

EAST AYRSHIRE COUNCIL

PLANNING COMMITTEE: 1st July 2016

**16/0108/PP: EXTENSION TO REAR OF BUILDING, ERECTION OF DETACHED
STORE TO EAST OF THE BUILDING**

AT KILMAURS LIBRARY IRVINE ROAD KILMAURS

BY KILMAURS COMMUNITY ASSOCIATION

**Report by Head of Planning and Economic Development
Economy and Skills**

Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/applicationDetails.do?activeTab=summary&keyVal=O2E510GF02400>

EXECUTIVE SUMMARY SHEET

PURPOSE OF REPORT

1. The purpose of this report is to present for determination an application for planning permission to be considered by the Planning Committee under the scheme of delegation as the application has received more than 10 objections. The application is not a major development as defined within the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, nor is it considered to be significantly contrary to the development plan however it requires to be determined by the Planning Committee owing to the level of objection that has been received.

RECOMMENDATION

2. It is recommended that the Planning Application be approved subject to conditions as detailed in Appendix 1 attached to this report.

CONTRARY DECISION NOTE

3. Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, the application will not require to be referred to the Council as it is not a significant departure from the East Ayrshire Local Plan.

**Michael Keane
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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BACKGROUND INFORMATION

2. Prior to the revised plans that are under consideration the original application proposed the formation of an enclosed play area to rear of the library. It was indicated on the plans that the Primary School play-ground which is located south of the site would form part of the application site. Concerns were raised by the Education Service regarding the inclusion of the Primary School play area being a part of the application. The Education Service commented on the proposal stating that they would be fully supportive of the proposal in principle however unable to support the extension to the playground to the rear as it encroached on to the Primary School play area.
3. As the Education Service were unable to support the proposal which included the enclosed play-ground, it was suggested to the applicant's agent that the proposals should be amended to remove the Primary School play area and the proposal as amended would also omit the 'enclosed play area to rear'.
4. After an in-depth discussion between the applicant's agent and the Planning Authority the proposal is now to remove the area that encroaches on to the Primary school play area and the application has been re-consulted and re-notified to neighbours, and objectors who were extended a further 21 days to comment and consultees have had a further 14 days to review the amended proposals.
5. Amended drawings and design statement were submitted on the 2nd June. The proposal now under consideration is for the extension to the rear of the building and the erection of a detached store to the east of the existing building.

APPLICATION DETAIL

6. **Site Description:** Kilmaurs Library is a single storey building which is located on Irvine Road outwith the Kilmaurs Conservation Area and situated near to the town centre of Kilmaurs. This area comprises primarily of public / community facilities and residential properties. The site is situated between a residential housing estate and a two storey building which is currently used as the dining hall for the Primary School. The Primary School and playground located south of the application site.
7. The Library building fronts onto Irvine Road, it is fairly modern construction with harled walls and concrete tiled pitched overhang abutting the public footpath with steel railings around the southern perimeter of the site.
8. The Library has been permanently closed since 2nd October 2015 when it was declared surplus to requirements and offered for community transfer to Kilmaurs Community Association by East Ayrshire Council.
9. **Proposed Development:** Planning permission is sought for an extension to the rear and detached store which will provide additional storage. This will allow groups to put their equipment away in lockable storage for security and to free the space for other community groups.
10. The proposed rear extension will project out from the existing building by approximately 3 metres and approximately 10.5 metres in length. The roof will be a mono-pitched roof continue down from the existing roof line, lowering the eaves to approximately 2 metres. The materials proposed will match the existing building with white harled walls and concrete tiled roof. This will provide additional storage space and a disabled toilet.
11. The erection of the detached store building is proposed east of the existing building on an area of paved ground this will enclose the play area to the side of the building. A gate and fence will be between existing building and external store. The fence will be metal mesh style fence and this will provide an enclosed area. The proposed storage building will be in line with the existing building and will be constructed with white harled walls and duo pitched roof of matching tiles. Plans indicate the building will measure approximately 2.8 metres to the eaves and 4.8 metres to the pitch and will be approximately 8.5 metres in length and 5.1 metres in width with a total of 42.5 square metres. The door will be on the west elevation opposite the main entrance to the existing building.
12. An up and over atypical garage door is proposed on the south elevation this which will open out into a proposed external play area to the side of the existing building. This will allow large pieces of equipment such as tables and outside play equipment to be easily accessed.
13. The applicant's agent has submitted supporting information with the application. The submission advises that Kilmaurs Library has been closed and declared surplus to requirements by the Council. It has been offered for Community Transfer to Kilmaurs Community Association. The use of the library as a community centre will allow for various community uses such as mother and toddler groups, line dance groups and various meeting groups but not the larger functions which would have to be redirected to other facilities such as the hall spaces in the village including the existing gym or in the existing or proposed dining area. The applicant's agent advises that in order to function as a community centre there is a need for storage to allow groups such as the toddler group to store their equipment in a lockable area for security and also to free the space for other groups.
14. The proposals to extend the building will provide lockable storage and also accessible toilet accommodation when the east and west rooms are being used by separate groups.

