy IND6 of the Local Plan states that all new industrial or business development on land not specifically identified for such purposes on the Local Plan maps and changes of use of existing premises to industrial or business use will require to be justified against all of the following criteria:

- (i) locational need;

***In the supporting statement the applicant outlines a need for a centralised office base for its existing dispersed community workforce. Kilmarnock is therefore an appropriate location for the development, however no additional information has been submitted to support the specific location.***

- (ii) availability of alternative land/premises in established industrial areas or on land identified as part of the marketable industrial land supply.

***No evidence is presented to demonstrate that any other sites have been considered by the applicant.***

- (iii) economic benefit;

***The proposal will bring economic benefit by way of relocating 11 jobs to Kilmarnock.***

- (iv) impact on surrounding environment and adjacent uses;

***The proposal is for a small administrative office development that will have only minimal visitors. It is considered that the development would not adversely impact on the surrounding, predominantly residential, area.***

- (v) transportation and infrastructure implications;

***The Council's Roads Division have no adverse comments in relation to the proposed development.***

- (vi) loss of public amenity space;

***The development involves the change of use of an existing dwelling house, therefore will not impact upon public open space.***

- (vii) loss of prime quality and good quality locally important agricultural land falling within categories 1, 2, 3.1 and 3.2 of the Macauley Land Use Research Institute;

***Not applicable to this application.***

- (viii) impact on natural and built heritage resources;

***The proposal involves the change of use of a Category C(S) listed building within a Conservation Area. However, it is considered that the changes to the building will be minimal and will not result in a significant impact on the amenity or visual quality of the Listed Building or Outstanding Conservation Area.***

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

6.1 The principal material considerations relevant to the determination of these applications are the Memorandum of Guidance on Listed Buildings and

Conservation Areas; the applicant's supporting statement submitted with the application; the consultations and representations received which are detailed in Sections 3 and 4 of the report, and the planning history of the site.

### Memorandum of Guidance on Listed Buildings and Conservation Areas

6.2 The Memorandum of Guidance on Listed Buildings and Conservation Areas comments states that the Disability Discrimination Act (1995) specifically states that it does not override listed building legislation although it is accepted that efforts should be made to make all buildings easily accessible to everyone. Schemes that provide better access should receive sympathetic consideration and be granted consent provided these alterations do not compromise the building's special character. The key principle of any such proposal should be to avoid work which would have an unfortunate visual impact upon the exterior of the building and reversibility of works should not justify schemes that relate poorly to the building.

6.3 The Memorandum continues to state that whilst ideally the principle access should be accessible to everyone, the feasibility of this will depend upon the architectural form of the principal façade, its foreground and relationship of the entrance to both. In some cases, skilfully designed and located ramps and handrails may overcome the problem although ramps are often highly visible and their design should be given careful thought with new work matching or at least fully respecting and complementing existing fabric.

***As noted above it is considered that the visual quality of the ramp is acceptable and will provide an access to the principal entrance of the office. It is considered that the trees at the frontage of the premises, protected by a Tree Preservation Order (TPO), will also reduce the visual impact of the proposed disabled access ramp at this Listed Building. The basecourse of the proposed ramp is to be finished in a wet dash render, to match the external finish of the existing listed building.***

### Applicant's Supporting Statement

6.4 A supporting statement was submitted as part of the full planning application and states that the application should be supported as:

- HRM Homecare Services Ltd is a contracted partner organisation providing care services on behalf of local authorities to people living in North, South and East Ayrshire Council areas, Renfrewshire and East Renfrewshire Council areas;

- HRM Homecare Services Ltd currently employs 160 care workers working in the community and 11 people who are office based;
- They state there will be minimum disruption to the neighbouring residents as the premises would be used as an administrative office base only with minimum visitors as the main workforce are based in community settings;
- There is ample parking to both front and rear for the numbers of people who will be office based;
- The proposals will create employment opportunities specifically within East Ayrshire by establishing the administrative base of the organisation in Kilmarnock;
- The proposals will secure the existing jobs of which approximately 45 are based in East Ayrshire;
- The proposals will allow HRM Homecare Services Ltd to offer increased job opportunities within East Ayrshire. They hope to provide at least 30 new community based job opportunities within East Ayrshire following successful conclusion of Care Home Contracts in April 2007 with East Ayrshire Council;
- It would establish a more centralised office base for our existing dispersed community based workforce.

