

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 16 DECEMBER 2004

**04/0965/FL: PROPOSED CHANGE OF USE FROM WORKSHOP UNITS TO
PRIVATE HOUSE
AT 105B HIGH STREET, STEWARTON
BY ARF DEVELOPMENTS**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposed development is for the change of use and alteration of a redundant workshop to a private dwelling. The proposed dwelling is a one and a half storey property comprising a white render finish, grey concrete tiles and a timber ranch style boundary fence. The dwelling has a porch and two hipped roof dormers to the southern elevation and three hipped roof dormers to the northern elevation. A parking area comprising 2 spaces is formed to the front of the property in addition to a garden area measuring 80 square metres. The rear garden area is approximately 90 metres square with a patio area 40 metres square in area.

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 at Section 5 of the report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development accords with the Development Plan and therefore the application should be approved unless material considerations indicate otherwise.

3.2 It is considered that the proposed development meets the requirements of Policies RES7 and IND8 as the development complies with both the Council's Design Guidance and policy documents relating to this type of development in terms of design and layout.

3.3 In terms of the application the consultations received are generally supportive. The submitted letter of objection is noted but is not in itself considered to be of sufficient weight to justify an unfavourable recommendation. The overall impact of the proposed development can be accommodated without detriment to the amenity of the surrounding area.

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 the application will not require to be referred to the Development Services Committee.

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 is a redundant workshop located at 105B High Street, Stewarton to the eastern centre of Stewarton. The site is bounded predominantly by the residential properties of Dean Street to the north and Coopers Crescent to the south but an industrial unit to the immediate south.

2.2 **Proposed Development:** The proposed development is for the change of use and alteration of a redundant workshop to a private dwelling. The proposed dwelling is a one and a half storey property comprising a white render finish, grey concrete tiles and a timber ranch style boundary fence. The dwelling has a porch and two hipped roof dormers to the southern elevation and three hipped roof dormers to the northern elevation. A parking area comprising 2 spaces is formed to the front of the property in addition to a garden area measuring 80 square metres. The rear garden area is approximately 90 metres square with a patio area 40 metres square in area.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Water and East Ayrshire Council's Roads and Transportation Division have been consulted as part of this application and have offered no objections.

Noted.

3.2 East Ayrshire Council's Environmental Health and Licensing and Community Safety Division have been consulted as part of the application and offer no objections. It was however recommended that any noisy construction activities be restricted to normal 'dayshift' operations to avoid potential nuisance. For similar reasons it was indicated that no indiscriminate burning of waste should be carried out. Additionally it was commented that any unsuspected contamination discovered during the construction works should have suitable remediation measures undertaken.

Noted. Conditions can be attached to any consent to address these issues.

3.3 The Stewarton and District Community Council has objected to the proposed development, the grounds of which are detailed in section 4 of this report.

Noted.

4. REPRESENTATIONS

One letter of representation has been received with respect to this application and the reasons for objection are as follows:

4.1 The Community Council would express their concern at the loss of further workshop/industrial units to the town community.

Other areas of land are identified as being suitable for industrial development within Stewarton in the Adopted Local Plan. The loss of this particular industrial unit is not considered to be of such significance as to warrant refusal in this case given that the agent has advised that the unit has been vacant since February 2004.

4.2 The site of these vacant workshop units is next to a working garage and is therefore part of a small industry complex.

Noted.

4.3 Conversion of these units into a private dwellinghouse would result in a property of limited aspect with limited provision for family use, particularly if 2 no. parking spaces are also to be provided.

The proposal includes a rear garden area of approximately 90 square metres with a patio area of some 40 square metres. Additionally there is a garden area formed to the front of the plot measuring 80 metres squared located adjacent to the parking area.

4.4 Access to the site is immediately next to a car washing bay linked to the garage and this proximity with the coming and going of vehicles on a daily basis could lead to avoidable friction in neighbour relations, particularly as the garage is well established.

Noted. However EAC Roads and Transportation Division have offered no objections to the proposed development. It is not considered that the impact of the proposed house on the neighbouring business or vice versa would warrant refusal in this case.

4.5 Should these work units be lost to housing use it will only be further confirmation that EAC Planning totally regard Stewarton as a dormitory town.

Noted. The East Ayrshire Local Plan identifies other sites as appropriate for industrial development.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that 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.

Approved Ayrshire Joint Structure Plan

5.2 The application does not raise any strategic issues that would require assessment against the provisions of the Approved Ayrshire Joint Structure Plan.

Adopted East Ayrshire Local Plan

5.3 Policy RES7 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 applicant has sought within the settlement boundary of Stewarton to form a new house on the basis of conversion. Such conversions are frequently proposed in the countryside where the absolute need for confidence in that approach is essential to prevent erection of a new build property without suitable justification. In

Stewarton, Policy RES 4 would in principle support the erection of a new house on a cleared site, and thus there is no need for a structural report in this instance given that a new house in its own right would be acceptable in principle.

(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 only extension that is proposed for the building is a small porch on the southern elevation of the property. The proposal is therefore in accord with this particular part of the policy.

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

The Council's Roads Division and other Service Providers have been contacted as part of this application and have offered no objections.

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

The proposal is in keeping with the character and appearance of the area given.

(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 meets the requirements of the Councils design guidance for new residential development and as such is considered acceptable.