The rooms can be opened up by folding back the room partition to create the larger space. The detached store building will allow storage of larger pieces of equipment such as tables and outside play equipment which is easily accessible.

CONSULTATIONS AND ISSUES RAISED

15. Ayrshire Roads Alliance has no objections to the proposal.
16. Ayrshire Roads Alliance (Flooding) has no comments regarding the proposal.
17. Kilmarnock and District Access Panel have asked for an accessible car parking bay and note that there is one accessible bay. The Access Panel advise that they will comment further at the building warrant application stage.

The Ayrshire Roads Alliance were consulted on this matter as to form an additional accessible bay would lessen overall the car parking space available. The ARA are satisfied that the current parking arrangement to be acceptable i.e. one accessible parking bay and 3 general use parking spaces.

18. East Ayrshire Council Education Service advise that that they support the plans. In terms of the extension to rear of building and the erection of detached store to the east of the building Education have no objection as these works all within the current boundary of the library and do not extend into the school playground area. If the plans did extend as previously, then Education would not have supported that element of the proposal.

REPRESENTATIONS

This initial proposal resulted in 11 parties submitting objections. After the deletion of the proposal to extend into the Primary School play area, no additional objections have been received.

Traffic and Parking

19. Parking in this part of Irvine Road is currently extremely limited and poor for residents. The proposal to use the school playground for additional parking space out of school hours smacks of desperation and is unworkable. Using the playground will damage and cause the playground surface and will lessen the quality of outdoor environment for Kilmaurs Primary School children incur repair costs. Irvine Road at this point (where the library is located) is extremely congested and busy, especially at School/ECC opening and closing times, so any increase in car traffic would pose an increased risk to pedestrians both children and adults. The increase in parking will result in driveway entrances being blocked which need to be accessed 24/7.

Parking along Kilmaurs Road is currently problematic especially when the school is in operation. There are no road markings as it is residential and the proposed community center would only exacerbate the situation. Currently the road is used by HGV'S, farm traffic as well as residential. The road is narrowed to single file at the railway bridge, less than 20 meters from the library.

It is considered unacceptable to propose siting a community centre on a busy main road with the purpose of mother and toddler groups. Any increase in traffic / footfall on the adjacent roads/pavements will increase the risk of accident / injury to the community.

The proposal to use Kilmaurs Primary School playground for parking will destroy the playground games facilities and markings which play a vital role in keeping school children active. Access to the playground by unauthorised persons will increase

vandalism and anti-social activity, during periods when the gates are open or inadvertently left open.

The water fountain is 'Historic' and along with the gardens for the library / museum should not be moved as they provide a 'CLEAR AREA' of cars in order to spot potential accidents should the school gates not be closed securely and a child escapes

In relation to the concerns about traffic and parking, the Ayrshire Roads Alliance has been consulted during the application process and have not lodged any objection to the proposal. While there may be potential disturbance from traffic, the previous use of the site must be considered and in this instance it is considered that the proposal will not change the use of the building in planning terms and parking that is already available is considered to be acceptable.

