

## **EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 10 OCTOBER 2003**

**03/0618/FL: PROPOSED CONVERSION OF FACTORY BUILDING TO FORM SINGLE DWELLING AND GARAGE AT 185A MAIN STREET, AUCHINLECK**

**APPLICATION BY MR E WITHERS**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 The proposal is to convert the factory building, which is disused, to form a dwellinghouse. Most of the existing openings are to be retained and reused. An integral garage is proposed on the west gable of the building. This would be a flat roofed structure with a balustrade feature on top to create a balcony area.

1.2 The existing garden area would be retained providing approximately 81sqm. There is an existing water supply and drainage facilities and there is an existing vehicular access to the site.

#### **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 indicated in section 5 of the report, the application is considered to be substantially 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 issues have been sufficiently addressed and are not of sufficient weight to merit refusal of the application.

3.2 The proposed development is for the sympathetic conversion of a redundant factory building in the centre of Auchinleck. Albeit that it does represent the loss of an industrial premise in the town there are a number of alternative units available. Hence it is not considered that the use of this building for residential purposes is detrimental to the town's employment base.

3.3 The proposal does fall short of some of the standards pertaining to new residential development. However, the scheme is a conversion and it is widely recognised that where a proposed residential use is making use of either a redundant building or a brownfield site there are additional physical constraints. It is therefore considered acceptable that the proposal does not necessarily meet the criteria in all respects.

### **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 would not require to be referred to the Development Services Committee because it would not represent a significant departure from the development plan.

**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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SINGLE DWELLING AND GARAGE AT 185A MAIN STREET, AUCHINLECK**

**APPLICATION BY MR E WITHERS**

**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 the subject of an objection.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The application site comprises an existing factory building located at right angles to Main Street in Auchinleck. It is a traditional pitched roof building with a white render finish to the external walls and a slate roof. The windows are large openings of vertical proportions constructed with blue painted timber frames and matching true astragals.

2.2 Both vehicular and pedestrian access is taken off Main Street and leads to a modestly sized garden at the rear of the property which also accommodates a small tin structure forming a garden shed. A 3metre high red brick wall forms the north boundary and there are residential properties adjoining on either side. An area of open ground lies beyond the rear boundary of the site.

2.3 **Proposed Development:** The proposal is to convert the factory building, which is disused, to form a dwellinghouse. Most of the existing openings are to be retained and reused. An integral garage is proposed on the west gable of the building. This would be a flat roofed structure with a balustrade feature on top to create a balcony area.

2.4 The existing garden area would be retained providing approximately 81sqm. There is an existing water supply and drainage facilities and there is an existing vehicular access to the site.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads & Transportation Division has no objection to the proposed development subject to conditions relating to surface water discharge, the formation of any access gates, parking provision and the surface of the private driveway.

***Noted, these matters can be addressed by condition..***

3.2 Scottish Water has advised that there is an existing water supply but that it may require upgrading in view of the alterations proposed. There is a public sewerage system to which a connection may be made from the proposed development. A separate application to Scottish Water will be required for permission to connect to the public sewerage system.

***Noted. A note can be attached to any consent to advise of the need to contact Scottish Water for the relevant permission.***

3.3 The Coal Authority has no objection and have no adverse comments to make in respect of the proposed development.

***Noted.***

3.4 Transco has requested that their information pack is forwarded onto the developer.

***Noted.***

3.5 Power Systems has no objection to the proposed development.

***Noted.***

3.6 Auchinleck Community Council has no objection to the proposed development.

***Noted.***

### 4. REPRESENTATIONS

4.1 The application has attracted one letter of representation. The concerns raised are summarised as follows:-

4.2 There is a situation regarding the water which goes through other dwellings and also the sewerage and entrance to the said property.

***The matter of water and drainage is something which the developer shall require to address thoroughly as part of an application for Building Warrant. Scottish Water has been consulted and although they have advised that the water supply does require to be upgraded they have not raised any concern about the drainage. As regards the entrance to the property, the Council's Roads Division has recommended the use of conditions which shall be imposed should the Committee be minded to approve the application. These would address any road safety issues arising from the use of the entrance.***

4.3 As a neighbour the representee does not wish the property to become used for multiple occupancy at a later date.

***The application before Members is for the formation of a single dwelling and garage. Any future changes to the use of the building requiring a further planning consent would be addressed at that time and are not relevant to the consideration of this proposal.***

## **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 and the Adopted East Ayrshire Local Plan (2003).

### Ayrshire Joint Structure Plan

5.2 There are no strategic policies contained in the structure plan which are relevant to the proposed development.

### East Ayrshire Local Plan

5.3 Policy IND8 states 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;
- (ii) the proposal meeting with the requirement of all other relevant Local Plan policies; and

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

***The proposal involves converting the use of a redundant industrial building to a dwellinghouse. However there are a number of residential properties in the immediate vicinity and so the proposal complies with part (i). The proposed development offers approximately 80% of the required garden space and would maintain historic window to window distances that otherwise would be less than required. Auchinleck has an existing industrial estate and there are a number of other vacant industrial and commercial or business premises within the settlement indicating that there is a surplus of such present. It is considered that the proposal is generally in compliance with Policy IND8.***

5.4 Policy RES7 states that the rehabilitation or conversion to residential use of existing, and traditionally designed and constructed buildings will be encouraged where the following criteria will be met :

- (i) the Council will require to be satisfied that the structural condition of the building is suitable for the conversion to residential use;
- (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;
- (iii) the development meets the service requirements of all the appropriate statutory undertakers and the Council as Roads Authority;
- (iv) the proposal is fully in keeping with the character and appearance of the area within which it is located;
- (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
- (vi) the proposal does not damage the architectural integrity of the building and reuses wherever possible, any existing traditional building materials found on site.

