

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 21 APRIL 2006

**05/0506/FL: PROPOSED CHANGE OF USE AND ALTERATIONS TO
EXISTING TELECOM BUILDING TO DWELLINGHOUSE
AT NEWMILL ROAD, DUNLOP
BY JIM CRAWFORD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought to change the use of a former Telecom building to a dwellinghouse. The property will be converted into a three bedroomed house, comprising a lounge/kitchen area, bathroom and bedroom on the ground floor, with two bedrooms both with en-suite bathrooms and hall within the roofspace. The house will be finished in a wet dash render with a slate roof, similar to the existing building.

2. RECOMMENDATION

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

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 As per Section 6 of the report there are material considerations relevant to the application however it is not considered that these are of sufficient weight to merit the refusal of the application given the application of appropriate conditions.

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 departure from 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 objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is approximately 1,000 square metres and includes a former telecom building its curtilage, and adjacent public highway. The former Telecom building is single storey in height with a slate roof and roughcast walls. It is surrounded by grass. The application site is surrounded to the north and west by residential properties, to the south by Newmill Road and the property at Station House, and to the east by the main Kilmarnock to Glasgow railway line, beyond which are the residential properties at The Fieldings. The site lies at a lower level than Newmill Road. The application site abuts the Dunlop Outstanding Conservation Area and 'C' listed buildings at 2-4 Lugton Road, Dunlop.

2.2 **Proposed Development:** Full planning permission is sought to change the use of a former Telecom building to a dwellinghouse. The property will be converted into a three bedroomed house, comprising a lounge/kitchen area, bathroom and bedroom on the ground floor, with two bedrooms both with en-suite bathrooms and hall within the roofspace. The house will be finished in a wet dash render with a slate roof, similar to the existing building.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division originally recommended refusal to the proposal for the following reasons:

(a) The proposal to reduce the carriageway on Newmill Road to 5.5 metres to accommodate a footway over the frontage of the site is not acceptable. The carriageway must be maintained at the present width while providing a footway from the property to the existing public footway on Lugton Road. This would require land outwith the application site.

(b) The vertical and horizontal geometry of Newmill Road prevents the sightline standard appropriate for this development $x = 2.5$ metres by 70 metres from being achieved.

(c) The parking provision within the site is insufficient, it being necessary to have two spaces that can be independently accessed and having a turning area which permits vehicles to enter and leave in a forward gear. The current proposal would require vehicles to reverse onto Newmill Road with insufficient visibility.

3.2 However following discussions with the Roads Division, the applicant now proposes to install a speed table across the roadway opposite the access to the site. He has amended his plans to incorporate this feature and Roads have advised that they have no objections subject to the installation of this speed table.

It is proposed to condition the installation of the speed table prior to any work commencing on site, in order to secure a safe site access and egress for the development.

3.3 Scottish Water have no adverse comments to make regarding the proposed development.

Noted.

3.4 East Ayrshire Council's Environmental Health and Waste Management have no objection subject to noisy work on site being restricted to 8 am to 6 pm Monday to Friday, 8 am to 1 pm on a Saturday and no noisy work on a Sunday. Suitable provision should be made for the storage of refuse on site prior to its collection.

The applicant should have regard to the proximity of rail traffic and should install acoustic glazing and provide acoustic treatment to any opening door on the façade of the building facing the railway. This should provide a reasonable safeguard against noise intrusion into the property from rail and other sources.

Environmental Health's concerns can be dealt with by the imposition of conditions and notes to any planning consent.

3.5 Scottish Environment Protection Agency (SEPA) has not responded to their consultation letter at the time of writing this report.

Noted.

3.6 Scotland GasNetworks have not responded to the consultation.

Noted.

3.7 Architectural Heritage Society of Scotland have advised that they have no comments.

Noted.

3.8 Network Rail have no objection in principle provided various requirements are adhered to in terms of fencing, planting, earth works, excavation and construction works and lighting.

The requirements of Network Rail can be addressed by attaching either conditions or an advisory note to any grant of planning consent with regard to fencing, lighting, construction works and planting.

3.9 Dunlop and Lugton Community Council have objections to the development on the safety of proposed access to Newmill Road.

The applicant now proposes to utilise a speed table at the entrance to the site, which the Council's Roads and Transportation Division now consider overcomes their earlier concerns. The provision of the speed table will be conditioned on the planning consent.