Noting that the Ayrshire Roads Alliance has not objected to the application, the traffic and parking concerns are not considered to impact significantly to the extent that would warrant refusing the application.

Change of use of the former Library

20. The building is not suitable for use as a community centre and will create excessive noise late into the evening and potential granting of licenses (to serve alcohol) will create intolerable disturbances. There is no indication of what evening functions will be held in the Community Centre or if any curfew exists. The potential of the premises becoming licensed could create anti-social behavior, vandalism and excess litter and noise coming from people loitering and smoking outside the premises. This would affect the quality of living of nearby residential properties. Evening use will inevitably breach school security. The locked gates currently serve an important purpose to prevent youths congregating and damage to the school.

The existing library use falls into Use Class 10 (Non-residential institutions) within The Town and Country Planning (Use Classes) (Scotland) Order 1997 and the proposed use as a community centre where the property would be used for a variety of purposes such as meetings, play groups, children's parties and tea dances, falls within the same Use Class. Therefore, in this instance planning permission is not required for the change of use of the library. The proposal under consideration therefore relates to the alterations and extension to the existing building and the erection of the store.

This proposal in general has raised a number of issues in Kilmaurs relating to concerns over anti-social behaviour and nuisance and these would be matters for Police Scotland. The aim of the development however is to reduce the level of such behaviour and create a community facility that can be used as a resource to benefit the residents in Kilmaurs.

Concerns regarding the 'out of character' and visual appearance the proposed building.

21. The proposed front extension will have a detrimental impact on the amount of light received by the rooms at the property across the road. It is considered that the proposed building will significantly detract from the visual environment as it appears to be little more than a shed, especially as it is within a conservation area where residents must ensure that external changes to their properties are in keeping with the existing visual environment. Erecting the building right next to the footpath will be very prominent, however moving it to back of the plot would reduce visual impact and also address the loss of light for the buildings directly across the road from it.

The erection of a store directly opposite a residential is a questionable design as well as blocking to natural light, suggestions that it will appear like a container.

The proposed new building will be unsightly, uninspiring and built in an unacceptable location.

The application site is not located within the Kilmaurs Conservation Area.

The proposal as outlined within this report on balance, is appropriate in relation to existing (host) building and surrounding built environment. The detached store is small in size and scale which will be in line with the existing building. A gate and fence is being proposed between the detached store building and the existing building this will provide an enclosed area. The building has been designed for a functional purpose and is similar to that of a residential outbuilding, found in a residential area the materials proposed will match that of the existing building.

With regards to overshadowing the nearest residential property will be located approximately 11 metres from the application site on the opposite side of the road. Therefore, given the size, scale and location of the proposed detached store it is considered that overshadowing will be negligible.

Other matters

22. With additional housing being built to the south west off Crofthead Road, the village population will increase and a community centre would be better located in that vicinity. If not, the impact of the issues above affecting the Irvine Road area will multiply in the future.

East Ayrshire Council should be exploring opportunities for housing developers to exercise their legal responsibility to support the extended village community from which they are profiting, by providing a community centre and other amenities.

As a tax payer and resident, clarification is requested on who owns the building and whether it is being sold. Under the community asset transfer it is understood that the building will remain the property of East Ayrshire Council therefore how will ownership be decided in relation to the proposed extension and the existing building. Another point of clarification has been sought if this proposal was to fail in the future who would be liable for the building.

The issues raised above are matters which the Planning Authority cannot take into account in the determination of this planning application. The points raised whilst noted, are not material planning considerations.

It is acknowledged that the Council is the current owner of the building however, ownership matters are separate to the planning process.

The Council is also required to assess the planning application on its merits and on the basis of the plans that are submitted by the applicant. It is not appropriate that a planning application be refused on the basis that a centre should be located close to new housing being developed.

