

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 23 FEBRUARY 2007

**06/0918/FL: PROPOSED CHANGE OF USE AND EXTENSION TO EXISTING
WORKSHOPS TO FORM TWO DWELLINGHOUSES
AT 4 & 6 BARBIESTON ROAD, DALRYMPLE**

APPLICATION BY ALLOWAY DEVELOPMENTS LTD

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the change of use and extension to the existing workshops to create 2 dwellinghouses. Openings at the front would be built-up or enlarged, as appropriate, to create new windows or doorways. At the rear a small outbuilding would be demolished to make way for a larger, but still single storey extension, finished in render with roof tiles to match the existing building. The back garden would be divided between the 2 houses and a 1.8 metre high fence erected on the boundary between the site and the mutual path from a covered pend which separates the development from the neighbouring dwellinghouse at 8 Barbieston Road. At the front 4 parking spaces are proposed (2 per dwellinghouse), with space to manoeuvre and turn, and this surface area would be block-paved

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet.

3. SUMMARY OF ANALYSIS

3.1 As indicated in section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these are not of sufficient weight to merit refusal of the application.

3.2 The application under consideration is for the residential development of vacant workshop premises which lie in the heart of a residential area. The layout and design of the dwellinghouses and associated parking are compliant with the development plan and nothing in the representations outweighs that fact.

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 because it would not be a significant departure from the development plan.

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

SOUTHERN LOCAL PLANNING COMMITTEE: 23 FEBRUARY 2007

06/0918/FL: PROPOSED CHANGE OF USE AND EXTENSION TO EXISTING WORKSHOPS TO FORM TWO DWELLINGHOUSES AT 4 & 6 BARBIESTON ROAD, DALRYMPLE

APPLICATION BY ALLOWAY DEVELOPMENTS LTD

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 because the proposed development is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies on the north-west side of Barbieston Road in the heart of the village of Dalrymple and close to the junction with Garden Street. The site is also within the Conservation Area. The vacant workshop premises are single storey, stone-fronted and set back up to 8.5 metres from the street frontage which is contained by a metre high stone wall. The ground between the wall and the workshop is used by vehicles to service the workshop and a dwellinghouse at 2 Barbieston Road. Vehicles use Barbieston Road to enter and leave the site via an existing access opening in the stone wall.

2.2 Barbieston Road is a busy thoroughfare with the post office (also doubling up as a newsagents and grocers) opposite attracting short term parking. There is a bus stop close to the vehicular access and safety railings have been installed immediately in front of the stone wall due to the close proximity of the local primary school. The rear of the workshop overlooks a large back garden area part of which is owned by 2 Barbieston Road. Beyond the garden area is Dalrymple Primary School. The garden area is also overlooked by 2 windows belonging to the dwellinghouse at 8 Barbieston Road.

2.3 **Proposed Development:** Full planning permission is sought for the change of use and extension to the existing workshops to create 2 dwellinghouses. Openings at the front would be built-up or enlarged, as appropriate, to create new windows or doorways. At the rear a small outbuilding would be demolished to make way for a larger, but still single storey extension, finished in render with roof tiles to match the existing building. The back garden would be divided between the 2 houses and a 1.8 metre high fence erected on the boundary between the site and the mutual path from a covered pend which separates the development from the

neighbouring dwellinghouse at 8 Barbieston Road. At the front 4 parking spaces are proposed (2 per dwellinghouse), with space to manoeuvre and turn, and this surface area would be block-paved

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objection to the proposed development subject to conditions. Two off road car parking spaces must be provided for each proposed dwelling. The internal parking/turning area should be hard surfaced to prevent overcarry of loose material onto the public road from the site. Any gates should only open inwards away from the public road.

The application originally proposed only two parking spaces in total but has since increased this to 4 in line with Roads and Transportation Division's requirements. Conditions could be attached to any consent granted to ensure the proposed development meets the requirements of the Division.

3.2 East Ayrshire Council Roads & Transportation Division (Flooding Section) has no comment to make in relation to flooding issues.

Noted .

3.3 Scottish Power Energy Networks has no objection to the proposed development.

Noted .

3.4 The Scottish Environment Protection Agency has no objection in principle to the proposals provided the drainage arrangements are to its satisfaction. All foul drainage must be connected to the existing public sewer in accordance with Scottish Water requirements. Surface water should be excluded from the foul drainage and discharged via a suitably designed Sustainable Urban Drainage System.

An advisory note could be added to any consent granted to ensure that the developer contacts SEPA at an early stage to resolve these matters.

