

## **EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 02 OCTOBER 2009**

**09/0493/FL: PROPOSED CHANGE OF USE OF LAND TO FORM CAR PARK  
AND ACCESS ROAD AT GLAISNOCK STREET, CUMNOCK**

**BY EAST AYRSHIRE COUNCIL ROADS AND TRANSPORTATION DIVISION**

### **EXECUTIVE SUMMARY**

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

1.1 Full planning consent is sought for the change of use and formation of a car park and access road. The car park will consist of 81 spaces with eight of these being specifically for disabled users and a further five spaces allocated specifically as parent and child spaces. The associated access road will take direct access from Glaisnock Street and include a 2 metre wide public footpath running against the northern boundary of the site with the Dumfries Arms Hotel. The access road will direct traffic into the car park which covers the area of ground of the former Council Yard. The car park is noted as employing a one-way system for traffic movement. Details on the site plan indicate areas of planting and paving at corner sections and along the west and south boundary. The exposed boundaries of the car park will be enclosed with a 1.8 metre high wave effect boundary fence galvanised with plastic powder coated black finish. Pedestrian access will be available not only to Glaisnock Street but also at two points of the car park onto Market Lane.

#### **2. RECOMMENDATION**

**2.1 It is recommended that this application for full planning consent be approved subject to the conditions listed on the attached sheet.**

#### **3. SUMMARY OF ANALYSIS**

3.1 As indicated in Section 5 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 indicated in Section 6 there are material considerations relevant to this application however it is considered that these are supportive of the application.

3.2 It is considered that the re-development of what is essentially a brownfield site by the formation of a car park not only provides additional facilities for Cumnock but will assist in enhancing the character the Conservation Area of Cumnock and the setting of the two adjacent Listed Buildings.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, the application would not require to be referred to the Full Council as this would not constitute a significant breach of policy.

**Alan Neish**  
**Head of Planning and Economic Development**

**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 Economic Development

### 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for planning which is to be considered by the Southern Local Planning Committee site under the revised scheme of delegation as the application site is in the ownership of the Council.

### 2. APPLICATION DETAILS

2.1 **Overview:** East Ayrshire Council has identified the regeneration of Cumnock Town Centre as a priority which must be addressed in an integrated way focusing on the following key objectives:

- Providing jobs in the town centre
- Enhancing and extending the available retail offer
- Enhancing the public realm and the town centre environment and;
- Implementing improved traffic management and a parking strategy

2.2 **Site Description:** The application site is located within the central area of the settlement of Cumnock and within the Cumnock Conservation Area. The site is partially occupied by the former Cumnock Picture House which forms a frontage onto Glaisnock Street and takes the form of a large somewhat imposing building which over its life time has been subject to a number of later additions and alterations both to the external and internal fabric. The front facade can be described as reflecting an art deco style however further inspection reveals the original art nouveau frontage which is hidden behind this later addition. Moving to the rear, the building style changes to become plain almost industrial appearance encompassing a rounded barn shaped roof structure which along with the external walls appears to be clad in asbestos. The rear gable is finished in brickwork with render with a single storey small mono-pitch add-on attached covering the full width of the gable. To the rear (west) of the former picture house the application site extends to cover ground, which was previously used as a Council yard. Immediately to the west and north the red line site boundary runs

along the length of Market Lane a narrow access road linking Car Road to Glaisnock Street providing rear access onto the properties of Ayr Road and also bounding the rear gardens of properties on Hall Terrace and Car Road. Moving back to Glaisnock Street, immediately to the north the site is bounded by the Dumfries Arms Hotel, which is a category B listed building, and to the south the Town Hall that has category C(s) listing.

**2.3 Proposed Development:** Full planning consent is sought for the change of use and formation of a car park and access road. The car park will consist of 81 spaces with eight of these being specifically for disabled users and a further five spaces allocated specifically as parent and child spaces. The associated access road will take direct access from Glaisnock Street and include a 2 metre wide public footpath running against the northern boundary of the site with the Dumfries Arms Hotel. The access road will direct traffic into the car park which covers the area of ground of the former Council Yard. The car park is noted as employing a one-way system for traffic movement. Details on the site plan indicate areas of planting and paving at corner sections and along the west and south boundary. The exposed boundaries of the car park will be enclosed with a 1.8 metre high wave effect boundary fence galvanised with plastic powder coated black finish. Pedestrian access will be available not only to Glaisnock Street but also at two points of the car park onto Market Lane.

