

EAST AYRSHIRE COUNCIL

**NORTHERN AREA LOCAL PLANNING COMMITTEE:
17 FEBRUARY 2006**

**05/1257/FL: PROPOSED CHANGE OF USE FROM GARAGE TO DENTAL
PRACTICE AND FORMATION OF OFF-STREET PARKING
AT 17 GILMOUR STREET, STEWARTON, KILMARNOCK, KA3 5AZ
BY MR AND MRS M WADDINGTON**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposal consists of the change of use of the existing garage and adjoining storeroom which is detached from the residential dwellinghouse by a 1 metre gap. The garage and storeroom are located in the northeast corner of the plot. The garage and store room cover an area of some 88 sq metres and the building is 5.3 metres in height to the apex of the roof and is finished in a grey wet dash render with grey slate roofing tiles. No alterations to the footprint or height of the garage are proposed. It is proposed to alter the front and south side elevation of the building with the cladding of part of the front elevation and the whole of the side elevation in timber cladding and installation of new window and door openings. The proposal also involves the formation of a new vehicular access onto Gilmour Street and the formation of parking bays within the side garden area of the dwellinghouse fronting onto The Crescent. The dwellinghouse presently has some 77 sq metres rear garden ground provision and additional 364 sq metres side garden ground, although this is open to public view from The Crescent. The proposal will result in the loss of this side garden ground provision given the requirement for off-street parking and a new vehicular access.

2. RECOMMENDATION

2.1 **It is recommended that the application be refused for the reasons indicated on the attached sheet.**

3. CONCLUSIONS

3.1 As indicated in the report the application is considered to be contrary to the terms of the Development Plan. Therefore it should be refused 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 indicate that the application should be approved contrary to the Development Plan.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved 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 that would not be a 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, since this decision route has been agreed by the Head of Planning in consultation with the Chair of the Committee following a request from a Local Member.

2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises a detached single storey dwellinghouse with detached garage located within a residential area at the northern end of Gilmour Street, within the settlement boundary of Stewarton. The site is surrounded by residential properties to the east, south and west and by protected open space to the north.

2.2 **Proposed Development:** The proposal consists of the change of use of the existing garage and adjoining storeroom which is detached from the residential dwellinghouse by a 1 metre gap. The garage and storeroom are located in the northeast corner of the plot. The garage and store room cover an area of some 88 sq metres and the building is 5.3 metres in height to the apex of the roof and is finished in a grey wet dash render with grey slate roofing tiles. No alterations to the footprint or height of the garage are proposed. It is proposed to alter the front and south side elevation of the building with the cladding of part of the front elevation and the whole of the side elevation in timber cladding and installation of new window and door openings. The proposal also involves the formation of a new vehicular access onto Gilmour Street and the formation of parking bays within the side garden area of the dwellinghouse fronting onto The Crescent. The dwellinghouse presently has some 77 sq metres rear garden ground provision and additional 364 sq metres side garden ground, although this is open to public view from The Crescent. The proposal will result in the loss of this side garden ground provision given the requirement for off-street parking and a new vehicular access.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have recommended deferment of the application given that the existing driveway should be removed with pedestrian access alone being provided for the residential property and practice, a minimum 5.5 metre wide driveway should be provided and the number of parking bays should be increased to provide for both the residents and clients. The Road's and Transportation Division have recommended refusal of the application given the applicant's failure to address the above issues.

Noted.

3.2 East Ayrshire Council Environmental Health and Waste Management Division have raised no comments or objections to the proposed development

Noted.

3.3 East Ayrshire Council Outdoor Services have not responded in respect of the proposal.

Noted.

3.4 Scottish Environment Protection Agency (SEPA) have not responded in respect of the proposal.

Noted.

3.5 Scottish Water have not responded in respect of the proposal.

Noted.

3.6 Stewarton and District Community Council do not object to the proposal however have commented on various aspects of the proposal that they have reservations on. They comment that the building has previously been the subject of vandalism and break-ins accessed from the Cunningham-Watt Park, therefore with the storage of drugs in the premises security is raised as a potential issue unless suitable measures are taken.

The Community Council raise issues regarding the proposed parking arrangements, where it is noted that three surgery rooms are proposed within the practice, however only four off-street parking spaces are proposed. Thus they envisage a growth of on-street parking and consider this could be a potential neighbourhood problem.

