

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 21 APRIL 2006**

**05/1256/FL: PROPOSED CHANGE OF USE OF VACANT STORE TO FORM  
SINGLE FLATTED DWELLINGHOUSE  
AT 6 PORTLAND BRAE, HURLFORD  
BY MR D'ANDREA**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning consent is sought for the change of use of the remaining part of the building to form a residential flat. The proposal would be finished in white render with a natural slate roof covering. The development would share the common hardstanding, garden and car parking area to the south of the building, with the other residential units within the building.

**2. RECOMMENDATION**

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

**3. CONCLUSIONS**

3.1 As indicated in Section 5 of the report, the application fails to accord with Policy RES 7 (iii) of the Development Plan, however accords with the remaining criteria in Policy RES 7 and with Policy RES 22. Therefore, the application should be refused unless material considerations indicate otherwise.

8.2 However, as indicated in Section 6 there are material considerations relevant to this application which are considered to be of such significant weight as would merit approval of the application contrary to the Roads Division's recommendation.

**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 this would not represent a significant departure from 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.**

## EAST AYRSHIRE COUNCIL

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 21 APRIL 2006  
05/1256/FL: PROPOSED CHANGE OF USE OF VACANT STORE TO FORM  
SINGLE FLATTED DWELLINGHOUSE  
AT 6 PORTLAND BRAE, HURLFORD  
BY MR D'ANDREA**

### **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 comprises the building and curtilage at 6 Portland Brae, Hurlford. The application site includes the lower east most quarter of the building and the associated car parking, hardstanding garden ground area. The application site is bounded to the north, south and west by residential units while its eastern boundary comprises the steep banking of the River Irvine.

2.2 The building currently contains one residential flat while the remaining two quarters of the building have planning permission for conversion to flatted residential units.

2.3 **Proposed Development:** Full planning consent is sought for the change of use of the remaining part of the building to form a residential flat. The proposal would be finished in white render with a natural slate roof covering. The development would share the common hardstanding, garden and car parking area to the south of the building, with the other residential units within the building.

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

3.1 East Ayrshire Council's Roads and Transportation Division object to the proposal due to the limited parking provision within the site. The application site is unable to provide the required four parking spaces for the new and existing residential units.

***The objection of the Roads Division is noted. However it is considered that due to the vacant nature and history of the building and the limited extent of the proposal, combined with the minimal impact that the vehicles from an additional flatted household will have on Portland Brae, which is a no through road. The Planning Authority considers that the Roads Division's objections should be set aside in the interests of the likely significant improvement to the overall amenity of the site that consent would bring.***

3.2 Hurlford and Crookedholm Community Council have made no representation on this application.

***Noted.***

3.3 Scottish Water have not responded on their consultation for this application however previously indicated that they had no objection to residential development on this site.

***Noted.***

3.3 Scotland Gas Networks have no objection to the development of this site.

***Noted.***

#### **4. REPRESENTATIONS**

No letters of objection have been received in relation to this proposal from members of the public however the Roads Division have objected due to the lack of appropriate parking within the development 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 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).

##### Ayrshire Joint Structure Plan

5.2 There are no relevant policies in the Ayrshire Joint Structure Plan.

## East Ayrshire Local Plan

5.3 Policy RES 7 encourages the rehabilitation or conversion of existing and traditionally designed and constructed buildings to residential use, subject to a set of stated criteria being met, as follows:

- 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 structurally suitable for conversion to residential use.***

- 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 proposal meets this criteria as the proposed building is two storeys in nature with no extensions.***

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

***The Road's Division have indicated that the scheme does not provide the required parking standards.***

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

***The proposal will be compatible with the surrounding densities and house types in the area.***

- 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.

***The proposal accords with the requirements of the Council's Development Promotion and Design Guidance.***

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

***The proposal involves the change of use of part of the building and therefore accords with this policy.***

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

***The proposal accords with the open space requirements of the Local Plan.***

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

6.1 The principal material considerations relevant to the determination of this application are the consultation responses received, planning history and the impact on the amenity of the area.

### Consultation Responses

6.2 The consultation responses are detailed in Section 3 of this report and with the exception of the Roads Division do not raise any issues sufficient to warrant refusal of this application. It is considered that on-street parking for one unit in this locality is acceptable given the nature of Portland Brae and thus the views of the Roads Division should be set aside on this occasion.

### Planning History

6.3 Planning permission 01/0404/FL was granted on 31 May 2002 for the change of use of part of the vacant store to form two flats.

6.4 Planning application 04/0990/FL for the formation of three flats was withdrawn on 04 October 2005.

### Impact on Amenity

6.5 It is considered that any detrimental impact resulting from the additional on-street parking, on this no through road, created by the flat will be more than off set by the improvement in the local environment by the redevelopment of the vacant store within this residential area. While it is noted that the scheme does not meet the requirements of the Roads Division for parking, it is considered that overall the scheme will enhance the appearance and 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 Section 5 of the report, the application fails to accord with Policy RES 7 (iii) of the Development Plan, however accords with the remaining criteria in Policy RES 7 and with Policy RES 22. Therefore, the application should be refused unless material considerations indicate otherwise.

8.2 However, as indicated in Section 6 there are material considerations relevant to this application which are considered to be of such significant weight as would merit approval of the application contrary to the Roads Division's recommendation.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application for planning permission 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 this would not represent a significant departure from Policy.

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

10 April 2006  
(CSI/MMM)  
FV-KD

### **LIST OF BACKGROUND PAPERS**

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted East Ayrshire Local Plan.
6. Planning History.

Anyone wishing to inspect the above papers please contact Craig Iles, Senior Planning Officer, on 01563 576772.

***Implementation Officer: Dave Morris***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/1256/FL

---

Site of Proposal: 6 Portland Brae  
Hurlford  
KILMARNOCK  
KA1 5AL

Nature of Proposal: Proposed Change of Use of Vacant Store to  
Form Single Flatted Dwelling

Name & Address of Applicant: Mr D D'Andrea  
18 Central Avenue  
KILMARNOCK  
KA1 4PS

Name & Address of Agent: Thomson Dawes  
21 Portland Road  
KILMARNOCK  
KA1 2BT

---

DPOs Reference: CSI/MMM

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

1. Prior to the commencement of the approved scheme, details of the boundary treatment between the application site and 6A Portland Brae shall be submitted to and approved by the Planning Authority. Prior to the occupation of the unit, said approved boundary treatment shall be implemented and maintained thereafter.

REASON In the interests of residential amenity.

**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.**