

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 01 JUNE 2001**

**01/0179/FL: PROPOSED CHANGE OF USE OF FLATTED DWELLINGHOUSE  
TO OFFICE FOR A TEMPORARY PERIOD  
AT 17G WELLINGTON STREET, KILMARNOCK  
BY THE ROWAN ALBA ASSOCIATION**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 This is a retrospective application for the use of the ground floor flat as an office for the applicant. The flat will continue to have its kitchen and bathroom. The two other rooms will be used as an office and meeting room. There are no external alterations proposed as part of the current proposal.

The applicants have advised that they are seeking a temporary consent for three years to enable the operation of their 'New Start' Project. They advise that the premises will only be occupied during normal office hours (Monday to Friday, 9.00am – 5.00pm) and will accommodate two full-time workers with a health worker who, whilst based at 17G, is generally based out on visits.

The Association are involved in a project funded by the Rough Sleepers Initiative providing support, advice and assistance to young single, homeless/potentially homeless people. They work in partnership with each of the local Councils in Ayrshire and were established as a direct response to evidence generated through the Rough Sleepers Initiative identifying the 18-25 age range as being at most risk from rooflessness/homelessness. Clients can visit the office but rarely do so and workers can and mostly do, meet clients elsewhere such as DSS Offices, the CAB or otherwise to offer help and advice.

The applicant has submitted a supporting statement that indicates because of the unique service provision, their central location and proximity to the Bus Station, DSS, Social Work Offices and general facilities are required by the client group. The applicant submits that the office is ideally located to enable the staff to provide a responsive support to residents who live within 17 and 19 Wellington Street. They advise that the office is not used a drop in centre. Meetings with clients are arranged against the needs of the user who are often more comfortable meeting in a café nearby to discuss their situation.

## **2. RECOMMENDATION**

**2.1 The application should be approved subject to the conditions on the attached sheet.**

## **3. SUMMARY OF ANALYSIS**

3.1 As indicated at paragraph 5.2 of the report it is considered that the application is not 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 refused unless there are material considerations indicating otherwise.

3.2 As has been indicated in paragraph 6.1 of the report there are other material considerations relevant to this application. Taking the material considerations together it is considered that a departure from the policies of the Adopted Kilmarnock Local Plan and the EALP can be justified in this instance due to the very particular nature of the proposal. The proposed office will provide a worthwhile service to the adjacent supported accommodation and young single homeless people.

**Alan Neish  
Head of Planning and Building Control**

**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 and Building Control**

**1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present for determination an application for full planning permission which is to be considered by the Local Planning Committee under the scheme of delegation because it represents a minor departure from the East Ayrshire Local Plan Finalised Version with Modifications.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The application site comprises a ground floor flat within a traditional sandstone tenement at 17G Wellington Street which is situated to the north of Kilmarnock Town Centre. The application site includes the flat and its associated garden ground. The site is bound by Wellington Street to the west beyond which are residential properties, to the north by residential flats within a traditional sandstone building, to the east by Fulton's Lane and other residential properties and to the south by a retail property comprising "the Spinning Wheel".

2.2 **Proposed Development:** This is a retrospective application for the use of the ground floor flat as an office for the applicant. The flat will continue to have its kitchen and bathroom. The two other rooms will be used as an office and meeting room. There are no external alterations proposed as part of the current proposal.

The applicants have advised that they are seeking a temporary consent for three years to enable the operation of their 'New Start' Project. They advise that the premises will only be occupied during normal office hours (Monday to Friday, 9.00am – 5.00pm) and will accommodate two full-time workers with a health worker who, whilst based at 17G, is generally occupied out on visits.

The Association are involved in a project funded by the Rough Sleepers Initiative providing support, advice and assistance to young single, homeless/potentially homeless people. They work in partnership with each of the local Councils in

Ayrshire and were established as a direct response to evidence generated through the Rough Sleepers Initiative identifying the 18-25 age range as being at most risk from rooflessness/homelessness. Clients can visit the office but rarely do so and workers can and mostly do, meet clients elsewhere such as DSS Offices, the CAB or otherwise to offer help and advice.

The applicant has submitted a supporting statement that indicates because of the unique service provision, their central location and proximity to the Bus Station, DSS, Social Work Offices and general facilities are required by the client group. The applicant submits that the office is ideally located to enable the staff to provide a responsive support to residents who live within 17 and 19 Wellington Street. They advise that the office is not used a drop in centre. Meetings with clients are arranged against the needs of the user who are often more comfortable meeting in a café nearby to discuss their situation.

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

3.1 The Council's Roads Division and Environmental Health and Waste Management Section have advised that there are no objections to the proposed use.

***Noted.***

3.2 West of Scotland Water have advised that it has no comment to make regarding the application however if the developer is aware of or discovers any public sewers/water mains affected by the proposals, they must notify the Authority immediately.

***Noted. If Members choose to grant planning permission, an appropriate advisory note bringing the above to the applicant's attention can be attached to the planning consent if granted.***

### **4. REPRESENTATIONS**

4.1 No letters of representation were received.

### **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 Adopted Ayrshire Joint Structure Plan and the Adopted Kilmarnock Local Plan (1985). The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 The proposal can specifically be considered against Policy 4.3.7 of the Adopted Local Plan which aims to discourage the provision of non-retail commercial uses in urban areas which are mainly residential in nature. The reasoning behind this Policy is that many of these uses involve substantial 'bad neighbour' elements which can be severely detrimental to existing residential development.