ASSESSMENT AGAINST DEVELOPMENT PLAN

23. 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 Adopted East Ayrshire Local Plan (EALP).

East Ayrshire Local Plan 2010

24. Policy SD8 the Council will positively support, encourage and promote the sympathetic renovation, re-use and conversion of existing properties, both within the area settlement and throughout the rural area.

The proposal under consideration seeks to retain and reuse an existing building which is located centrally within the settlement of Kilmaurs. Re-using a building which is currently vacant is considered to be promoting development in a sustainable manner, therefore this proposal is compliant with SD8 of the East Ayrshire Local Plan.

25. Policy CS1 states that the Council will respond positively to changing needs and demands for all community, educational, sporting, leisure, cultural and other facilities serving local communities throughout East Ayrshire. In particular, the Council will encourage and support the development of such new facilities as may be required and the upgrading, expansion and improvement of existing facilities to meet local needs.

The proposed development is considered to comply with the above policy the application will extend the existing building for additional storage space for a facility which is currently vacant. Re-opening the facility for use as a community centre can allow a wider scope of services to be provided such as line dance groups and various meeting groups. It would also seek to increase the sustainability of the venture while providing a greater resource for the community as a whole.

The detached store building will provide a facility to store larger pieces of equipment such as tables and outside play equipment. Erecting the detached store at this location, east of the existing building will provide an enclosed paved area to the east of the building.

In line with this policy, the proposal would increase the potential and make best use of existing community premises.

26. Policy ENV9 states that the Council will actively encourage and demand the highest possible standard of design from the applicants in the formulation of their development proposal. All developers will be expected to comply fully with the Council's existing design guidance documents relating to and advising on, the particular type of development proposed.

The proposed extension will be for storage use associated to the existing building. The scale, mass and bulk of the rear extension are considered acceptable and is appropriate at this location. The finishing materials which will match the existing building are also considered acceptable. The proposed detached store building is considered acceptable in terms of design and layout the proposal would also seek

to increase the sustainability of the venture while providing a greater resource for the community as a whole.

The rear extension will provide additional storage and the outside store will be subordinate to the existing building, and the materials used in the construction match the existing building.

27. Policy ENV11 the Council will require developers, in formulating their development proposals, to ensure
- (i) Adequate opportunities are taken to secure a more accessible environment for all, including those with mobility and sensory impairments, elderly people and those with young children.

The proposed works will not have any adverse impact on the amenity on the surrounding area. The location of the site is within an established residential area and the proposed development will result in upgrading the existing building and also retaining a place of the local community to utilise as a meeting point.

ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

28. The principal material considerations relevant to the determination of the application are the consultation responses, the points raised by the letters of representation, the planning history, the impact on the amenity of the area, clarification provided by the agent and the Proposed Local Development Plan.

Representation

29. 11 parties have submitted objections to this. All 11 of these objected to the proposed alterations and extension to the building. Having carefully reviewed the content of each, it is considered that any of the issues raised would not warrant refusal of this application

Planning History

30. None relating to this application.

Impact on the Amenity of the Area

31. The proposed alterations and extension would be extremely unlikely to impinge to any significant extent on the amenity of the neighbours as outlined within this report. The proposed development is also considered to comply with community facility and service infrastructure provision as this application will extend the existing building for additional storage space for a facility which is currently vacant building. Re-opening the facility as a community centre will allow a wider scope of services to be provided and should increase provision which would increase the sustainability of the venture while providing a greater resource for the community as a whole.

Consultation Responses

32. The consultee responses are noted but would not warrant refusing planning permission in this instance.

Proposed Local Development Plan

33. The Council meeting on 19 February 2015 agreed that the emerging Local Development Plan be treated as a material consideration in the determination of planning applications. The proposal would be generally considered as being compliant with the relevant policy

namely OP1 which is the overarching policy as the proposal for the alterations and extension to an existing community building. The proposal is considered compatible with surrounding established use and the proposal will not have a significant adverse impact on the environmental quality of the area in design terms. The proposal will make the building accessible to all and provide a facility which will benefit the community.

