

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 29 SEPTEMBER 2006

**06/0444/FL: PROPOSED CHANGE OF USE OF BAKERY TO RESTAURANT
AT 2 LAINSHAW STREET, STEWARTON
BY PB PROPERTIES LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposal aims to change the use of the former bakery building into a restaurant. The scheme includes the erection of a small extension to the rear of the property to provide additional storage and toilet facilities. A ventilation flue is proposed to the rear of the property which will terminate 500mm above the ridge of the building.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As detailed in Section 5 of the report, the proposal accords with the Development Plan. Therefore, the application should be approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6, there are material considerations relevant to the determination of this application, however, none of these are considered to be of sufficient weight as to warrant refusal of the proposal.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards the application will not require to be referred to the Development Services Committee as this would not be a significant departure from policy.

Alan Neish
Head of Planning, Development and Building Standards

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, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a planning application which is to be considered by the Local Planning Committee under the scheme of delegation as it is subject to objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises the ground floor of the C listed building at the corner of Lainshaw Street and Vennel Street. The principal elevation of the building contains four windows and a door fronting onto Vennel Street. One window from the proposal fronts onto Lainshaw Street, while the principal door of the property is on the corner of the building and faces directly onto Stewarton Cross. The proposal is located within Stewarton Town Centre.

2.2 **Proposed Development:** The proposal aims to change the use of the former bakery building into a restaurant. The scheme includes the erection of a small extension to the rear of the property to provide additional storage and toilet facilities. A ventilation flue is proposed to the rear of the property which will terminate 500mm above the ridge of the building.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Stewarton and District Community Council have no objection to the proposal as they see the proposal benefiting the community overall and such investment in the town's infrastructure is welcomed.

The building as we are very much aware is listed and we would hope that any signage and external treatment of the building will be in keeping with the location and not like some of the other rather garish signs already over some of the nearby shops.

From the plan presented for consultation we note there is no whb in the Gents' toilet.

In the past the entrance door right on the corner of The Cross was not seen as a problem but with the now heavy volume of traffic passing through the town at this point this may be a matter to take into consideration.

The question of signage in the building would be the subject of further application.

The lack of any wash hand basin in the toilet is not a planning matter, however this has been drawn to the attention of Building Standards.

Finally, the Council's Roads Division raised no objection to the proposal.

3.2 East Ayrshire Council's Roads Division have no objection to the proposal.

Noted.

3.3 Scottish Water have no objection to the proposal.

Noted.

3.4 East Ayrshire Council's Environmental Health Division have no objection to the proposal subject to the attachment of appropriate conditions relating to suitable refuse storage, construction noise and hours of construction work. They further advise that the extraction flue details shown on the submitted plans appear satisfactory.

Appropriate conditions can be attached to any grant of planning consent addressing these matters.

4. REPRESENTATIONS

4.1 The application has been advertised and two objections were received. They raise the following issues:

4.2 Stewarton already has many licensed premises and various food/eating establishments. More will be to the detriment of already established businesses.

Commercial competition between similar types of businesses is not a material planning consideration.

4.3 Stewarton requires more shops and retailing business, not eating establishments.

The application concerns a use consistent with Schedule 5 of the Local Plan which defines the types of activity that can contribute positively to the vitality of the town centre.

4.4 We cannot understand why the change of use notice is displayed round the corner on a post in Vennel Street when the shop has a prominent window in Lainshaw Street.

The public notice was displayed on a traffic pole next to the pedestrian crossing on Vennel Street. This procedure was carried out by an officer of the Planning Authority in accordance with the appropriate guidance.

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 Adopted East Ayrshire Local Plan (EALP) and the Approved Ayrshire Joint Structure Plan.

Ayrshire Joint Structure Plan

5.2 No policies are directly relevant to this proposal.

East Ayrshire Local Plan

5.3 Policy IND8 of the East Ayrshire Local Plan states that proposals for alternative uses of land or premises currently or formerly used for industrial purposes shall be considered acceptable subject to a set of three criteria being met, as follows:

(i) the proposed use not being detrimental to surrounding established uses;

The proposal relates to the conversion and re-use of a former Bakery, therefore, it is considered that the proposal will not have a detrimental effect on the surrounding established uses.

