

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 04 MAY 2004

**04/0211/FL: PROPOSED ALTERATION, EXTENSION AND CHANGE OF
USE OF VACANT SHOP AND STORE TO FORM MULTIFUNCTIONAL
CHILDCARE TRAINING AND YOUTH FACILITY
AT 10-12 HIGH MAIN STREET, DALMELLINGTON**

APPLICATION BY BELLSBANK ADVENTURE PLAYGROUND

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the change of use of the shop and storerooms to form a multifunctional childcare training and youth facility. External alterations to the building will result in the removal of the existing ground floor shop windows and their replacement with a new double entrance door and traditionally proportioned windows to match those of the upper floor. The ground floor façade is to be refurbished using a white wet dash render finish.

1.2 A two storey extension is to be constructed to the rear of the property within the existing yard area. This extension will provide for toilet facilities on ground floor level and cloakroom and locker areas on the upper floor. A small coffee room is also to be provided on the upper floor.

1.3 Internal alterations at ground floor level will provide for a recreation room, an office and a reception area. An internal lift is also to be installed. On the upper floor there will be provision for an I.T training suite and further office accommodation.

1.4 The applicant has indicated that the facility will be used to provide childcare and I.T. training to SVQ levels. The facility will also be used for pre-school and after school activities for young people. This will also include provision of awareness training activities. The applicant has indicated that the facility will be open from 07:30 until 22:30 on weekdays. While closing times at weekends is also expected to be at 22:30, the opening time will be later for training purposes as there will be no pre-school activities at weekends.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the notification of the Scottish Minister under the Town and Country Planning (Notification of Applications)(Scotland) Direction 1997 and subject to the conditions on the attached sheet.

3. CONCLUSIONS

3.1 As indicated in section 5 of the report, the proposed development is considered to be 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. There are material considerations in this case but these are not considered to be of sufficient weight to merit refusal of the application.

3.2 The proposed development will provide a multifunction facility to deliver childcare and I.T. training to recognised standards and will provide a facility for pre-school and after school activities for young people.

3.3 The proposal also results in the re-use and refurbishment of a vacant, dilapidated building within Dalmellington Town Centre. The proposals are of a broadly acceptable standard of design and use of finishing materials.

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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DEVELOPMENT SERVICES COMMITTEE : 04 MAY 2004

04/0211/FL: PROPOSED ALTERATION, EXTENSION AND CHANGE OF USE OF VACANT SHOP AND STORE TO FORM MULTIFUNCTIONAL CHILDCARE TRAINING AND YOUTH FACILITY AT 10-12 HIGH MAIN STREET, DALMELLINGTON

APPLICATION BY BELLSBANK ADVENTURE PLAYGROUND

Report by the Head of Planning and Building Control

1. PURPOSE OF REPORT AND BACKGROUND

1.1 The purpose of this report is to present for consideration a full planning application which is to be considered by the Development Services Committee under the scheme of delegation as the site is owned by the Council and the application has attracted a petition with 54 signatures, such circumstances triggering a notification to the Scottish Ministers.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located on the west side of High Main Street in Dalmellington some 20 metres north of the junction of High Main Street with Main Street. The site comprises the existing two storey terraced building with shop premises on ground floor level and store rooms on the upper floor. The application site also includes a small yard area to the rear of the existing building. The premises are currently vacant and have been for some considerable time. The building presents as being dilapidated and detracts from the streetscape within Dalmellington Conservation Area.

2.2 **Proposed Development:** Full planning permission is sought for the change of use of the shop and storerooms to form a multifunctional childcare training and youth facility. External alterations to the building will result in the removal of the existing ground floor shop windows and their replacement with a new double entrance door and traditionally proportioned windows to match those of the upper floor. The ground floor façade is to be refurbished using a white wet dash render finish.

2.3 A two storey extension is to be constructed to the rear of the property within the existing yard area. This extension will provide for toilet facilities on ground floor level and cloakroom and locker areas on the upper floor. A small coffee room is also to be provided on the upper floor.

2.4 Internal alterations at ground floor level will provide for a recreation room, an office and a reception area. An internal lift is also to be installed. On

the upper floor there will be provision for an I.T training suite and further office accommodation.

2.5 The applicant has indicated that the facility will be used to provide childcare and I.T. training to SVQ levels. The facility will also be used for pre-school and after school activities for young people. This will also include provision of awareness training activities. The applicant has indicated that the facility will be open from 07:30 until 22:30 on weekdays. While closing times at weekends is also expected to be at 22:30, the opening time will be later for training purposes as there will be no pre-school activities at weekends.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objections to the proposed development. The Division has indicated that there is a very narrow footway outside the premises that would negate the possibility of provision of a pedestrian barrier outside the pedestrian access to the premises which would have been desirable. There are 'No Waiting at Any Time' restrictions in the vicinity of the frontage of the premises and parking at the locus is extremely limited. However as this is a town centre change of use from a shop to the facility proposed, the Division would not object to the proposal on road safety grounds, but does have some concerns about the suitability of the site.

Noted. There are no objections from the Roads and transportation Division.

3.2 Dalmellington Community Council has stated there is some concern regarding safety as this is on a busy street with a narrow pavement at the entrance.

The concerns of the Community Council are noted. The Roads and Transportation Division has voiced similar concerns but do not object to the proposed development on road safety grounds.

The Community Council further states that there are objections from residents in the area and suggests that a Liaison Committee be set up to allay their genuine concerns.