The proposal is also compliant with Policy INF1 within the Proposed Local Development Plan which relates to delivering infrastructure. This policy states that alterations and extension will be supported by the Council where it can be demonstrated that there would be no detrimental impacts on the landscape, natural and built heritage designations or on the road network.

The proposal under consideration would not have a detrimental effect on local residential amenity or considered to cause unacceptable disturbance to neighbouring properties in terms of overshadowing given the proposed design and location of the extensions within the plot.

Agent's response to objections and clarification

Clarification on certain matters was requested from the applicants agent who advised that the external materials of the extensions will match the existing namely the walls to be white render, roofs to be tiled to match the existing tile. The side door on the outbuilding to be flush ply painted door, garage door to the rear to be a metal up and over door. Car parking will be as existing but if necessary, it is proposed that the side gates off this car park be opened up to allow additional car parking as already occurs on events such as the school Christmas fair.

The applicant's agent also confirmed that, in terms of noise and disturbance to the local community, this conversion of the library is limited in the size of functions and cannot accommodate large functions currently held in the existing community centre. Large functions such as shows or ceilidhs will need to take place in the existing larger halls in the village.

It is also relevant in the determination of this application to note that the Council's Environmental Health Service has statutory controls relevant to guidance under the environmental protection legislative provisions, should the need arise.

FINANCIAL AND LEGAL IMPLICATIONS

34. There are potential financial implications for the Council in coming to a view on this application as, should the Planning Committee be minded to refuse the proposed alterations and extension to Kilmaurs Library this could lead to an appeal by the applicant. Furthermore, if the Council is considered to have acted unreasonably in refusing the proposed development, a claim for an award of expenses could be made by the applicant.
35. As stated above, should the Planning Committee refuse permission then it could result in an appeal by the applicant to the Scottish Government Department for Planning and Environmental Appeals (DPEA). The Council would require to participate in whatever procedure is considered appropriate by the DPEA in order to put forward its case. This could be via further written representation, hearing or inquiry sessions or a combination of these methods. This therefore may also lead to further costs being incurred to the extent it may be necessary to either engage expert external advice, support or representation and/or to engage professional expert witnesses to give evidence on the Council's behalf as necessary.

36. If the Planning Committee is minded to approve planning consent for this development there are no matters which require to be addressed by Section 75 Legal Agreement under the 1997 Act. Please note conditions have been attached to this planning consent to ensure that all external materials (including colours) to be used in the construction of the extension and detached store shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any works on site.
37. If Members choose to grant permission there is no requirement to refer the application to Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

COMMUNITY PLAN

38. The proposed development is compliant with the East Ayrshire Community Plan 2015-30 as the proposal is in accordance with the themes of safer communities making East Ayrshire an attractive place to live.

CONCLUSIONS

39. The application is considered to be compliant with the Development Plan Policies and therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended, the application should be approved unless material considerations indicate otherwise.
40. The proposal aims to extend an existing building to provide additional storage for community groups attending the centre. The proposal is considered to comply with local plan policy where the Council will positively support, encourage and promote the sympathetic renovation, re-use and conversion of existing properties. This proposal will upgrade an existing community facility to meet the local needs.
41. The rear extension and detached store is considered to be subordinate to the existing building and the external materials that will be appropriate, on balance it is considered that the proposal will not have a negative impact on the surrounding built environment.
42. Taking account of the points discussed above, it is concluded that the proposal is in accordance with the adopted East Ayrshire Local Plan 2010.
43. Material considerations are noted and the application is considered to be appropriate to the provisions of the Local Development Plan and in general to residential amenity and the amenity of the area in general. The letters of objection whilst noted do not warrant refusal of the application.

RECOMMENDATION

44. It is recommended that the Planning Application be approved subject to conditions as detailed in Appendix 1 attached to this report.

CONTRARY DECISION NOTE

45. Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, the application will not require to be referred to the Council as it is not a significant departure from the East Ayrshire Local Plan.