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

3.1 East Ayrshire Council's Roads and Transportation Division have no objections to the proposed car park.

***Noted.***

3.2 Scottish Power has no objection in principle however state that apparatus and a sub station is within/adjacent to the site, which may require alteration or protection depending on the extent of the development.

***Noted. The above comments can be attached as a planning condition / advisory note on any consent granted.***

3.3 Scotland Gas Networks has no objection to the proposed development provided that no mechanical excavations take place above or within 0.5m of the low-pressure system, 2m of the medium pressure system and 3m of the intermediate pressure system.

***Noted. The above comments can be attached as a planning condition / advisory note on any consent granted.***

3.4 Scottish Environment Protection Agency has not responded to the consultation request at the time of writing the report.

***Noted.***

3.5 Historic Scotland has no objection in principle and is satisfied that the car park and associated works would not adversely affect the Cumnock Conservation Area.

***Noted.***

3.6 East Ayrshire Access Panel has no objection in principle and have provided detailed comments, which have in turn led to amendments being made to the original submitted car park layout specifically with regards to disabled car parking spaces.

***Noted.***

3.7 Cumnock Community Council has not responded at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 The neighbour notification process has been undertaken and the application was advertised in the local press. No formal letters of objection have been 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 Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (EALP).

##### Ayrshire Joint Structure Plan

5.2 No specific policies are relevant to this proposal.

## East Ayrshire Local Plan

5.3 Policy T3 states that the Council will require all developers to provide adequate car parking as an integral part of their development proposals to the standards laid down by the Council as Roads Authority. Parking standards for proposals relating to brownfield redevelopments sites within town centres areas, as shown on the Local Plan maps, may be relaxed by the Council where considered appropriate.

***Although the proposed car park is not related to any one particular development, it is tied into the overall regeneration project for Cumnock town centre.***

5.4 Through Transport Proposal PROP8, the Council will, in conjunction with the private sector and with the assistance of other bodies, provide for:

(ii) improved access and parking facilities for the disabled and those with special needs, to include dropped kerbs, smooth paving, textured paving at junctions etc.

***The proposal involves the creation of additional disabled parking provision, therefore meets the provisions of this proposal.***

5.5 As stated in Policy ENV4, the Council will seek to ensure that all development within or affecting the setting of a Conservation Area or affecting the appearance or setting of a Listed Building, is sympathetic to the area or building concerned in terms of its layout, size, scale, design, siting, materials and colour of finish. Wherever possible, all proposals should seek to preserve, enhance or incorporate features, which contribute positively to the character or appearance of the area and have due regard to the architectural and historic qualities of the area or building concerned.

***An element of the proposed site for the car park is located within the Cumnock Conservation Area. This part of the site is currently taken up with the former picture house, which has lain vacant for a number of years. It is considered that the creation of a car park on this site will improve the appearance of the Conservation Area, assuming appropriate landscaping and materials are used in the development. Such requirements can be conditioned on any consent granted.***

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

6.1 The principal material considerations relevant to the determination of this application are the Alterations to the East Ayrshire Local Plan (finalised version with modifications), consultation responses received which are addressed in

Section 3 of the report, the planning history of the site, the supporting statement for the redevelopment of the site and the impact upon the amenity of the area.

6.2 For clarity, whilst development proposals will continue to be assessed first and primarily against the adopted local plan, the Council has now given authority for an appropriate and proportionate degree of weight to be given to the Alteration to the East Ayrshire Local Plan in the determination of planning applications. In this case, significant weight can be given to the policies below.