No security measures are detailed in the application, however it is noted that there are no window or door openings to the north elevation bounded by Cunningham-Watt Park. As detailed in section 3.1 the proposal does not meet the standards of the Council's Roads and Transportation Division, who recommend refusal if the application as it stands.

3.7 Ayrshire and Arran Health Board have not responded in respect of the proposal.

Noted.

4. REPRESENTATIONS

4.1 No letters of representation have been received from any third parties in relation to the proposal.

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 (2003).

Ayrshire Joint Structure Plan

5.2 With regard to the structure Plan there are no policies relevant to the assessment of this application.

East Ayrshire Local Plan

5.3 Policy IND11 supports the operation of small businesses in residential properties or associated outbuildings subject to a set of four criteria being met, as follows:-

- (i) the primary use of the property remains residential;

Whilst the dwellinghouse shall remain in residential use the majority of garden ground will be allocated for the proposed business use, car parking and access associated with this business use therefore, it is considered that the primary use of the property will not remain as residential.

(ii) the business can be adequately accommodated within the existing property;

No extensions are proposed to the garage building and therefore it is proposed to accommodate the new use within the existing building.

(iii) the business use does not adversely affect the existing residential use of the property or impact adversely on other residential properties in the area; and

It is considered that the proposed use will result in a loss of amenity for the dwellinghouse given that the dwellinghouse will be sandwiched between the surgery and car parking provision and will only have some 77 sq metres private garden area provision significantly less than is enjoyed at present. It is further considered that Gilmour Street and The Crescent are presently quiet residential areas where the proposed dental practice would result in a significant increase in both pedestrian and vehicular traffic in Gilmour Street and The Crescent that would alter the character and amenity of this area to the detriment of the residents presently residing here.

(iv) that adequate car parking is provided to the standards of the Council as Roads Authority.

The applicant's have failed to address the requirements of the Council's Roads and Transportation Division in respect of car parking provision and access.

5.4 Policy RTC1 states that the Council will adopt a sequential approach in assessing development proposals for retail, commercial, leisure developments and other uses appropriate to town centres as described in Schedule 5 of the Plan. Developers will be required to locate all such developments firstly, in town centres as identified on the Local Plan maps and secondly, in edge of town centre locations, in preference to out-of-town centre locations. Applicants proposing such developments in out-of-town centre locations shall be required to demonstrate that no suitable alternative site can be found or assembled within town centres and thereafter in an edge of centre location.

(i) ***The applicants submit that they are replacing an existing dental practice which is currently located at 3 Corsehillbank Street. The dental practitioner is retiring. This current practice is at an out of centre location, and is located in an area which is not entirely residential given the presence of the tennis courts directly adjacent.***

The applicants submit that they seek an out-of-centre location to avoid appearing in direct competition with the existing dental practice at 15 High Street, Stewarton.

It is considered that the applicant's have not demonstrated that they have adopted a sequential approach and have not satisfactorily demonstrated that there are no suitable sites within or on the edge of the town centre.

5.5 Policy RTC3 states that all development proposals falling within the classes of development detailed in Schedule 5 of the Local Plan will be directed to:

(ii) All town centres if the proposed gross floorspace is less than 1,500 sq metres.

The proposal has a gross floorspace of 88 sq metres and is classified as falling within Class 2 of the Use Classes Order and Schedule 5 of the Local Plan. The proposal should be located within the town centre and is not, therefore requires to be assessed against Policy RTC5.

5.6 Policy RTC5 states that in assessing all out-of-centre retail and other Schedule 5 development proposals, the Council will have regard to:

(i) whether the applicants have adopted a sequential approach and can demonstrate that no suitable alternative sites are available within or on the edge of town centres;

The applicant's have not demonstrated that they have adopted a sequential approach and have not demonstrated that there are no other suitable sites within or on the edge of the town centre as detailed in the assessment against policy RTC1 above.

(ii) whether the proposal would affect, either individually or cumulatively, the vitality and viability of town centres and whether the scale of the proposal is appropriate to its location;

It is considered that the proposal would affect the vitality and viability of the town centre as it is seen to propose a use within a residential area that should be located within the town centre and may set an undesirable precedent for other Schedule 5 town centre uses to locate outwith the town centre.