3.5 Scottish Water has no objection to the proposed development echoing SEPA'S view that a totally separate drainage system such as SUDS is required.

An advisory note could be added to any consent granted to ensure that the developer contacts Scottish Water at an early stage to resolve these matters.

3.6 The Architectural Heritage Society of Scotland has no objection in principle but suggests that windows formed from doorways should be recessed at the infill to reflect the former doors, roof lights should be conservation styled with a central glazing bar and the heaviness of the window frames should be reduced.

It is agreed that the above suggestions would visually improve the appearance of a building which lies within the Dalrymple Conservation Area and, if this application is approved, appropriate conditions should be imposed to give them effect.

3.7 Transco and Dalrymple Community Council have not responded to their letters of consultation.

Noted.

4. REPRESENTATIONS

4.1 Two third party letters of objection have been received with respect to the proposed development. Neither of the representations objects to the principle of converting the workshop to residential use. The objections therefore lie within the detail of the development and the main points of objection are summarised as follows:

4.2 Development of the workshop for more than 1 dwellinghouse would add to parking/congestion/road safety problems along this stretch of Barbieston Road and within the development site itself where off street parking and internal turning for 4 vehicles on the forecourt is proposed. The forecourt and access onto Barbieston Road are shared with an existing dwellinghouse which, if the development was approved, would mean 3 dwellinghouses sharing one vehicular access onto a busy road and 5 vehicles parking and turning within a restricted forecourt area. The turning area identified would also be close to the objector's property entrance, windows and back gate.

The Roads and Transportation Division has no objection to the provision of 2 dwellinghouses provided that 4 parking spaces (and not 2 as originally proposed) with internal turning facilities are provided. While the parking layout may appear contrived, account needs to be taken in this assessment of the site's 'brownfield' location within a village setting. If shared on-site turning facilities are provided, as is the case, then the layout achieves the parking requirement and conforms to both the Roads Development Guide and the local plan. While the turning area would be close to the objector's dwellinghouse it would also be available for the use of the objector as well as the 2 dwellinghouses of this development. It would also be close to one of the proposed dwellinghouses. With sensible use of this turning area by all parties it is not considered that proximity of the turning area should have an adverse impact on amenity or safety.

4.3 A bedroom window overlooks the objector's back garden.

Even though the layout has changed since the application was submitted and the bedroom has partly been replaced by a bathroom it has always been the applicant's intention to block up any existing rear windows belonging to 4 Barbieston Road to avoid directly overlooking the objector's back garden.

4.4 No bin storage facilities have been provided.

The initial omission of such a facility has been remedied with bins located in the back gardens of each dwellinghouse and taken out to the front when refuse uplift is due through a common pend between 6 and 8 Barbieston Road.

4.5 It is proposed to erect a 1.8 metre high fence enclosing the back garden where it meets a footpath from the common pend between 6 and 8 Barbieston Road. This fence would block light to and views from 2 ground floor windows (kitchen and dining room) belonging to a dwellinghouse (8 Barbieston Road) on the other side of the footpath.

The view from windows at number 8 Barbieston Road will be affected however the Planning system does not exist to preserve an individual's view and is therefore not a reason to inhibit development proposals on that land. With regard to loss of light, the developer has amended his proposals at the request of the Division thereby reducing the size of a rear extension and positioning it away from the line of where the fence is now proposed in order to minimise the impact on the objector's property. It is not unreasonable for the developer to wish to screen the garden area for privacy which in this respect would also benefit the objector.

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

Ayrshire Joint Structure Plan

5.2 There are no policies in the Structure Plan especially relevant to the proposed development.

Noted

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 workshop has only recently become empty and structurally appears to be in sound condition.

(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 proposed extension is within the 50% limit in terms of ground floor area and external wall area, therefore the proposal is in accordance with this policy criterion.

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

The Roads and Transportation Division and other service providers have been consulted and the development, as amended, is capable of being implemented subject to appropriate conditions and advisory notes being attached to any approval given.

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

The proposal makes limited changes to the exterior of the building and the street frontage will not be significantly affected by the proposed change of use.

(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 proposed alterations and extension to the workshop are considered to be in keeping with the character of the building and the surrounding Conservation Area.

(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 proposed alterations and extension to the workshop are considered to be in keeping with the character of the building and the surrounding Conservation Area.

5.4 Policy RES22 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 meets with the Council's minimum private open space standards.

5.5 Policy IND8 indicates that proposals for alternative uses of land or premises currently or formerly used for industrial purposes shall be considered acceptable subject to the following criteria:

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

The proposal to change the use to housing will not be detrimental to the surrounding uses.