The objections received, in the form of a petition, relate to the conduct of young people in Dalmellington, including intimidation of residents and businesses within the locality. Whilst intimidation by groups of youths would be a matter to be addressed by the Police, to whom any requests for public liaison should properly be focussed, it would be appropriate for the Committee to take into account the extent to which the proposal generates activity and disturbance impacting on the amenity of the area.

3.3 The Architectural Heritage Society of Scotland has no objection in principle but if the original shop front is to disappear it would prefer the new windows to relate to the original visual balance of the façade. The Society sees no reason for the height of the new windows of the conversion not to match the proportions of the ones above.

Noted. It is considered that the proposals are acceptable in their current form.

3.4 East Ayrshire Council's Environmental Health Service has not responded to the consultation letter at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 A petition letter, containing 54 signatures, has been received objecting to the proposed development. The point of objection relates to the concern that the proposed 'cyber café' "will only encourage more youths to congregate in the town centre and add to the growing intimidation and problems residents and businesses are already experiencing".

The concerns of the petitioners are valid grounds of objection where they relate to the likely generation of noise or disturbance and the extent to which that impacts on the amenity of the area. However objections that relate to the conduct of young people in Dalmellington, including intimidation of residents and businesses within the locality are matters of policing outwith the remit of the planning process.

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 (1999) and the Adopted East Ayrshire Local Plan (2003)

Ayrshire Joint Structure Plan

5.2 There are no structure plan policies particularly relevant to the proposed development.

Noted.

East Ayrshire Local Plan

5.3 Policy RTC11 encourages and supports the reuse of vacant properties formerly in Schedule 5 use and the redevelopment of gap or infill sites within town centres for appropriate similar Schedule 5 uses. The re-use of such properties or the redevelopment of the land to an appropriate residential or other alternative use not included in Schedule 5 will be acceptable only where two stated criteria can be met, as follows:

(i) it can be demonstrated, to the satisfaction of the Council, that an appropriate use falling within the Classes described in Schedule 5 cannot be found; and

The existing shop premises have been vacant for a number of years without the prospect of a replacement Schedule 5 use being secured. The vacancy of the premises over this period of time has led to the premises becoming dilapidated. It is considered that the prospects of securing a Schedule 5 use will become increasingly difficult.

(ii) the proposed use of the property is sympathetic to the character and amenity of the area concerned.

It is considered that re-use of the property as a community education and training facility would not be unsympathetic to the character or amenity of the area. The proposal will result in the bring back into use of a long standing vacant building that currently detracts from the streetscape in Dalmellington Conservation Area.

5.4 Policy CS1 states that the Council will respond positively to changing needs and demands for community and educational facilities throughout East Ayrshire. Wherever possible, existing facilities will be retained and improved and support and encouragement will be given to all other community facility and public service organisations to maintain and improve the services they provide.

The proposal would provide a valuable new community facility in Dalmellington, particularly in the provision of recognised training courses.

5.5 Policy ENV 7 expects the developers to comply with the Council's Design Guidance.

Such guidance would not generally be supportive of the flat roof proposed to the 2 storey rear extension; however this is located such as not to be visible from the Conservation Area's principal aspects and can be supported in these circumstance.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and the representations received.

Consultation Responses

6.2 Both the Roads and Transportation Division and the Community Council have raised concerns regarding safety relative to the narrow footpath fronting the entrance to the property. However, as the Roads and transportation Division has not objected to the proposed development on roads safety ground, it is considered that there are no grounds to support a recommendation of refusal.

Representations

6.3 It is considered that issues raised are not valid in planning terms and do not warrant refusal of the application.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 In that the Council has an ownership interest in the property, and given a substantial number of signatories on the petition, the Council has an interest which would require notification of the application to the Scottish Ministers in terms of the Town and Country Planning (Notification of Applications)(Scotland) Direction 1997.

8. CONCLUSIONS

8.1 As indicated in section 5 of the report, the proposed development is considered to be 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. There are material considerations in this case but these are not considered to be of sufficient weight to merit refusal of the application.

8.2 The proposed development will provide a multifunction facility to deliver childcare and I.T. training to recognised standards and will provide a facility for pre-school and after school activities for young people.

8.3 The proposal also results in the re-use and refurbishment of a vacant, dilapidated building within Dalmellington Town Centre. The proposals are of a broadly acceptable standard of design and use of finishing materials.

9. RECOMMENDATIONS

9.1 It is recommended that the application be approved subject to the notification of the Scottish Minister under the Town and Country Planning (Notification of Applications)(Scotland) Direction 1997 and subject to the conditions on the attached sheet.

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

26 April 2004
HM/HM

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices and certificates.
3. Consultation responses.
4. Letter of representation (petition).
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999)

Any person wishing to inspect the background papers listed above should contact Mr Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 04/0211/FL

Location	10-12 High Main Street, Dalmellington
Nature of Proposal:	Proposed alteration, extension and change of use of vacant shop and store to form multi-functional childcare training and youth facility.
Name and Address of Applicant:	Bellsbank Adventure Playground Dalcairney Road, Dalmellington
Name and Address of Agent	Lawrence McPherson Associates, The Atrium, 6 New Road, Ayr

DPO's Ref: []
PPO's Ref; [Hugh Melvin]

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

1. Prior to the commencement of works on site, the applicant shall submit to and have approved by the Planning Authority, details of the proposed double glazed sliding sash windows to be installed in the proposed facility. The windows shall thereafter be installed as approved.

REASON: In the interests of visual amenity.

2. The operational conduct of the premises shall be such that there shall be no noise nuisance arising from the activities undertaken within the premises.

REASON: In the interests of residential amenity.

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