Michael Keane
Head of Planning and Economic Development, Economy and Skills

FV – DMcD

1st July 2016

LIST OF BACKGROUND PAPERS

1. Application forms and plans
2. Consultation responses
3. Letters of representation
4. East Ayrshire Local Plan (2010).
5. East Ayrshire Proposed Local Development Plan

Anyone wishing to inspect the above background papers should contact Susannah Knowles, Planning Officer on 01563 553514

***Implementation Officer – David McDowall, Operations Manager: Building Standards
and Development Manager***

East Ayrshire Council
TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997
Application No: 16/0108/PP

Location	Kilmaurs Library Irvine Road Kilmaurs Kilmarnock
Nature of Proposal:	Extension to rear of building, erection of store to front and formation of enclosed play area to rear
Name and Address of Applicant:	Kilmaurs Community Association C/o Agent
Name and Address of Agent	Austin-Smith Lord Attention Of H Roan Rutherford 296 St Vincent Street Glasgow G2 5RU

Officer's Ref: Susannah Knowles
01563 553514

The above Planning Permission application should be Approved subject to the following Conditions:

1. Notwithstanding the submitted plans, details and samples of all external materials (including colours) to be used in the construction of the extension and detached store shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any works on site.

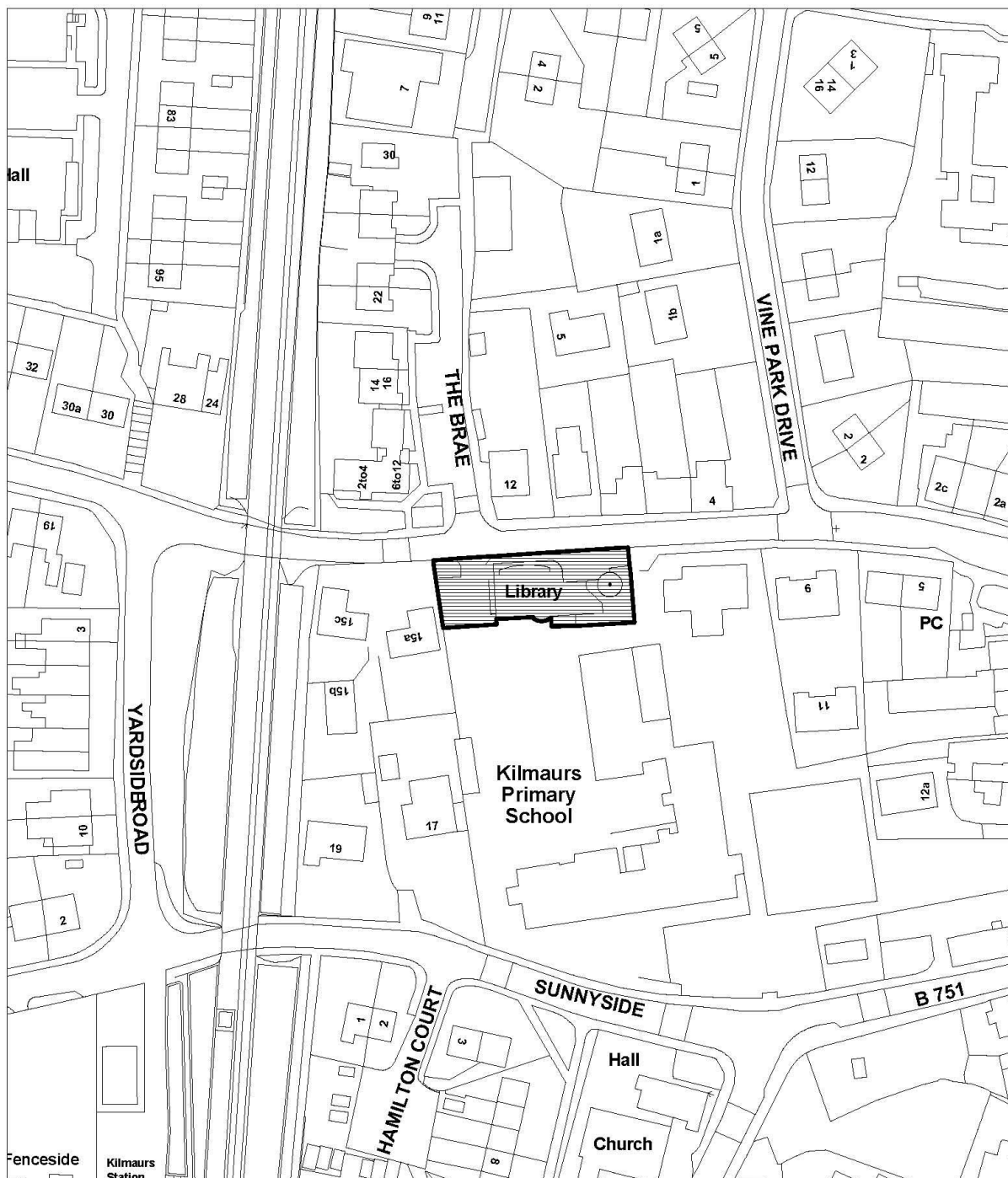
REASON: In the interests of visual amenity.

