

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 30 NOVEMBER 2001

**01/0693/FL : PROPOSED SITING OF A WOODEN SHED FOR STORAGE
PURPOSES AT 43 MAIN STREET, MUIRKIRK**

APPLICATION BY MR J DAWSON

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Planning permission is sought for the siting a wooden shed for storage purposes. The shed is approximately 3 metres in length, 2.5 metres wide and 2.4 metres in height. The shed is stained a red/brown colour and has a felt roof. It is located adjacent to the eastern boundary and is sited approximately one metre from the western boundary and 0.7 metre from the northern boundary. There are two windows and a door on the front elevation of the shed. This elevation faces onto a flatted dwellinghouse to the west of the site. The shed would be used for storage purposes in association with the butchers premises i.e. for the storage of seasonings. It is proposed to remove the smaller wooden shed, which is approximately 3 square metres in size, from the site. The application is retrospective, with the proposed shed already located within the site

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the condition indicated on the attached sheet.

3. CONTRARY DECISION

3.1 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 this would not represent a significant breach of Council policy.

4. SUMMARY OF ANALYSIS

4.1 As is indicated at paragraph 5.1 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 Section 6 of the report,

there are material considerations relevant to this application, however, it is considered that these are supportive of the application.

4.2 In terms of the letter of objection, whilst it is acknowledged that the siting of the shed will have an affect on the amenity of this adjacent property, it is not considered that this is significant enough to warrant refusal of the application. Due to the positioning and window locations of the objectors flat in relation to the neighbouring retail premises, there will inevitably be some detrimental impact to this residential property. A condition can be attached to any planning consent requiring the smaller shed to be removed.

Alan Neish
Head of Planning and Building Control

Note: This document combines key sections of the associated report for quick reference and should no in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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APPLICATION BY MR J DAWSON

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 as the proposed development is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The site lies on the north side of Main Street, Muirkirk, and comprises the rear curtilage of a butchers premises. The site extends to 63 square metres and is presently used in association with the butcher's shop. There is also a portaloo, a smaller wooden shed and a number of bins located within the site. The applicant has indicated that the portaloo and wooden shed have been located within the site for over 10 years.

2.2 The site is bound by the butchers premises to the south, by flatted dwellings to the east and west and by a retail premises to the north.

2.3 **Proposed Development :** Planning permission is sought for the siting a wooden shed for storage purposes. The shed is approximately 3 metres in length, 2.5 metres wide and 2.4 metres in height. The shed is stained a red/brown colour and has a felt roof. It is located adjacent to the eastern boundary and is sited approximately one metre from the western boundary and 0.7 metre from the northern boundary. There are two windows and a door on the front elevation of the shed. This elevation faces onto a flatted dwellinghouse to the west of the site. The shed would be used for storage purposes in association with the butchers premises i.e. for the storage of seasonings. It is proposed to remove the smaller wooden shed, which is approximately 3 square metres in size, from the site. The application is retrospective, with the proposed shed already located within the site

3. CONSULTATIONS AND ISSUES RAISED

3.1 Muirkirk Community Council has not responded to the consultation letter at the time of writing.

Noted.

3.2 East Ayrshire Council's, Environmental Health Division has no objection to the proposed development. The Division is aware that the shed is already in existence and it has been checked by a member of their Food Safety Team. It was in use as a dry goods store at the time of visit and was generally satisfactory.

Noted.

3.3 The Scottish Environment Protection Agency and West of Scotland Water have no adverse comments to make on the proposed development.

Noted.

4. REPRESENTATIONS

4.1 One letter of objection has been received. This is summarised as follows:

4.2 The shed is located in close proximity to their lounge window (approximately two metres) and they feel that it is detrimental to their residential amenity. The shed is overly large and has resulted in an over-development of the site. It also affects the light coming into their lounge. There are also other structures in close proximity to their kitchen and bathroom windows.

