

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 1 MARCH 2002

**01/0841/FL: PROPOSED ALTERATION AND CONVERSION OF
1 DWELLINGHOUSE INTO 2 DWELLINGHOUSES
AT 2 WEST MAIN STREET, DARVEL
BY MR A KIRKLAND**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to sub-divide the existing house into 1 flat on the ground floor and a maisonette on the first and second floors. Both the flat and the maisonette would be 2 bedroomed.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report, the development plan is out of date and in terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be assessed against the material considerations. The material considerations in this regard, are of prime importance owing to the age of the development plan although the objection received is not considered to be of such significance as to warrant the refusal of the application.

3.2 The other material considerations relevant to this application are the East Ayrshire Local Plan and the planning history. As is noted in paras 6.3 and 6.4 of the report, it is considered that this proposal does comply with the policies of the East Ayrshire Local Plan and no adverse consultations have been received. The previous planning application related to an increase to 3 dwellings from the existing 1 whereas this proposal would only increase the number of dwellings by 1 with no objections from the Roads Division.

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 there would be no significant departure from Council 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 a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation because it is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located on the north side of West Main street at its junction with Cross Street. The building is 2-storey with vehicular access from Cross Street. The area of land to the rear of the property measures approximately 421 square metres and includes garaging. The area of land at the rear of the application site cannot be accessed directly from the rear of the building.

2.2 **Proposed Development:** It is proposed to sub-divide the existing house into 1 flat on the ground floor and a maisonette on the first and second floors. Both the flat and the maisonette would be 2 bedroomed.

3. CONSULTATION AND ISSUES RAISED

3.1 The Council's Roads and Transportation Division has no objections to the proposals.

Noted.

3.2 The Department of Community Services, Environmental Health and Waste Management have commented that there are areas within East Ayrshire that do not have access from the rear of the property. In these circumstances the Council offer the householder the option of refuse sacks which are placed out at designated points to be uplifted. It may be that this system would have to be adopted at the proposed dwellings.

It is considered that from the above comments there is an alternative refuse disposal system available should the householders not wish to deposit their household litter in a wheelie bin at the rear of the property which is only accessible from Cross Street.

- 3.3 Darvel and Community Council have not responded at the time of writing this report.

Noted.

4. REPRESENTATIONS

(1 letter of objection has been received).

4.1 The proposed development would result in an increased use of the vehicular access to the site to and from Cross Street, which by virtue of the limited visibility would be detrimental to road safety. By virtue of design, the proposed entrance to the upper dwelling would be 1 metre from kerb side and 8 metres from the entrance to Cross Street from West Main Street. This combined with parking arrangements opposite to the proposed entrance would pose a serious threat to any person leaving the dwelling, as on numerous occasions vehicles turning into Cross Street have to mount the pavement to avoid parked vehicles. The objector has raised other matters not relevant to the determination of the application, but which are being pursued separately as an enforcement issue.

The Roads Division have acknowledged that there may be difficulties experienced by drivers using the access due to poor sightlines and adjacent on-street parking. However, as Cross Street is one-way and a minor housing road where vehicle speeds are likely to be low, the visibility at the access is not considered to be critical. The applicant may wish to improve the situation by widening the existing access to allow easier access to the driveway in the event that vehicles are parked close to the entrance. Nevertheless it should be noted that these works would not be a condition of granting planning permission.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 requires 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 Ayr County Development Plan (1953).

5.2 However, the Adopted Ayr County Development Plan is now almost 50 years out of date. Given the age of this plan its relevance to the application is negligible and, as a consequence, significant weight must be attached to a more recent expression of policy.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

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

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate the 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 a prime material consideration.

East Ayrshire Local Plan Finalised Version with Modifications

6.3 Policy RES6 supports the sympathetic conversion of large residential properties into smaller residential units subject to the provisions of other policies contained in the Local Plan. The reason for this policy is to maximise the contribution that existing properties can make to meet housing demand.

It is considered that this proposal to sub-divide one dwelling into two dwellings complies with Policy RES6. There are no objections from any of the statutory consultees relating to this proposal.

6.4 Policy RES 22 requires all developers to observe the minimum private open space standards although these may be relaxed at the discretion of the Council in respect of the conversion of existing properties to flats.

Noted. No relaxation is necessary in this instance since the proposals meet the requirements of this policy.

Objections Received.

6.5 The objection rests on various road safety concerns which have not been supported by the Roads Division.

Planning History

6.6 In terms of the planning history, an application to form 3 dwellings from 1 dwelling was refused on 3 September 1999 on the basis that the proposed development would result in an increased use of the vehicular access to the site to and from Cross Street, which by virtue of the limited visibility, would be detrimental to road safety.

The current application would only result in 1 additional unit being formed with no objection being received from the Roads Division.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in determining these applications.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report, the development plan is out of date and in terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be assessed against the material considerations. The material considerations in this regard, are of prime importance owing to the age of the development plan although the objection received is not considered to be of such significance as to warrant the refusal of the application.

8.2 The other material considerations relevant to this application are the East Ayrshire Local Plan and the planning history. As is noted in paras 6.3 and 6.4 above, it is considered that this proposal does comply with the policies of the East Ayrshire Local Plan and no adverse consultations have been received. The previous planning application related to an increase to 3 dwellings from the existing 1 whereas this proposal would only increase the number of dwellings by 1 with no objections from the Roads Division.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions on the attached sheets.

CONTRARY DECISION NOTICE

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 there would be no significant departure from Council policy.

Alan Neish
Head of Planning and Building Control

(YN/MS)
FV/DVM

14 February 2002

LIST OF BACKGROUND PAPERS

1. Application Form/Plans.
2. Statutory Notice/Certificates.
3. Letters of Representation.
4. East Ayrshire Council Local Plan (Finalised Version).
5. Approved Strathclyde Structure Plan.
6. Approved Ayrshire Joint Structure Plan.
7. Ayr County Development Plan.
8. Previous Planning Application: 99/0396/FL

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

Implementation Officer: Dave Morris

I:NLPC/010841

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0841/FL

Site of Proposal:	2 West Main Street DARVEL
Nature of Proposal:	Proposed Alterations & Conversion of One Dwellinghouse into Two Dwellinghouses
Name & Address of Applicant:	Mr Andrew Kirkland 145 East Main Street DARVEL KA17 0LW
Name & Address of Agent:	Muir Gebbie 3 Cross Street DARVEL KA17 0AD

DPOs Reference: YN/MMM

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

1. The first 2 m of the private access/driveway shall be hard surfaced using asphalt, bituminous macadam, block paving or similar and separated from the public footway using suitable kerbing.

REASON In the interests of road safety.

2. A minimum of 2 no. parking spaces (including existing garages) shall be provided prior to the occupation of the additional dwelling and shall be maintained at all times within the site.

REASON In the interests of road safety.

3. Any gates erected shall be set back a minimum of 6 m from the line of the existing boundary wall on Cross Street and shall open away from the public road to prevent obstruction.

REASON In the interests of road/pedestrian safety.

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