Alteration to the East Ayrshire Local Plan (finalised version with modifications)

6.3 Policy T4 states that the Council will require all developers to provide appropriate car parking as an integral part of their development proposals to the standards laid down by the Council as Roads Authority and in line with the provisions of the Council's proposed Parking Management Strategy. Parking standards for proposals relating to brownfield redevelopments sites within town centres areas may be relaxed by the Council where considered appropriate.

***Whilst the proposed car park is not associated with any particular development, it is linked into the overall regeneration project for Cumnock Town Centre. Consultation with the Council's Roads Division confirms that the proposed car park meets all Council parking guidelines.***

6.4 Through Transport Proposal PROP12, the Council will, in conjunction with the private sector and with the assistance of other bodies, provide for:

(ii) improved access and parking facilities for the disabled and those with special needs, to include dropped kerbs, smooth paving, textured paving at junctions etc.

***The proposal involves the creation of additional disabled parking provision and therefore meets the provisions of this proposal.***

6.5 As stated in Policy ENV7, development and demolition within a conservation area or affecting its setting shall preserve or enhance its character and be consistent with any relevant conservation area appraisal or management plan that may have been prepared for the area.

The design, materials, scale and siting of any development shall be appropriate to the character of the conservation area and its setting. Trees which are considered by the planning authority to have amenity value shall be preserved. Given the importance of assessing design matters, outline applications will not normally be considered appropriate in conservation areas.

Where an existing building, listed or not, contributes positively to the character of the conservation area, policy ENV5 on demolition shall apply. Where it does not, proposals for demolition will not be considered in the absence of a detailed planning application for a replacement development that enhances or preserves that character. Demolition will not begin until evidence is given of contracts let for the approved development.

The Council will seek to ensure that all development within or affecting the setting of a Conservation Area or affecting the appearance or setting of a listed building complies with the Council's appropriate Design Guidance. In particular, the Council will not be supportive of any development that is unsympathetic to the area or building concerned in terms of its layout, size, scale, design, siting, materials and colour of finish. Wherever possible, all proposals should seek to preserve, enhance or incorporate features, which contribute positively to the character or appearance of the area and have due regard to the architectural and historic qualities of the area or building concerned.

***A section of the current site is located within the Cumnock Conservation Area. Given that the site currently houses a former bingo hall that has been vacant for a number of years, it is considered that the proposed car park will improve the appearance and amenity of the Conservation Area. It can be conditioned that the proposed materials for the car parking and footway are appropriate for this location, which as well as being within the Conservation Area is also adjacent to two listed buildings.***

### Consultation Responses

6.6 The consultation responses are detailed in the report and have been carefully considered. The submissions do not raise any issues of sufficient weight to warrant refusal of this application. Any issues raised by consultees can be addressed by conditions should Members choose to grant consent.

### Planning History

6.7 An application for Conservation Area consent for the demolition of the former picture house/bingo hall (Planning Ref: 09/0521/CA) is also before this Committee for consideration.

### Supporting Statement

6.8 The proposed demolition of the former picture house within the 'Creating Civic Space' project will remove a vacant and derelict building whilst greatly improving the setting of two key listed buildings on Glaisnock Street – Cumnock Town Hall and the Dumfries Arms Hotel.

The 'Creating Civic Space' project and therefore the demolition of the former picture house should not be seen in isolation. The project forms an integral part of the regeneration proposals for Cumnock Town Centre and is inextricably linked to a number of complementary projects currently being developed or implemented.

Linked to the wider Cumnock Town Centre Regeneration Project, the 'Creating Civic Space' project complements the Cumnock CARS project. The CARS project, valued at £2.6million, is a grant scheme supported by Historic Scotland and East Ayrshire Council, which aims to improve the historic fabric of the Conservation Area. The scheme has been recently launched and interest has been expressed by a large number of property owners.

The CARS project is supported by various initiatives led by HRH The Prince Charles, Duke of Rothesay, including the 'Four Towns Enquiry by Design' project, the 'Knockroon' proposal and Dumfries House. The Prince's Regeneration Trust and the Prince's Foundation for the Built Environment actively support the CARS scheme.

As part of the overall regeneration of Cumnock and in the interests of the wider community, the benefits of the 'Creating Civic Space' project can be seen therefore to outweigh the loss of the unlisted, vacant and derelict former picture house.

