

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 31 MAY 2002**

**01/0404/FL: PROPOSED CHANGE OF USE AND ALTERATION TO  
VACANT STORE TO FORM 2 FLATTED DWELLINGS AT 6 PORTLAND  
BRAE, HURLFORD BY MR D'ANDREA**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 It is proposed to convert the western part of the building into 2 flatted properties ( 1 bedroom unit on the ground floor and a 2 bedroom unit on the first floor). The first floor flat will be accessed from a new stairway proposed to the west side of the building. There are no windows proposed on the north elevation since the applicant does not own any land north of the building itself. The proposal also includes 2 parking spaces and drying areas in the existing yard area. The external materials include smooth white render and natural slate on the roof.

#### **2. RECOMMENDATION**

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

#### **3. CONCLUSIONS**

3.1 As is indicated at para 5.2 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Sections 25 and 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 para 6.1 of the report, there are material considerations relevant to this application, however, it is considered that these are generally supportive of the application. The submitted letter of objection is noted but is not considered in itself to be of sufficient weight to justify a decision contrary to the Development Plan.

#### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee as it would not be a significant departure from policy.

**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 which is to be considered by the Local Planning Committee under the scheme of delegation because it has been the subject of objection.

#### **2. APPLICATION DETAILS**

2.1 **Site Description:** The site is located on the east side of Portland Brae in Hurlford. The site currently comprises a 2 storey building which has a vacant store to the western part and a residential flat to the east with slate roof and a derelict yard area. The site is bounded to the north, south and west by residential properties with the urban boundary of Hurlford to the east.

2.2 **Proposed Development:** It is proposed to convert the western part of the building into 2 flatted properties ( 1 bedroom unit on the ground floor and a 2 bedroom unit on the first floor). The first floor flat will be accessed from a new stairway proposed to the west side of the building. There are no windows proposed on the north elevation since the applicant does not own any land north of the building itself. The proposal also includes 2 parking spaces and drying areas in the existing yard area. The external materials include smooth white render and natural slate on the roof.

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

3.1 East Ayrshire Council's Roads and Transportation Division has confirmed that it has no objections to the proposals.

#### ***Noted.***

3.2 Scottish Water has stated that there is a public sewerage system to which a connection may be made. The developer should satisfy himself, by site investigation if necessary, that relative levels are such as will allow the development to be connected at a reasonable gradient. Sustainable Urban Drainage Systems (SUDS) should be employed on the surface water drainage system. The development can be serviced from an existing public water main located in the street adjacent to the site location.

***Noted. A condition and notes alerting the developer to the employment of SUDS can be attached to any grant of planning permission.***

3.3 Hurlford and Crookedholm Community Council have not responded at the time of writing.

***Noted.***

#### **4. REPRESENTATIONS**

One letter of objection has been received on behalf of two objectors.

4.1 The basis of the objection is as follows:

- (i) Inadequate parking; and
- (ii) Loss of amenity. It also appears that there will be windows in the proposed development overlooking the neighbouring garden.

***The Roads Division has been consulted on this proposal and is satisfied with the provision of 2 parking spaces within the site. It is not considered that there would be a loss of amenity as a result of this development proceeding. The existing building is vacant and the site is in a state of disrepair. The proposals would significantly improve the appearance of the site and would introduce a residential use into an existing residential area. In addition, there are not considered to be any overlooking issues in respect of the objector's land as there are no windows proposed on the northern elevation, only 2 veluxes on the roof for the kitchen and the bathroom on the first floor flat.***

#### **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 plans are the Approved Ayrshire Joint Structure Plan 1999 and the Adopted Kilmarnock Local Plan (1986).

5.2 Notwithstanding the age of the Adopted Development Plan, the proposal would fall to be considered against this Plan. The site is located within the settlement boundary of Hurlford as defined by the Adopted Plan and therefore Policy 4.1.5 is applicable. This Policy has a presumption in favour of residential development where the proposal is for a maximum of 10 dwellings, the site is less than 0.5 ha and is not likely to be detrimental to or be adversely affected by adjacent uses.

***Since the proposal relates to the formation of only 2 residential units, is less than 0.5 ha and is not considered to be detrimental***

***to or be adversely affected by adjacent uses, the proposal is therefore in accordance with the Adopted Kilmarnock Local Plan.***

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

6.1 The other principal material considerations relevant to the determination of this application are the East Ayrshire Local Plan (Finalised Version with Modifications), the objections and the planning history.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) (EALP) should be considered as a prime material consideration.

### East Ayrshire Local Plan (Finalised Version with Modifications)

6.3 Policy RES 7 of the East Ayrshire Local Plan encourages the rehabilitation and conversion to residential use of traditionally designed and constructed buildings both within settlements and in the rural area. The policy requires the Council to be satisfied that the structural condition of the building is suitable for conversion, that any extension should be limited to 50% of the ground floor area and a minimum of 50% of the external wall area in the completed conversion comprises retained wall. Proposals should also be in keeping with the character and appearance of the area and reflect the style and design of the original building located on the site.