(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 proposal will improve the appearance of the building which is presently a utilitarian industrial property, and bring it more in line with the appearance of the surrounding residential properties.

5.4 Policy IND8 states that proposals for alternative uses of land or premises currently or formerly used for industrial purposes shall be considered acceptable subject to a set of three criteria being met, as follows:

- (i) the proposed use not being detrimental to surrounding established uses;

The proposed residential use of the property is considered to be in keeping with the residential use of adjacent properties.

- (ii) the proposal meeting with the requirement of all other relevant Local Plan policies;

The proposal meets with the requirements of all other relevant Local Plan policies and as such is considered acceptable.

- (iii) the existence of alternative industrial or business land or premises with potential for future employment use within the settlement concerned.

Other areas of land are identified as being suitable for industrial development within Stewarton in the adopted local plan

The Council will be particularly supportive of any proposals for such sites which incorporate or retain an element of industrial use as an integral part of their redevelopment.

The proposal relates to the change of use of an existing industrial premises and it is not considered appropriate for an element of industrial use to be retained in the proposed development, in this particular case.

5.5 It is therefore considered that the proposed development meets the requirements of Policy RES7 and IND8 as the development complies with both the Council's Design Guidance and policy documents relating to this type of development in terms of design and layout.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultations, representations and the impact of the proposal on the amenity of the area and immediate neighbours.

Consultations

6.2 The consultation responses other than that from the Community Council, received offer no objection to the proposed development.

Representations

6.3 The issues raised by the Community Council have been assessed in Section 4 above and are considered to be of insufficient weight to justify the refusal of the application in this instance.

Impact on the Amenity of the Area and Neighbours

6.4 The circumstances of the proposed development are such that it is considered that the proposals can be accommodated without detriment to the surrounding area.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in determining this application.

8. CONCLUSIONS

8.1 As indicated at Section 5 of the report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development accords with the Development Plan and therefore the application should be approved unless material considerations indicate otherwise.

8.2 It is considered that the proposed development meets the requirements of Policies RES7 and IND8 as the development complies with both the Council's Design Guidance and policy documents relating to this type of development in terms of design and layout.

8.3 In terms of the application the consultations received are generally supportive. The submitted letter of objection is noted but is not in itself considered to be of sufficient weight to justify an unfavourable recommendation. The overall impact of the proposed development can be accommodated without detriment to the amenity of the surrounding area.

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 the application will not require to be referred to the Development Services Committee as this would not be a significant departure from policy.

Alan Neish
Head of Planning, Development and Building Standards

07 December 2004
(EMcL/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Letter of Objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. Application No: 99/0829/FL.

Anyone wishing to inspect the above papers please contact Ian Walker on 01563 576769.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Site of Proposal: 105B High Street
STEWARTON

Nature of Proposal: Proposed Change of Use from Workshop Units
to Private House

Name & Address of Applicant: ARF Developments
21 Rigg Street
STEWARTON
KA3 5AG

Name & Address of Agent: Arctec Designs
23 Dallas Place
TROON
KA10 6JE

DPOs Reference: EMcL/MMM

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

1. Notwithstanding the plans hereby approved details/samples of the external materials to be used in the construction of the dwelling shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on site.

REASON In the interests of visual amenity.

2. 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 and thereafter implemented as approved.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

3. Notwithstanding the plans hereby approved no building material shall be stockpiled on the footway/carriageway.

REASON In the interests of residential amenity and road safety.

4. External construction works shall not be undertaken onsite outwith the hours of 08:00 hours to 18:00 hours Monday to Friday, 09:00 hours to 13:00 hours on Saturday and not at any time on Sunday.

REASON In order to protect the amenity of neighbouring properties.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, (or any order or enactment replacing this) no extensions or garages unless forming part of the approved layout plan) shall be erected on the site unless a further specific planning application is submitted to and approved by the Planning Authority.

REASON To enable the Planning Authority to ensure that such structures are provided in a manner compatible with the visual amenity of the area.

6. No development shall begin on site (with the exception of site investigative works), until a comprehensive contaminated land investigation has been submitted to, and approved in writing by, the Planning Authority.

The investigation shall be conducted in line with BS 10175:2001 Code of Practice for "*The Investigation of Potentially contaminated Sites*" and will contain details of proposals to deal with contamination (if present) to include:

1. The nature, extent and type(s) of contamination on the site;
2. A site specific risk assessment of all relevant pollutant linkages;
3. Remediation measures to treat/remove contamination to ensure the site is fit for the use proposed;
4. Measures to deal with unsuspected contamination discovered during construction works.

REASON To ensure potential risks arising from previous site uses have been fully assessed.

7. On completion of the remedial works as approved under the terms of Condition 6 above, and prior to any further site development, the developer shall submit a report for approval by the Planning Authority, confirming that the remedial works have been carried out in accordance with the remediation plan.

REASON To provide verification that remediation has been carried out in accordance with the remediation plan and to the Authority's satisfaction.

8. There shall be no burning of waste materials on site during the construction phase of this development.

REASON In the interests of residential amenity.

NOTE:- Early contact should be made with Scottish Water on 0845 601 8855 at Developer Services, Clyde House, 419 Balmore Road, Glasgow, as the existing water supply may require upgrading in view of the alterations proposed.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**