### Impact on Amenity

6.9 The application site can be described as being divided into two distinct sections the former Cumnock Picture House which is located to the front of the site on Glaisnock Street and the former Council Yard enclosed to the rear (west). The Picture House building although having an attractive frontage has lain vacant and been in a decaying condition for a number of years recently being the subject of a fire which has damaged the internal fabric of the building. Similarly the Council Yard to the rear of the site is derelict and does not offer the most appropriate form of land use for a town centre. Overall the site as a whole does not positively promote the Conservation Area of Cumnock and the redevelopment of the site to form a public facility which will provide an increased level of town centre car parking which is considered important in the regeneration of Cumnock. In addition, the opening up of this section of Glaisnock Street to allow for access to the car park will assist in creating an enhanced vista to both listed buildings - the Town Hall and the Dumfries Arms whilst improving the general streetscape of Glaisnock Street. In addition the careful use of finishing materials and the incorporation of landscaping within the proposal will assist in improving the visual amenity of the immediate area.

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

7.1 The Council has an ownership interest in the site, but there are no significant financial or legal implications in the determination of this application.

7.2 The application will not require to be referred to the Scottish Ministers in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

## **8. CONCLUSIONS**

8.1 As indicated in Section 5 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 indicated in Section 6 there are material considerations relevant to this application however it is considered that these are supportive of the application.

8.2 It is considered that the re-development of what is essentially a brownfield site by the formation of a car park not only provides additional facilities for Cumnock but will assist in enhancing the character the Conservation Area of Cumnock and the setting of the two adjacent Listed Buildings.

## **9. RECOMMENDATION**

**9.1 It is recommended that this application for full planning consent 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 Economic Development, the application would not require to be referred to the Full Council as this would not constitute a significant breach of policy.

**Alan Neish**  
**Head of Planning and Economic Development**

23 September 2009  
(RG/RG)

## LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Letter of Objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. Modified East Ayrshire Local Plan
8. Application No: 09/0521/CA

Anyone wishing to inspect the above papers please contact Robin Ghosh  
Planning Officer, on 01563 555483.

***Implementation Officer: Dave Morris***

TP24

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 09/0493/FL

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Site of Proposal:	Proposed change of use of land to form car park and access road
Nature of Proposal:	Glaisnock Street, Cumnock
Name & Address of Applicant:	East Ayrshire Roads and Transportation Greenholm Street

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DPO's Reference: Robin Ghosh

The above FULL planning 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 dated 07 July 2009 and the amended site layout plan received by the Planning Authority on 25 September 2009.

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

2. Prior to the commencement of any development works on site details of the proposed feature trees and their locations shall be submitted to and approved by the Planning Authority, and thereafter implemented as approved with the first planting season following completion of the proposed car park.

