

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE:

16 JUNE 2006

**06/0123/FL: CHANGE OF USE FROM RESIDENTIAL DWELLING TO
VETERINARY SURGERY AND INSTALLATION OF PEDESTRIAN BARRIERS
ON VENNEL STREET AT BYRE COTTAGE, 11 VENNEL STREET,
STEWARTON, KILMARNOCK, KA3 5HL
BY MR DAVID NORRINGTON**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Planning permission is sought to change the use of the existing dwellinghouse to form a veterinary surgery and install pedestrian barriers on Vennel Street to close off the existing vehicular access into the premises and deter unauthorised parking in front of the premises to accord with the requirements of the Council's Roads and Transportation Division as detailed in section 3.1. No external alterations are proposed.

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 contrary with 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. The consultations do not indicate that the application should be refused however the representations indicate that the application should be refused. It is considered that the impact on the amenity of the residential area is of sufficient weight to merit the refusal of the application.

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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06/0123/FL: CHANGE OF USE FROM RESIDENTIAL DWELLING TO VETERINARY SURGERY AND INSTALLATION OF PEDESTRIAN BARRIERS ON VENNEL STREET AT BYRE COTTAGE, 11 VENNEL STREET, STEWARTON, KILMARNOCK, KA3 5HL BY MR DAVID NORRINGTON

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, due to the fact that objections have been submitted in respect of the application.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a two storey dwellinghouse, associated garden grounds and the footpath in front of the property. The site is bounded by residential properties to the southwest and northeast and by the "B" listed dwellinghouse 'Kersland' to the east. The adjoining building at 9 Vennel Street is occupied by an accountants office on the ground floor and a flatted dwelling at first floor level. Vehicular access to the rear of the property is provided through a gate on the southeastern side of the dwellinghouse leading from Vennel Street.

2.2 **Proposed Development:** Planning permission is sought to change the use of the existing dwellinghouse to form a veterinary surgery and install pedestrian barriers on Vennel Street to close off the existing vehicular access into the premises and deter unauthorised parking in front of the premises to accord with the requirements of the Council's Roads and Transportation Division as detailed in section 3.1. No external alterations are proposed.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division recommended deferral of the application as originally submitted which sought to use the existing vehicular access point from Vennel Street, given that the existing vehicular

access has no visibility on either side of the entrance and would therefore present a hazard to pedestrians passing the access. The Division also advised that the existing access is too narrow to allow two way traffic and therefore requires to be closed to vehicular access. The Division have no objection to the amended proposal, where no off road parking provision is provided subject to the imposition of conditions on any planning consent, pertaining to the closure of the existing vehicle access point and the formation of a pedestrian barrier on the footway prior to the veterinary surgery coming into use. The applicant would require to obtain a road opening permit in this regard from the Roads Division.

The applicants have amended the proposal in line with the guidance from the Council's Roads Division, where the existing access will be closed off with the erection of pedestrian barriers on the footpath. Should the Committee be minded to approve the proposal, conditions can be attached relating to these matters and a note requiring the developer to obtain a road opening permit.

3.2 West of Scotland Archaeology Service have raised no objections to the proposal.

Noted.

3.3 Stewarton and District Community Council do not object in principle to the change of use however they have raised concerns about satisfactory vehicular access being provided off Vennel Street. The Community Council advise that the proximity of the premises to the traffic lights could exacerbate current traffic flow problems.

The concerns of the Community Council are noted. The applicants have amended the proposal in line with the guidance from the Council's Roads Division.

3.4 East Ayrshire Council, Environmental Health Division have no objection in principle to the development, however recommend that any kennelling facilities be contained within the building to minimise noise break-out and that permission should not be granted for other structures such as wooden buildings and external runs. Any kennelling within the building should be sited as far away from neighbouring domestic properties as possible.

The applicant has indicated in writing that he intends to accommodate any hospitalisation facilities on the Kersland Gate side of the property, the south eastern side. Should the committee be minded to approve the proposal, conditions can be attached relating to the restriction of animal hospitalisation/kennelling being accommodated solely within the existing building and the requirement for the submission of an internal floor plan.

4. REPRESENTATIONS

Four letters of representation have been received in relation to the proposal. The grounds of objection are summarised as follows:

4.1 Concern is raised about the amount of noise that will emanate from the premises given that animals will be kept overnight and this will detrimentally impact on the amenity of the adjoining residential flat and the residential area in which it is located.

It is anticipated that the veterinary use, coupled with the hospitalisation facilities which result in sick animals being left in the premises overnight, will impose a detrimental impact to the amenity of the adjacent flat and the surrounding residential area.

4.2 The existing vehicular access is very narrow and awkward therefore it is likely that users of the veterinary facility are likely to park in the street or on the wide pavement. There is an existing problem with parked vehicles at the north end of Vennel Street despite double yellow lines and the proposed use will exacerbate this problem.

As detailed in section 3.1 the Council's Roads and Transportation Division have advised that the existing vehicular access is unsuitable and will therefore require to be closed off. To address the concerns of unauthorised parking on the pavement the application has been amended to install pedestrian barriers on Vennel Street to prevent unauthorised parking on the footpath in front of the premises.