(ii) the proposal meeting with the requirement of all other relevant Local Plan policies; and

The proposal meets with the requirement of all other relevant Local Plan Policies.

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

Other premises of industrial potential are available within Stewarton.

5.4 Policy RTC1 of the East Ayrshire local Plan states that the Council will adopt a sequential approach in assessing development proposals for retail and other uses appropriate to town centres as described in Schedule 5 of the Plan. Applicants proposing such developments in out-of-town centre locations are required to demonstrate that no suitable alternative site can be found or assembled within town centres and thereafter in an edge of centre location.

The application site is within the town centre boundary of Stewarton and therefore conforms to the sequential approach and the use conforms with the appropriate uses identified in Schedule 5 of the Local Plan.

5.5 Policy RTC3 states that all development proposals falling within the classes of development detailed in Schedule 5 of the Local Plan will be directed to:

- (ii) All town centres if the proposed gross floorspace is less than 1,500m².

The proposed development is a Schedule 5 use, is less than 1500m² and is located within the Town Centre boundary of Stewarton.

5.6 Policy ENV4 seeks 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. The policy also states that development 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.

The proposal relates to a Category C(s) Listed Building and it is considered that the proposal will sympathetically convert and re-use this Listed Building in the Town Centre of Stewarton.

5.7 Policy ENV7 states that all developers will be expected to comply fully with the Council's existing and emerging Design Guidance and Policy documents relating to and advising on the particular type of development proposed. The policy also states that developments which do not meet the required design standards detailed in these documents will require to be fully justified and may not be supported by the Council.

The proposal accords with the requirements of the Councils Design Guidance on Listed Buildings.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, letter of representations, planning history and the impact on the amenity of the area.

Consultation Responses and Representations

6.2 It is not considered that any aspects of the consultations received have raised any issues that would merit refusal of this application. The concerns of the objectors have been assessed in section 4 of the report and similarly do not merit refusal of the application.

Planning History

6.3 A listed building application for the rear extension and flue have been submitted and are currently being considered by the Planning Authority.

Impact on the Amenity of the Area

6.4 It is considered that the proposal will have a positive effect on the local amenity as it brings a prominent redundant building in the town centre back into beneficial use.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in determining this application.

8. CONCLUSIONS

8.1 As detailed in Section 5 of the report, the proposal accords with the Development Plan. Therefore, the application should be approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6, there are material considerations relevant to the determination of this application, however, none of these are considered to be of sufficient weight as to warrant refusal of the proposal.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated 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, Development and Building Standards the application will not require to be referred to the Development Services Committee as this would not be a significant departure from policy.

Alan Neish
Head of Planning, Development and Building Standards

20 September 2006
(CSI/MMM)
FV-DVM

LIST OF BACKGROUND PAPERS

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

Anyone wishing to inspect the above papers please contact Craig Iles, Senior Planning Officer, on 01563 576772.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0444/FL

Site of Proposal:	No 2 Lainshaw Street STEWARTON
Nature of Proposal:	Proposed change of use of bakery to Restaurant
Name & Address of Applicant:	PB Properties Ltd Balgraymill Farm Off Cutstraw Road FENWICK KA3 6BB
Name & Address of Agent:	Iain McGregor Balgraymill Farm Off Cutstraw Road FENWICK KA3 6BB

DPOs Reference: CSI/MMM

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

1. Notwithstanding the approved plans, details of the proposed means of refuse storage and collection shall be submitted to and approved by the Planning Authority prior to any work commencing on site and thereafter the approved details shall be implemented prior to the restaurant coming into use. These measures shall be retained and maintained in accordance with the agreed details.

REASON In the interests of public health and amenity.

2. No noisy construction work shall take place on site outwith 08:00 am to 6:00 pm Monday to Friday and 08:00 am to 13:00 pm on Saturday and at no time on a Sunday.

REASON In the interests of residential amenity.

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PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
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