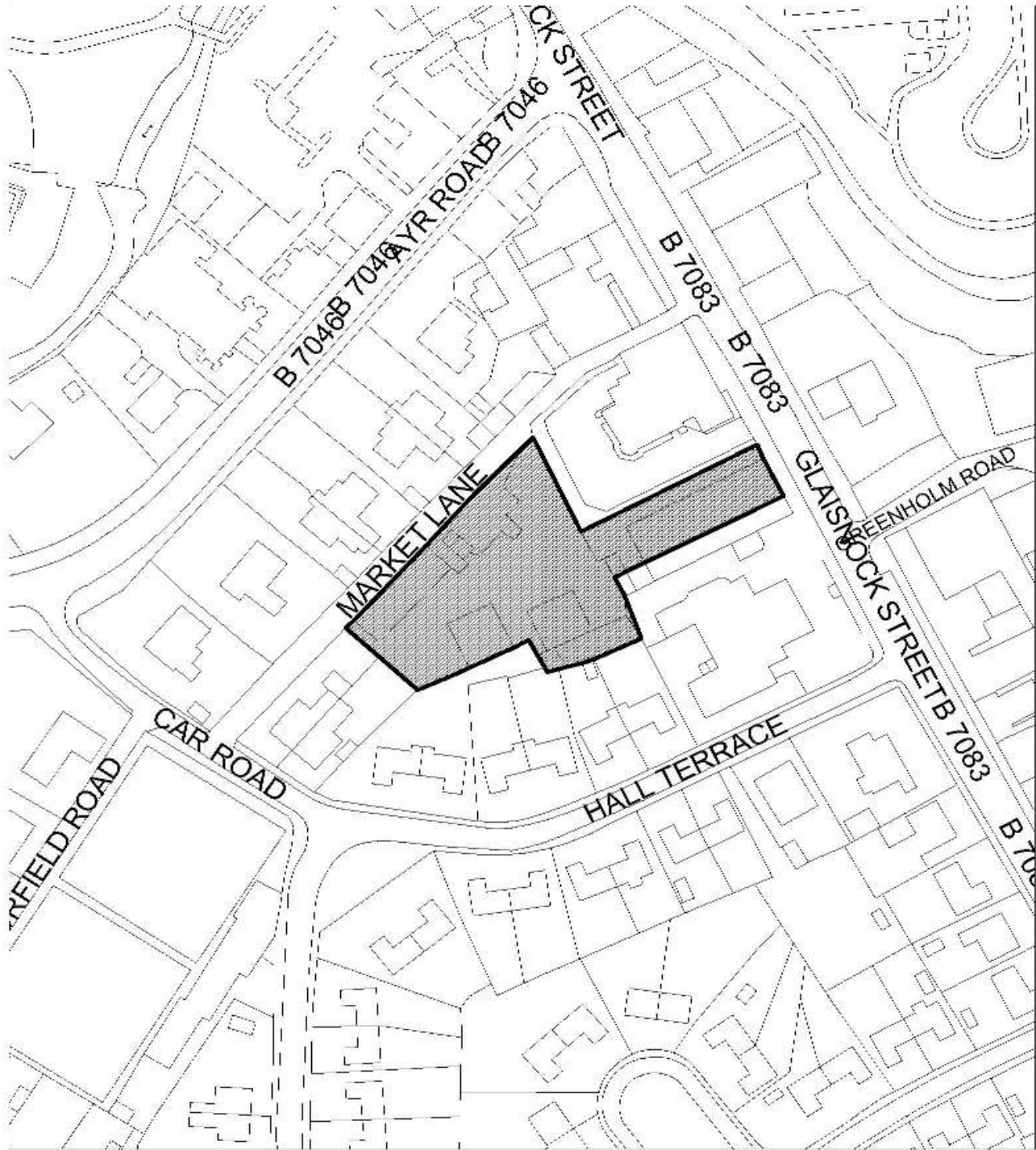
REASON: In the interests of the visual amenity


3. Prior to the commencement of any development works on site details of the finishing material of all surfaces including road covering shall be submitted to and approved by the Planning Authority and thereafter implemented as approved.

REASON: In the interests of the visual amenity of the Conservation Area.

**Notes to Applicant:**

1. Scottish Power have noted the presence of apparatus within the application site and advise that prior to development works commencing on site contact should be made directly with Scottish Power. Scottish Power can be contacted on 0141 567 4155.
2. Scotland Gas Networks advise that no mechanical excavations take place above or within 0.5m of the low-pressure system, 2m of the medium pressure system and 3m of the intermediate pressure system. Scotland Gas Networks can be contacted on 0141 418 4093.



<p>Title/Location    <b>Glaisnock Street/Market Lane</b></p> <p>                         <b>Cumnock</b></p> <p>                         <b>Application No. 09/0493/FL</b></p>	<p>East Ayrshire Council</p> <p>Planning &amp; Economic Development Division.</p> <p>6 Croft Street Kilmarnock KA1 1JB</p> <p>Tel: (01563) 576790    Fax: (01563) 576774</p> <p>E-Mail : <a href="mailto:Planning@east-ayrshire.gov.uk">Planning@east-ayrshire.gov.uk</a></p> <p><b>Com Date: 02/10/09</b>    <b>Checked By</b></p>
<p>Key</p> <p>    <b>Application Site</b></p>	