2. The proposed development shall be undertaken on site in accordance with the details approved under Condition 1 above prior to the extensions hereby approved being brought into use and shall be maintained thereafter in perpetuity.

REASON: To ensure that works are undertaken on site in accordance with the approved plans.

Reason for decision

Taking account of the points discussed above, it is concluded that the proposal is in accordance with the adopted East Ayrshire Local Plan 2010 and there are no material considerations which would warrant refusal of the application.

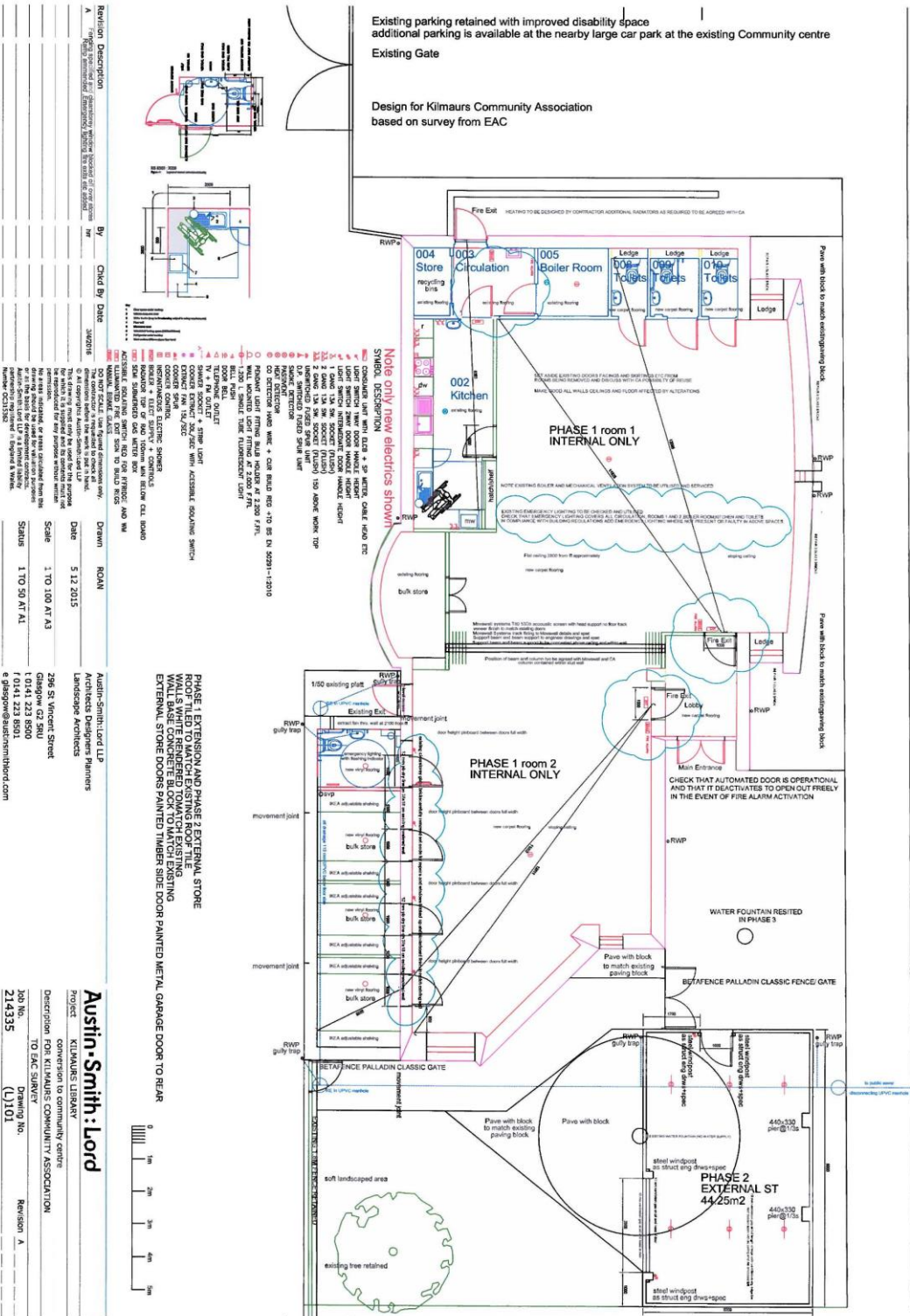


Title/Location Irvine Road Kilmaurs Application No. 16/0108/PP	East Ayrshire Council Department of Neighbourhood Services Planning & Economic Development Service The Johnnie Walker Bond 15 Strand Street Kilmarnock KA1 1HU Tel: (01563) 576790 Fax: (01563) 554592 E-Mail : Planning@east-ayrshire.gov.uk Com Date: 01/07/2016
Key Application Site	

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Existing parking retained with improved disability space
additional parking is available at the nearby large car park at the existing Community centre
Existing Gate