4. REPRESENTATIONS

The proposal was advertised in the Kilmarnock Standard on 27 May 2005 as development affecting the setting of a Conservation Area. There are 6 letters of objection from 9 objectors to the proposed development including one from Dunlop and Lugton Community Council which is detailed in Section 3.9 above.

4.1 The distance from the brow of the humped back bridge and from the junction of Lugton Road would have major sightline and safety problems. This would be further compounded by the steepness of the access drive to the property and the proposed new road layout for Parkhead development.

The Council's Roads and Transportation Division are content that the provision of a speed table in the public road opposite the site will achieve a safe and satisfactory access to the development.

4.2 There are no details regarding the height and location of proposed fencing, screening or the existing hawthorn hedge to protect the privacy of the adjacent residential properties. There is concern that any potential fencing, the height of which may block light from their house and garden.

A condition is proposed to require details of walls and fences within the site. The applicant has indicated that he does not propose any works to the existing hawthorn hedge.

4.3 The detail showed needs to clarify the exact location of the rear boundary of properties on Lugton Road. They believe what is shown is inaccurate.

The applicant has been asked to clarify the extent of the site and his ownership and has confirmed that he owns all the land comprising the grounds of the former Telecom building.

4.4 The proposed development does not conform to the Local Plan for residential development or in accordance with a conservation village.

The proposal does not conform with the residential principal of development identified in the local plan for this part of Dunlop. The site does not lie within the defined Outstanding Conservation Area.

4.5 The majority of the land is covered in Japanese Knotweed. Most Local Authorities recognise this is an environmental hazard and they would expect the Council to insist on the removal of all the topsoil with safe disposal. Replacement topsoil would need to be imported. The retaining wall that extends along the southern boundary and into 2 Lugton Road should be maintained as this is structurally important for the adjacent Newmill Road.

The Japanese Knotweed is confined to one part of the site, away from the development area. However, it is proposed to condition that details of the remediation of the Knotweed within the site are submitted to and agreed with the Council prior to any work commencing on site.

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 this application the development plan comprises the Approved

Ayrshire Joint Structure Plan (1999) and the Adopted East Ayrshire Local Plan (2003).

Adopted Ayrshire Joint Structure Plan

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

Adopted East Ayrshire Local Plan (EALP)

5.3 Policy RES 7 is specifically relevant and encourages the rehabilitation or conversion to residential use of existing and traditionally designed and constructed buildings within settlements provided it meets all of the following criteria:

- (i) The Council will require to be satisfied that the structural condition of the building is suitable for its conversion to residential use;

The building is structural sound with the existing windows and doors in place and with the roof remaining on the structure.

- (ii) The proposal is capable of being implemented while retaining, to at least eaves level, the existing external walls of the building. Any extension shall be limited to a maximum of 50% of the ground floor area of the existing building and a minimum 50% of the external wall area in the completed conversion/rehabilitation shall be formed from the external walls of the original building;

The applicant now proposes to convert the building within its original size and no longer proposes any extension to it.

- (iii) The development meets the service requirements of all appropriate statutory undertakers and the Council as Roads Authority;

There have been no objections from any of the consultees and the provision of a speed table now satisfies the earlier concerns of the Roads Division.

- (iv) The proposal is fully in keeping with the character and appearance of the area within which it is located;

The conversion will retain the existing building on site, to the same size and material finish. Therefore, the character and appearance of the surrounding area will be retained.

- (v) The proposal meets all the design requirements of the Council and reflects the style and design of the original building located on the site; and

The applicant is no longer proposing any extension to the building and the new openings proposed in the building, accord with the Council's Design Guidance.

- (vi) The proposal does not damage the architectural integrity of the building and reuses wherever possible, any existing traditional building materials found on site.

The building will be retained and finished in materials to match the existing structure, slate and wet dash render.

The Council may consider a relaxation of criteria (ii) above with regard to the conversion of traditionally designed and constructed outbuildings forming an integral part of an existing farm courtyard grouping where the proposal would preserve and enhance the integrity of the group of buildings concerned.

The applicant no longer proposes to extend the building, therefore, there is no need for a relaxation of criteria (ii).

5.4 Policy RES 22 requires all developers to observe the minimum standards for the provision of private open space detailed in Schedule 4 of the Local Plan.