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

The proposal is generally compliant with other Local Plan policies.

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

In this respect the proposal represents a minor departure from this policy, however the introduction of a residential use will bring with it benefits in terms of residential amenity, particularly when set against the commercial activity that might otherwise re-establish itself.

5.6 Policy ENV4 states that the Council will seek to ensure that all development within Conservation Areas will be sympathetic to the area in terms of layout, size, scale, design, siting, materials and colour of finish. Wherever possible 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 proposed alterations and extension to the workshop are considered to be in keeping with the character of the building and the surrounding Conservation 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 representations received.

Consultations Responses

6.2 None of the consultation responses have raised any issues which would indicate that the application should be refused.

Representations

6.3 It is considered that the representations made are either not valid, or can be addressed through the imposition of conditions or are not of sufficient weight to merit refusal of the application.

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 is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these are not of sufficient weight to merit refusal of the application.

8.2 The application under consideration is for the residential development of vacant workshop premises which lie in the heart of a residential area. The layout and design of the dwellinghouses and associated parking are compliant with the development plan and nothing in the representations outweighs that fact.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed 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 because it would not be a significant departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

07 February 2007
SMcD/HM/SMcD

FV/DVM

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. Approved Ayrshire Joint Structure Plan (1999).

Anyone wishing to inspect the above background papers should contact Stephen McDermott on 01563 555485.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 06/0918/FL

Location	4 & 6 BARBIESTON ROAD DALRYMPLE KA6 6DZ
Nature of Proposal:	PROPOSED CHANGE OF USE AND EXTENSION TO EXISTING WORKSHOPS TO FORM TWO DWELLINGHOUSES
Name and Address of Applicant:	ALLOWAY DEVELOPMENTS KIRKGATE 36A ALLOWAY AYR KA7 4PG
Name and Address of Agent	AUSTIN – SMITH : LORD GIBBS YARD AUCHINCRAIVE AYR KA6 5HN

DPO's Ref:
PPO's Ref: Hugh Melvin

The above **FULL** application should be granted subject to the following conditions.

1. The development shall be carried out in accordance with amended drawings numbered 01, 02, 03A, 04, 05A, 06A and 07A all received on 29 January 2007.

REASON: To ensure that the proposed development is carried out in accordance with the approved amended plans.

2. Prior to the occupation of the proposed dwellinghouses, 4 off road parking spaces shall be formed with internal turning area to allow vehicles to enter and leave in forward gear, and shall thereafter maintained on site.

REASON: In the interests of public road safety.

3. The internal parking/turning shall be hard surfaced to avoid overcarry of loose material onto the public road.

REASON: In the interests of public road safety

4. Any access gates to be provided shall open away from the public road to prevent obstruction.

REASON: In the interests of public road safety.

5. The new windows and solid walls formed from door openings shall be recessed to the line of the former doors.

REASON: To reflect the design of the original openings and in the interest of visual amenity.

6. All materials to be used in the external finishes shall match those on the existing building.

REASON: In the interest of visual amenity and to maintain the visual quality of the area.

7. Prior to the commencement of work on site, samples of external finishing materials, including proposed windows, shall be submitted to and approved by the Planning Authority. Thereafter the development shall be built in accordance with the approved materials.

REASON: In the interest of visual amenity and to maintain the visual quality of the area.

8. The roof lights shall be the conservation style with vertical emphasis achieved through the use of central glazing bars.

REASON: In the interest of visual amenity and to maintain the visual quality of the area.

9. Replacement windows shall be sliding sash and case or look-a-likes with framing thickness and profiles to match the existing ones.

REASON: In the interest of visual amenity and to maintain the visual quality of the area.

10. Prior to the commencement of work, details of design, materials and colour of the proposed fences and bin stores shall be submitted to and approved by the Planning Authority. Thereafter this aspect of the development shall be built in accordance with the approved drawings.

REASON: In the interest of visual amenity and to maintain the visual quality of the area.

NOTES TO APPLICANT

1. The applicant should make early contact with Scottish Water and the Scottish Environment Protection Agency with regard to the drainage arrangements for the site including the treatment and disposal of surface water. In particular, SEPA has confirmed that the development must not entail the use of dual manholes for connections to the existing sewage system, either in the public sewers or within the cartilage of the development.
2. The applicant should make contact with Scottish Power Energy Networks and Transco with regard to existing apparatus within the application site that may be affected by the proposed development.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**