The shed for which consent is being applied is located approximately one metre from the objectors garden boundary and three metres from their lounge window. The shed is located slightly north of this window, but is clearly visible from it. Whilst it is acknowledged that the siting of the shed will have an effect on the residential amenity of this adjacent property, it is not considered that this is significant enough to warrant refusal of the application. Due to the layout of the flat and associated limited garden ground (with only a two metre wide strip between the flat and the butchers premises and windows directly overlooking the site), the operation of a retail premises next door will inevitably have some detrimental impact on this residential property.

The wall on which the kitchen and bathroom windows are located lies directly on the boundary with the butcher premises. The wooden shed and portaloo (which the applicant has indicated have both been on site for more than 10 years) are located in

direct view of these windows. It is acknowledged that the siting of these two structures and the proposed shed does result in an over-development of the site. The applicant however intends to remove the smaller of the wooden sheds. A condition can be attached to any planning consent requiring the removal of this shed within 4 weeks of the date of the consent.

4.3 They strongly object to the fact that this is a retrospective application and that they were not given an opportunity to make comment prior to the shed being located on site.

Noted.

5. DEVELOPMENT PLAN STATUS

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 Muirkirk Local Plan (1985). The Adopted Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against Housing Policies.

5.3 Housing Policy 2 states that there should be a retention of the residential character of the area.

The siting of the shed would not adversely affect the general residential amenity of the area. The development therefore complies with the above 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) (2001), the consultation replies, the letter of representation and the characteristics of the application site.

East Ayrshire Local Plan

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. The site lies within the Town Centre, as defined

by the EALP, where retail policies are in effect, however the policies in the EALP are not relevant in the determination of this application.

Consultation Replies

6.3 There are no consultation response that would indicate refusal of the application.

Representations

6.4 The terms of a letter of objection are detailed Section 3 above. This highlights concerns with regard to over-development and impact on visual amenity and daylighting.

If a condition requiring the removal of the smaller wooden shed was attached to any planning consent, then it is not considered that the site would be over-developed. Due to the characteristics of the site the shed could not be accommodated elsewhere within the site without impacting on the neighbouring flatted dwelling. Whilst it is acknowledged that the siting of the shed will have an affect on the residential amenity of this adjacent property, it is not considered that this is significant enough to warrant refusal of the application.

Site Characteristics

6.5 The site is located to the rear of commercial premises. Although the proposed shed would be located at the furthest distance possible from the adjacent flatted dwelling, there would only be three metres between the lounge window of the flat and of the shed. However, given that the shed would be located northwards of this window and the smaller shed is to be removed, it is considered that the siting of the shed is acceptable.

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 paragraph 5.1 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 Section 6 of the report, there are material considerations relevant to this application, however, it is considered that these are supportive of the application.

8.2 In terms of the letter of objection, whilst it is acknowledged that the siting of the shed will have an affect on the amenity of this adjacent property, it is not considered that this is significant enough to warrant refusal of the application. Due to the positioning and window locations of the objectors flat in relation to the neighbouring retail premises, there will inevitably be some detrimental impact to this residential property. A condition can be attached to any planning consent requiring the smaller shed to be removed.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the condition indicated on the attached sheet.

Alan Neish
Head of Planning and Building Control
13 November 2001
VE/VE
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses.
4. Letter of Representation.
5. Muirkirk Local Plan (1985).
6. Approved Ayrshire Joint Structure Plan (1999).
7. East Ayrshire Local Plan, Finalised Version with Modifications (2001).
8. Approved Strathclyde Structure Plan.

Any person wishing to inspect the background papers listed above, should contact Miss Vivien Emery on 01563 555485.

Implementation Officer: Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 01/0693/FL

Location	43 Main Street Muirkirk KA18 3QR
Nature of Proposal:	Proposed siting of a wooden shed for storage purposes
Name and Address of Applicant:	Mr John Dawson, Dawson Butchers 43 Main Street Muirkirk KA18 3QR
Name and Address of Agent:	N/A

DPO's Ref: [VE]
PPO's Ref; []

The above **FULL** application should be approved subject to the following condition.

1. Within one month of the date of this consent, the existing wooden shed located to the south of the shed hereby approved shall be permanently removed from site.

REASON: In the interests of visual residential amenity.

AGENDA

**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.**