### Consultations and Representations

6.5 The consultations and representations received are addressed in Sections 3 and 4 of the report. Upon careful consideration, these do not indicate that the applications should be refused. The concerns of the objectors, relating to parking provision and traffic congestion, whilst noted, are not echoed by the Roads Division. It is also considered that the proposed development would not have an adverse impact on the residential amenity of the area or have an adverse impact on the character and visual quality of the Outstanding Conservation Area. Details of the proposed car parking arrangements accessed via Nursery Lane and the proposed security arrangements to be put in place when the building is not occupied could be attached to any grant of planning consent.

## Planning History

6.6 There is no relevant planning history for the site in relation to the determination of these applications, other than past use as a dental surgery.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

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

## **8. CONCLUSIONS**

8.1 As indicated at Section 5 of the report the applications are considered to accord with the policies of the Adopted Local Plan. Therefore given the terms of Sections 25 and 37 (2) of the Town and Country Plan (Scotland) Act 1997 the applications should be approved unless material considerations indicate otherwise.

8.2 As indicated at Section 6 of the report there are material considerations relevant to these applications. The proposal accords with policies ENV2, ENV 4, RTC1 and IND6 of the Adopted EALP as it is not considered that the proposed change of use and erection of disabled access ramp will have an adverse impact on the residential amenity of the area or have an adverse impact on the visual quality of the Listed Building or the London Road Outstanding Conservation Area. The Roads Division have no adverse comments relative to the proposed use and the comments of the objector's, whilst noted, relative to traffic congestion and parking are not echoed by the Roads Division. The proposal is for a small administrative office development that will have only minimal visitors whilst it is considered that there are also economic benefits from the proposals, by way of securing existing jobs and potentially providing additional jobs in the future to East Ayrshire.

## **9. RECOMMENDATION**

**9.1 It is recommended that the applications be approved, subject to the conditions on the attached sheets.**

## **CONTRARY DECISION NOTE**

Should the Committee agree that the applications be refused contrary to the recommendation of the Head of Planning, Development and Building Standards they will not require to be referred to the Development Services Committee as there would be no significant breach of policy.

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

(BD/RH)  
22 February 2007

FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Letter of Representation.
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.
7. Historic Scotland's Memorandum of Guidance on Listed buildings and Conservation Areas

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**

Application No: 07/0004/FL

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Site of Proposal: 75 LONDON ROAD, KILMARNOCK

Nature of Proposal: CHANGE OF USE FROM DWELLING TO OFFICES/ERECTION OF DISABLED ACCESS RAMP

Name & Address of Applicant: Lynn Laughland  
73 Priorwood Road  
GLASGOW  
G77 6ZZ

Name & Address of Agent: Munro Architects  
23 Portland Road  
KILMARNOCK  
KA1 2BT

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DPOs Reference: BD/RH

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

1. Notwithstanding the approved plans, details of a proposed car parking layout to the rear of the premises and a scheme detailing the proposed security arrangements when the property is not occupied shall be submitted to and approved by the Planning Authority, in writing, prior to the commencement of development on site and shall thereafter be implemented as approved prior to the use of the building as offices.

REASON In the interests of residential amenity.

2. Notwithstanding the approved plans, the design and external finish of the proposed handrail on the disabled ramp is not hereby approved. Details of an alternative design which reflects the traditional character of the Listed Building, including details and colour of the proposed handrail, shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on site and shall thereafter be implemented as approved prior to the ramp being brought into use.

REASON In the interests of the visual amenity and historic character of the listed building.

3. Notwithstanding the provisions of the (General Permitted Development) (Scotland) Order 1992, and the Town and Country Planning (Use Classes) (Scotland) Order 1997, this permission relates to the use of the premises for an administrative office base only, and the further express permission of the Planning Authority shall be required in respect of any further Class 4 Business uses.

REASON In the interests of residential amenity.

**EAST AYRSHIRE COUNCIL**

**TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997**

Application No: 07/0003/LB

---

Site of Proposal: 75 LONDON ROAD, KILMARNOCK

Nature of Proposal: CHANGE OF USE FROM DWELLING TO OFFICES/ERECTION OF DISABLED ACCESS RAMP

Name & Address of Applicant: Lynn Laughland  
73 Priorwood Road  
GLASGOW  
G77 6ZZ

Name & Address of Agent: Munro Architects  
23 Portland Road  
KILMARNOCK  
KA1 2BT

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DPOs Reference: BD/RH

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

1. Notwithstanding the approved plans, the design and external finish of the proposed handrail on the disabled ramp is not hereby approved. Details of an alternative design which reflects the traditional character of the Listed Building, including details and colour of the proposed handrail, shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on site and shall thereafter be implemented as approved prior to the ramp being brought into use.

**REASON** In the interests of the visual amenity and historic character of the listed building.

**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.**