- (iii) whether the proposal is accessible to a choice of means of transport;

It is considered that the location of the proposal is a significant walking distance from the town centre and would therefore primarily be accessible by car therefore the site does not promote access by a varied means of transport.

- (iv) the effect of the proposal on travel patterns, infrastructure and road works;

It is considered that the proposal could significantly increase the number of cars in this residential area of Stewarton. The applicant's have not provided any details about vehicle movements and the anticipated number of patients that would use the dental surgery.

- (v) whether the proposal would be compatible with other uses in the surrounding area;

It is considered that the proposed use is not compatible with the predominantly residential area in which it is located given that it will give rise to increased noise and activity in a generally quite residential area.

- (vi) whether the design of the proposed building would be acceptable;

The proposal would re-use the existing garage building on site and the external alterations proposed are not considered to impose any new significant visual impact on the amenity of the area.

- (vii) the effect of the proposal on the environmental quality, character and amenity of the area; and

It is considered that the proposal will have a significant adverse impact on the character and amenity of the area by generating noise, traffic and activity within an area of established residential amenity.

- (viii) whether the proposal would be compatible with other local plan policy objectives.

As detailed above the proposal is considered contrary to policies,

In conclusion it is considered that the proposal is contrary to the provisions of the Development Plan.

5.7 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 proposed development results in a loss of private open space of some 364 sq metres resulting in only 77 sq metres private open space allocation for the dwellinghouse which fails to meet the standards of Schedule 4 and is contrary to the character of development in the area.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultation Responses

6.2 The Council's Roads and Transportation Division indicate that the application should be refused.

Impact on the amenity of the area

6.3 The proposed siting of the dental practice is not considered a compatible use within a predominantly residential area outwith the town centre. The proposal does not promote a sequential approach to the siting of such a facility, where it should be located in the first instance within the town centre. It is considered that the proposal will result in a significant detrimental impact to the amenity of the residents in Gilmour Street and The Crescent and result in a significant loss of amenity for the dwellinghouse at 17 Gilmour Street.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications arising from the proposal.

8. CONCLUSIONS

8.1 As indicated in the report the application is considered to be contrary to the terms of the Development Plan. Therefore it should be refused 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 indicate that the application should be approved contrary to the Development Plan.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved 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 that would not be a significant departure from Council policy.

Alan Neish
Head of Planning, Development and Building Standards

GC/RH
09 February 2006

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Adopted East Ayrshire Local Plan (2003)

Anyone wishing to inspect the above papers please contact Gillian Craig, Senior Planning Officer on 01563 576769.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/1257/FL

Site of Proposal: 17 Gilmour Street,
Stewarton,
Kilmarnock, KA3 5AZ

Nature of Proposal: Proposed Change of Use From Garage to
Dental Practice and Formation of Off-Street
Parking

Name & Address of Applicant: Mr and Mrs M Waddington
17 Gilmour Street,
Stewarton
Kilmarnock, KA3 5AZ

Name & Address of Agent: Artemis Design Partnership Ltd
4 Newlands Place
East Kilbride, G74 1AE

DPOs Reference: GC/RH

The above FULL application should be refused for the following reasons:-

1. The proposal is contrary to the provisions of Policies RTC1 and RTC5 of the East Ayrshire Local Plan by reason that the use is incompatible to the residential area and the applicants have failed to demonstrate that a sequential approach has been adopted in the site selection process and that no alternative suitable sites within or on the edge of the town centre are available.
2. The proposal does not provide adequate off street parking and access provision and therefore is contrary to criteria (iv) of Policy IND11 of the East Ayrshire Local Plan.
3. The proposed use is contrary to the provisions of Policy IND11 of the East Ayrshire Local Plan by reason that it would impose a detrimental impact on the amenity of the residents of Gilmour Street and The Crescent and result in a loss of amenity for the dwellinghouse at 17 Gilmour Street.

4. The proposal is considered overdevelopment of the site and is contrary to Policy RES22 and Schedule 4 of the East Ayrshire Local Plan by reason that the proposal does not retain adequate private amenity space for the existing dwellinghouse.

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PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**