4.3 The proposed pedestrian railing may prevent parking but there is still a wide pavement between the property and the cross. Preventing any access to the rear of the property will result in a parking problem for the staff and it is predicted the street in front of Loanhead Court would become even more congested where there are already problems. Client's with sick animals are unlikely to walk from the parking places provided in Avenue Street/Square and the central area of Stewarton has a severe shortage of official parking places.

As detailed in section 3.1 the Council's Roads and Transportation Division do not require the provision of any off-road parking spaces within the application site. The provision of pedestrian barriers to close off existing unsafe access and deter unauthorised parking are to meet the recommendations of the Roads Division.

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 specific policies relevant to the assessment of the application.

East Ayrshire Local Plan

5.3 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 application site is an edge of centre site close to the town centre boundary of Stewarton. The applicant has satisfactorily demonstrated that a sequential approach has been demonstrated and no suitable sites are available within the town centre.

5.4 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 proposed development is a Schedule 5 use and as such should be directed to Stewarton town centre.

5.5 Policy RTC5 states that, in assessing all out-of-centre retail and other Schedule 5 development proposals, the Council will have regard to certain stated factors, these being:

(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 has submitted information to demonstrate that there are no suitable available premises within the town centre boundary.

The proposed site is located at an edge of centre location close to the town centre boundary.

- (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 proposed development would have little impact on the vitality and viability of Stewarton town centre. There are no extensions to the existing property proposed under this application therefore it is considered that the proposed use can be accommodated within the existing premises. Planning permission 04/0156/FL was granted for the erection of an extension to the dwellinghouse which has not been implemented. Should the Committee be minded to grant the change of use a further application would be required for any extension to the veterinary practice.

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

The application site is in a location, close to the town centre, that has good access to public transport.

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

As detailed in section 3 no adverse comments have been received from the consultees in respect of infrastructure, travel patterns and road works.

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

The application site is predominantly surrounded by residential properties and given the nature of the proposal it is considered that the use would result in a detrimental impact to the amenity of those residential properties. The applicant has confirmed that overnight hospitalisation of animals will be necessary to the operational requirements of the business, therefore it is anticipated that this could result in an uncontrolled noise nuisance to the detriment of the residential area. It is noted that the ground floor of the adjoining premises is used as an accountants office, however it is considered that this commercial use can operate with little impact to the amenity of the residential area, particularly overnight.

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

No alterations are proposed to the exterior of the building.

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

As detailed in criterion (v) above, the surrounding area is predominantly residential therefore due to the fact that the business operations will involve accommodating sick animals overnight with no supervision it is considered that the proposal will have a detrimental impact on the amenity of the residential area.

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

As detailed the applicant has demonstrated that there are no suitable available sites within the town centre and therefore the proposal has been justified in terms of policies RTC1 and RTC3.

In conclusion it is considered that the proposed use of the premises would be detrimental to the amenity of the residential area in which it is located and therefore is considered contrary to the provisions of the Development Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultation Responses

6.2 The consultation responses do not indicate that the application should be refused.

Representations

6.3 The representations received have been summarised in Section 4 of the report and raise matters pertaining to access and impact on residential amenity. It is considered that the matters pertaining to access have been addressed by the applicants to the satisfaction of the Council's Roads and Transportation Division, however as detailed in section 5.5 it is considered that the proposal will impose a detrimental impact on the amenity of the residential area. Therefore the representations are 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 proposal cannot be accommodated as detailed without imposing a significant detrimental impact on the amenity of the residential area.

Planning History

6.5 Planning permission 04/0156/FL was granted on 22 March 2004 for the erection of a single storey extension to the rear of the existing dwellinghouse. This planning permission has not been implemented, however is still extant for the use of the premises as a house.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications arising for the Council from the determination of this application.

8. CONCLUSIONS

8.1 As indicated in the report, the application is considered 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. The consultations do not indicate that the application should be refused however the representations indicate that the application would have a detrimental impact on the amenity of adjacent residential properties. It is considered that the impact on the amenity of the residential area is of sufficient weight to merit the refusal of the application.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reason 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

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Planning Permission 04/0156/FL.

Implementation Officer: Dave Morris

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

GC/RH
07 June 2006
FV/DVM

060123FLVennelStreetStewartonRH

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0123/FL

Site of Proposal: Byre Cottage, 11 Vennel Street, Stewarton,
Kilmarnock, KA3 5HL

Nature of Proposal: Change of Use from Residential Dwelling to
Veterinary Surgery and Installation of
Pedestrian Barriers on Vennel Street.

Name & Address of Applicant: Mr David Norrington
54 Irvine Road,
Kilmarnock,
KA1 2JW

Name & Address of Agent:

DPOs Reference: GC/RH

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

1. The proposal is considered contrary to policy RTC5 of the East Ayrshire Local Plan by virtue that the use will impose a detrimental impact on the amenity of the surrounding residential area and neighbouring flat by reason of noise arising from the treatment and hospitalisation of animals.

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