***It is not considered that the proposed use will affect the primary use of the building. The primary use of the building will remain residential in its nature and it is therefore considered that the business can be adequately accommodated within the existing property without adversely affecting the surrounding residential uses. It should be noted that the Kilmarnock Local Plan was adopted in 1985 and is now considerably out-of-date and does not reflect current Government policy guidance.***

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

6.1 The other material considerations relevant in the determination of this application are national guidance (in the form of NPPG 8 and PAN 59), the East Ayrshire Local Plan Finalised Version with Modifications and the consultation responses.

6.2 National guidance relevant in this case comes in the form of NPPG 8 "Retailing" and PAN 59 "Improving Town Centres". These documents encourage and promote mixed use development and a wide range of uses within town centres. This is in order to protect and enhance their vitality and viability. The documents state that in certain circumstances, offices in or near town centres may be considered more acceptable. In this instance the proposals are for a change of use of a flatted dwelling both outwith the town centre and in an existing residential flatted building. The development as proposed and detailed in paragraph 2.2 of this report, will not have an adverse effect on the vitality and viability of the town centre.

6.3 Policies RTC 1, 3 and 5 of the Finalised East Ayrshire Local Plan Finalised Version with Modifications are also relevant and these are a prime material consideration. These Policies state that commercial development should firstly be directed to town centres and if it is proposed to direct such development outwith the prescribed town centre boundary, applicants shall require to demonstrate that no suitable alternative site can be found or assembled within town centres or on edge of centre location. Where such uses are proposed outwith town centre boundaries the site should be accessible by a means of transport and be compatible with surrounding land uses.

***The unique situation of the proposal has been outlined above in paragraph 2.2 of this report. Given these unique circumstances it is considered that there exists merit to allow an exception to policy in this instance. The primary use of the building remains residential and the office is operated during normal office hours and not in the evenings or at weekends when there would be a greater level of disturbance to residents. If Members choose to grant planning permission it is recommended that consideration be given to the imposition of conditions giving the applicant a personal consent for a temporary period of 3 years.***

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial implications for the Council in the determination of this application.

7.2 Legal implications arise from the Council having an ownership interest in the application site. The Scottish Executive are required to be notified under the Town and Country Planning (Notification of Planning Applications)(Scotland) Direction 1997 if the Council intends to grant planning permission and there is either a substantial body of objections or the proposed development is deemed to be contrary to the Adopted Local Plan.

***The proposed development is technically contrary to the Adopted Local Plan. However, the relevant adopted policy seeks to address non-retail commercial development having a severely detrimental effect on existing residential development. The proposal does not generate such detriment and additionally is only of a temporary nature. Not only is it acceptable on that basis, it is not proposed to notify the application to the Scottish Ministers.***

## **8. CONCLUSIONS**

8.1 As indicated at paragraph 5.2 it is considered that the application is not 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 refused unless there are material considerations indicating otherwise.

8.2 As has been indicated in paragraph 6.1 there are other material considerations relevant to this application. Taking the material considerations together it is considered that a departure from the policies of the Adopted Kilmarnock Local Plan and EALP can be justified in this instance due to the very particular nature of the proposal. The proposed office will provide a worthwhile service to the adjacent supported accommodation and young single homeless people.

## **9. RECOMMENDATION**

**9.1 The application should be approved subject to the conditions on the attached sheet.**

**Alan Neish  
Head of Planning and Building Control**

22 May 2001  
(FMF /MMM)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory Certificates/Notices.
3. NPPG 8 "Retailing".
4. PAN 59 "Improving Town Centres".
5. Strathclyde Structure Plan.
6. Adopted Kilmarnock Local Plan.
7. East Ayrshire Local Plan Finalised Version with Modifications.
8. Statutory Consultations.
9. Supporting Information from the Applicant/Agent.

Anyone wishing to inspect the above papers please contact Fiona Finlay on 01563 576768.

***Implementation Officer: Dave Morris***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0179/FL

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Site of Proposal:	17G Wellington Street KILMARNOCK
Natural of Proposal:	Proposed Change of Use of Flatted Dwelling to Office for a Temporary Period
Name & Address of Applicant:	Rowan Alba Association 22-24 Main Street DREGHORN KA11 4AH
Name & Address of Agent:	Brian Murray Architect 19 Snowdon Terrace Seamill WEST KILBRIDE KA23 9HN

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DPOs Reference: FMF/MMM

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

1. The permission hereby granted shall not enure for the benefit of the land but for the benefit of Rowan Alba Association only, and on discontinuance of their occupation of the land the use hereby permitted shall cease and the land/buildings shall be restored to their original use.

REASON Permission is being granted in this case solely because of the extenuating circumstances of the applicant.

2. Permission is granted for a limited period of three years from the date hereof, and the use shall be discontinued and the building restored to its former condition in accordance with a scheme to be agreed by the Planning Authority, at the expiration of this period unless a further permission is granted.

REASON The proposed use is of a temporary nature.

3. The proposed use shall not be operated outwith the hours of Monday – Friday, 9.00am – 5pm without the prior written consent of the Head of Planning and Building Control.

REASON In the interests of the residential amenity of the residents of the flats within the building.

4. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements)(Scotland Regulations 1984, no advertisements shall be displayed on the external elevations of the building without the prior written approval of the Head of Planning and Building Control.

REASON In the interests of residential amenity of neighbouring properties.

Notes West of Scotland Water have advised that if the developer is aware of or discovers any public sewers/water mains affected by this application they must notify their office immediately at 35 Glenburn Road, Prestwick, KA9 2NS.

**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.**

**AGENDA**