***A structural engineer's report has been submitted in respect of the application which confirms the structural suitability of the building for conversion. There are no extensions proposed as part of this development with the exception of the stair access for the upper flat. Although the design of the proposal is not strictly in keeping with a traditional store building, it is considered that the design does reflect the style and character of the residential properties in the area. Consequently, it is considered that the proposal is in accordance with Policy RES 7.***

6.4 Policy RES 22 requires all developers to observe the minimum open space requirements detailed in the East Ayrshire Local Plan. In relation to flats this requirement is 25m<sup>2</sup> per bedroom of private open space/garden ground.

***There is an adequate area of open space identified in the application as drying areas. A condition could be attached to any grant of planning permission requiring the developer to delineate these areas for each flat and fence the areas off to provide some seclusion.***

## Objections received

6.5 The objections have been assessed in Section 4 above where it is concluded that they are not of sufficient weight to sustain a refusal of the application.

## Planning History

6.6 Planning permission was granted on 24 October 2000 for conversion of the store to form 2 flatted residential units. However, due to irregularities in the information on which the determination was based, it was necessary to require the applicant to submit a new application with accurate information for determination by the Council.

## **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 is indicated at para 5.2 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Sections 25 and 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 para 6.1 of the report, there are material considerations relevant to this application, however, it is considered that these are generally supportive of the application. The submitted letter of objection is noted but is not considered in itself to be of sufficient weight to justify a decision contrary to the Development Plan.

## **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 and Building Control, the application will not require to be referred to the Development Services Committee as it would not be a significant departure from policy.

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

21 May 2002 (YN/SA)  
FV-DVM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory Notices Certificates.
3. Consultation Replies.
4. East Ayrshire Local Plan (Finalised Version with Modifications).
5. Adopted Kilmarnock Local Plan.
6. Approved Ayrshire Joint Structure Plan.
7. Representations.
8. Approved Strathclyde Structure Plan.

Anyone wishing to inspect the above papers please contact Yvonne Nisbet on 01563 576771.

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0404/FL

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Site of Proposal: 6 Portland Brae  
HURLFORD

Nature of Proposal: Proposed Change of Use and Alteration to  
Vacant Store to Form 2 Flatted Dwellings

Name & Address of Applicant: Mr D D'Andrea  
Newsagent  
Central Avenue  
KILMARNOCK

Name & Address of Agent: Mr S McQuiston  
50 MacPhail Drive  
KILMARNOCK KA3 7EX

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DPOs Reference: YN/SA

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

(1) The proposed development shall be carried out in accordance with the application form and plans received on 1<sup>st</sup> June 2001 and the amended plans received by the Planning Authority on 23<sup>rd</sup> January 2002.

REASON To ensure that the development is carried out in accordance with the approved details.

(2) Notwithstanding the plans hereby approved the roof shall be covered in natural slates.

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

(3) Notwithstanding the plans hereby approved, details of how the private garden areas amounting to 75m<sup>2</sup> (25m<sup>2</sup> per bedroom) shall be delineated on site shall be submitted to and approved by the Planning Authority before any development commences on site.

REASON In the interests of residential and visual amenity.

(4) The private garden areas detailed in Condition 3 above shall be defined on site prior to occupation of the flats and shall be maintained thereafter.

REASON In the interests of residential and visual amenity.

(5) The garden areas detailed in Condition 3 above shall be enclosed to provide private open space. Details of the design and construction of all fences/walls to be erected along the boundaries of the garden areas shall be submitted to and approved by the Planning Authority before any development commences on site. The approved boundary treatment shall be implemented prior to occupation of the flats and shall be maintained on site thereafter.

REASON In the interests of residential and visual amenity.

(6) The two car parking spaces identified on the approved block plan shall be implemented on site prior to the occupation of the flats and shall be maintained thereafter.

REASON In the interests of road safety.

(7) Details of the surfacing of all land outwith the footprint of the building shall be submitted to and approved by the Planning Authority before any development commences on site.

REASON In the interests of road safety and visual and residential amenity.

(8) Details of the design and construction of the boundary treatment proposed along the boundary marked in blue on the approved block plan shall be submitted to and approved by the Planning Authority before any work commences on site.

REASON In the interests of residential and visual amenity.

(9) Before any work commences on site, details of a sustainable urban drainage system and its maintenance following installation shall be submitted to and approved by the Planning Authority. The sustainable urban drainage system shall thereafter be installed on site, prior to the erection of any of the buildings approved by this planning consent.

REASON To ensure that adequate drainage is provided.

## NOTES TO APPLICANTS

1. The developer shall make early contact with the Scottish Environment Protection Agency and Scottish Water to confirm their request to utilise a Sustainable Urban Drainage System (SUDS), with regard to surface water.

These Authorities require development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.

2. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.

3. The developer should satisfy himself by site investigation if necessary, that relative levels are such as will allow the development to be connected at a reasonable gradient.

**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**