***This building has been in use as an operational factory unit until earlier this year. In addition to this the roof is fully intact and the external walls are plumb. The structure of the property is such that the Council can be satisfied with its condition. The proposal is a sympathetic conversion using the existing structure with only a minor extension to form a garage on one gable. The external appearance of the building will remain virtually unchanged and therefore it meets parts (ii), (iv), (v) and (vi). Drainage and water supply exist as does a vehicular access and hence part (iii) is met. Therefore the proposal is compliant with Policy RES7.***

5.5 Policy RES22 states a requirement for all developers to observe the minimum private open space standards as set out in Schedule 4. The required amount for a dwelling such as the one proposed is 100sqm.

***There is an existing garden pertaining to the building and this would remain as the private open space. It extends to 81sqm only and therefore falls short of the standard, however, given that this is a conversion scheme in the settlement it is considered an acceptable minor breach of Policy RES22.***

5.6 Policy ENV7 requires that developers comply with the Council's existing and emerging Design Guidance and policy documents.

***Design Guidance 2 : New Residential Development sets out the standards which the proposed development is required to comply with. Windows on the first floor of the south elevation and facing onto the rear garden area of the adjacent residential property are only 8metres from the boundary. However, these windows are existing and have been in situ since the building was first erected. It is therefore not considered that the retention of these windows in the conversion will create any additional or undue overlooking. The balcony above the garage does afford a further potential for overlooking; but given its location on the site and the existing extent of window openings, it is not considered to be unacceptable. The proposal substantially complies with Policy ENV7 and the window situation can be accepted as a minor breach of policy.***

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

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses and third party representation.

## Consultations Responses

6.2 None of the consultees have raised any objections or concerns about the proposed development which would indicate that the application should be refused.

## Representations

6.3 The letter of objection raises concern about the infrastructure which shall be required for the proposed development. The relevant consultees have not indicated that there is inadequate service provision; the Roads Division are content with the parking and access arrangements subject to condition; and hence it is considered that these concerns are adequately addressed and therefore do not carry 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 substantially 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 issues have been sufficiently addressed and are not of sufficient weight to merit refusal of the application.

8.2 The proposed development is for the sympathetic conversion of a redundant factory building in the centre of Auchinleck. Albeit that it does represent the loss of an industrial premise in the town there are a number of alternative units available. Hence it is not considered that the use of this building for residential purposes is detrimental to the town's employment base.

8.3 The proposal does fall short of some of the standards pertaining to new residential development. However, the scheme is a conversion and it is widely recognised that where a proposed residential use is making use of either a redundant building or a brownfield site there are additional physical constraints. It is therefore considered acceptable that the proposal does not necessarily meet the criteria in all respects.

## **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 would not require to be referred to the Development Services Committee because it would not represent a significant departure from the development plan.

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

1 October 2003  
NM/NM/SMB  
FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letter of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above background papers should contact Nicola Monroe on 01563 555485.

**Implementation Officer: Dave Morris**

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0618/FL

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|--------------------------------|--|
| Location                       | 185A Main Street<br>AUCHINLECK<br>KA18 2BA                                 |
| Nature of Proposal:            | Proposed conversion of factory building to form single dwelling and garage |
| Name and Address of Applicant: | Mr E Withers<br>25 Wilson Avenue<br>KILMARNOCK<br>KA3 7AP                  |
| Name and Address of Agent      | Mr J Robertson<br>25 Wilson Avenue<br>KILMARNOCK<br>KA3 7AP                |

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

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

1. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any order or enactment replacing this no extensions or garages shall be erected on the site unless a further specific planning application is submitted to and approved by the Planning Authority.

REASON – In the interests of protecting the character of the building and to avoid overdevelopment of the site.

2. Prior to the occupation of the dwelling hereby approved the private driveway will be paved for a minimum distance of 2 metres from the rear of the public footway.

REASON – To avoid overcarry of loose material onto the public highway in the interests of pedestrian and road safety.

3. A minimum of 2 number off road parking spaces shall be provided within the curtilage of the dwelling prior to its occupation and shall be retained in perpetuity.

REASON – In the interests of road safety.

4. Any gates will require to open inwards away from the public road.

REASON – In the interests of pedestrian and road safety.

5. No surface water shall be allowed to discharge onto the public road.

REASON – To ensure a secure road surface in the interests of road safety.

**NOTE TO APPLICANT**

1. The developer is advised to contact Scottish Water on 0845 601 8855 regarding permission to connect to the public sewerage system.

**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.**