The proposal provides in excess of the minimum 100m² of private open space.

5.5 Policy ENV 4 seeks to ensure that all development within or affecting the setting of a Conservation Area or affecting the appearance or 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. Furthermore all 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.

The applicant now simply proposes to convert the building, therefore the structure will remain largely unchanged and correspondingly will not detract from the character or appearance of the adjacent Conservation Area.

5.6 Policy ENV 7 requires developers to comply with the Council's Design Guidance. It requires that house design recognises and reflects the scale, design features, density and materials of surrounding buildings and reflects and

respects the built form of the surrounding area so as to integrate with existing buildings.

The proposal accords with the Council's Design Guidance.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultation responses and representations received which are detailed in Sections 3 and 4 of the report and the impact on the amenity of the area.

Consultation Responses

6.2 The consultations received are addressed fully in Section 3 of the report. The concerns of the Roads Division with regard to the sightline requirements and footway provision have been overcome by the provision of the speed table. None of the other consultees object to the proposal.

Representations

6.3 The representations received have been summarised in Section 4 of the report and are not considered to be of such weight as to merit refusal of the application.

Impact on the Amenity of the Area

6.4 It is considered that the reduced, amended proposal, relating only to the existing building with no extension and given the provision of a speed table, will result in a development which has no significant adverse affect on the amenity of the surrounding area.

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 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 As per Section 6 of the report there are material considerations relevant to the application however it is not considered that these are of sufficient weight to merit the refusal of the application given the application of appropriate conditions.

9. RECOMMENDATION

9.1 It is recommended that the application be granted 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, Development and Building Standards it will not require to be referred to the Development Services Committee as there would be no significant departure from Council policy.

Alan Neish
Head of Planning, Development and Building Standards

11 April 2006
(BS/IMB/SA)

FV-KD

LIST OF BACKGROUND PAPERS

1. Application form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Letters of Objection.
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact William Stewart, Principal Planning Officer on 01563 578165.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0506/FL

Site of Proposal: Newmill Road
Dunlop
KILMARNOCK
KA3 4AW

Nature of Proposal: Proposed Change of Use Alterations and
Extension of Existing Telecom Building to
Dwellinghouse

Name & Address of Applicant: Jim Crawford
Garden Cottage
Lagarie
RHU
G84 8LE

Name & Address of Agent:

DPOs Reference: BS/IMB/SA

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

(1) Details of the speed table on Newmill Road, shall be submitted to and agreed in writing with the Planning Authority, thereafter the speed table shall be fully installed and operational, prior to any commencing on site.

REASON In the interests of road safety.

(2) Details of the parking spaces and turning area within the site shall be submitted to and agreed in writing with the Planning Authority, prior to any work commencing on site. The agreed details shall be fully installed prior to the house being occupied and thereafter retained and maintained in accordance with the agreed details.

REASON In the interests of road safety.

(3) Details of the fencing along the boundary with the railway line shall be submitted to and agreed in writing with the Planning Authority, prior to any work commencing on site. Thereafter, the agreed fence details shall be installed prior to the occupation of house hereby approved and thereafter retained and maintained in accordance with the agreed details.

REASON In the interests of residential amenity.

(4) No works shall take place within that part of the application site containing Japanese Knotweed until a detailed remediation programme has been agreed in writing with the Planning Authority.

REASON In the interests of amenity.

(5) Details of all the acoustic glazing, acoustic treatment of doors and noise insulation proposed for the building shall be submitted to and agreed in writing with the Planning Authority, prior to any work commencing on site. Thereafter, the agreed details shall be fully installed and operational, prior to occupation of the house hereby approved.

REASON In the interests of residential amenity.

(6) External construction works shall take place only between the hours of 08.00 am to 6.00 pm Monday to Friday and 08.00 am to 1.00 pm on Saturday and at no time on a Sunday.

REASON In the interests of residential amenity.

(7) 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.

(8) A scheme showing the provision to be made for the disposal of refuse shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON In the interests of residential amenity.

NOTES:

1. The applicant is advised that the proposed works on the public highway will require a Road Construction Consent prior to any works commencing on site. Early contact with East Ayrshire Council's Roads and Transportation Division at Greenholm Street, Kilmarnock is advised.

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