Design for Kilmaurs Community Association
based on survey from EAC



Revision	Description	By	Check By	Date
A	Final Design	AS	AS	12/12/2015
B	Final Design	AS	AS	12/12/2015
C	Final Design	AS	AS	12/12/2015
D	Final Design	AS	AS	12/12/2015
E	Final Design	AS	AS	12/12/2015
F	Final Design	AS	AS	12/12/2015
G	Final Design	AS	AS	12/12/2015
H	Final Design	AS	AS	12/12/2015
I	Final Design	AS	AS	12/12/2015
J	Final Design	AS	AS	12/12/2015
K	Final Design	AS	AS	12/12/2015
L	Final Design	AS	AS	12/12/2015
M	Final Design	AS	AS	12/12/2015
N	Final Design	AS	AS	12/12/2015
O	Final Design	AS	AS	12/12/2015
P	Final Design	AS	AS	12/12/2015
Q	Final Design	AS	AS	12/12/2015
R	Final Design	AS	AS	12/12/2015
S	Final Design	AS	AS	12/12/2015
T	Final Design	AS	AS	12/12/2015
U	Final Design	AS	AS	12/12/2015
V	Final Design	AS	AS	12/12/2015
W	Final Design	AS	AS	12/12/2015
X	Final Design	AS	AS	12/12/2015
Y	Final Design	AS	AS	12/12/2015
Z	Final Design	AS	AS	12/12/2015

Austin-Smith:Lord LLP	Architects	5/12/2015	ROAN
206 St Vincent Street	Glasgow G2 8SU	1 TO 100 AT A3	1 TO 50 AT A1
0141 223 8500	0141 223 8501	STATUS	1 TO 50 AT A1
e.glasgow@austin-smith.com	e.glasgow@austin-smith.com	STATUS	1 TO 50 AT A1
214335	(L)101	Revision A	1 TO 50 AT A1