

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 26 JANUARY 2007

06/0175/FL: PROPOSED ERECTION OF SMOKE SHELTER, AT CUMNOCK JUNIORS FC SOCIAL CLUB, TOWNHEAD STREET, CUMNOCK

APPLICATION BY CUMNOCK JUNIORS FC SOCIAL CLUB

Report by Head of Planning, Development and Building Standards

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

Full permission is sought for the erection of a small smoking shelter on the front elevation of the existing social club premises adjacent to the existing club entrance. The shelter comprises UPVC glazed panels with opaque bottom panels, with the shelter measuring 4.4 metres in length by 1.9 metres in width. Two small bench seats are to be provided within the shelter. The application is retrospective, the shelter having already been erected on site.

2. RECOMMENDATION

2.1 It is recommended that the application be approved.

3. SUMMARY OF ANALYSIS

3.1 As indicated in Section 5 of the report, there are no policies within the development plan relevant to the proposed development and therefore greater weight should be given to the material considerations associated with the proposal. As is indicated at Section 6 of the report, there are material considerations relevant to this application but it is considered that they are not of sufficient weight to merit refusal of the application.

3.2 It is considered that the smoking shelter is acceptable in terms of its location, design and use of materials which are generally consistent with the frontage of the existing club premises. It is not considered that the shelter will have any significant impact on residential properties which are located a reasonable distance away from the shelter such that it will have no significant impact on residential amenity or privacy.

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 because it would not be a significant departure from the development plan.

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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1. PURPOSE OF REPORT

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

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies on the south side of Townhead Street in Cumnock and lies approximately 140 metres west of the junction of Townhead Street with Drumbrochan Road.

2.2 The application site relates to the existing social club premises associated with Cumnock Juniors Football Club. The site is bounded to the north by existing residential properties, to the east by open space and the flatted dwellings at Meagher Court, to the south by open space and to the west by Townhead Park.

2.3 **Proposed Development:** Full permission is sought for the erection of a small smoking shelter on the front elevation of the existing social club premises adjacent to the existing club entrance. The shelter comprises uPVC glazed panels with opaque bottom panels, with the shelter measuring 4.4 metres in length by 1.9 metres in width. Two small bench seats are to be provided within the shelter. The application is retrospective, the shelter having already been erected on site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Outdoor Services Division has no objections to the proposed development.

Noted.

3.2 Power Systems has no objection in principle to the proposed development.

Noted.

3.3 Cumnock Community Council raises an objection to the planning application as non-smokers will require to walk past the shelter to enter the club.

Although the shelter has now been erected on the site, prior to this smokers were standing outside the club entrance to smoke and therefore non-smoking patrons were already passing smokers to enter and leave the premises. The shelter is now located 1 metre away from the entrance door which presents an improvement to the previous situation while providing a suitable shelter for smokers.

3.4 East Ayrshire Environmental Health Division has not responded to the consultation letter. However, it is understood that the shelter requires to be assessed in terms of legislation administered by that Division.

The applicant will require to ensure that the shelter is compliant with the requirements of the Environmental Health Division.

4. REPRESENTATIONS

4.1 In addition to the objection received from Cumnock Community Council, two identical letters of objection have been received. The points of objection are summarised as follows:

4.2 We do not wish to have our privacy being invaded by those who would be using the shelter as we live straight across the road from this. I feel that I would have many eyes into my home which I am not prepared to accept.

The objectors' dwellinghouse lies 50 metres away from the location of the smoking shelter and the house sits on an elevated position on Townhead Street. It is considered that there would be no significant impact on the objectors' privacy as a result of the smoking shelter and certainly no more impact than that resulting from pedestrians walking past the dwellinghouse on the public footpath on Townhead Street which lies closer to the dwelling.

4.3 We believe that the shelter would encourage youngsters to hang around this causing a disturbance to our neighbourhood. We already suffer a lot of noise at the weekend without adding to this situation.

The matter raised by the objectors is more of a policing concern rather than a planning issue. It would be for the management of the

social club to ensure, at least during opening hours, that the control of the use or conduct of patrons is such to prevent adverse noise impacts associated with shelter.

4.4 Please note that we are not against the erection of a smoke shelter at the rear of the club where there is plenty of space and nobody in direct view of the social club would be directly offended or be having their privacy invaded.

The applicant has advised that to locate the shelter to the rear of the premises would mean patrons walking through part of the club premises that are not always in use and the part that is in daily use is located at the front of the social club premises. It is not considered that the location of the smoking shelter as erected on site is significantly detrimental either to the appearance of the existing club premises, or will have any adverse privacy or amenity impacts on the adjacent residential properties.

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 There are no policies in the structure plan that are relevant to the proposed development.

Noted.

East Ayrshire Local Plan

5.3 There are no policies in the local plan that are relevant to the proposed development.

Noted.

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 The consultation responses would not presume against the granting of permission in this case.

Representations

6.3 The representations received are not of significant weight that would justify refusal of the application in this case.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial for the Council in the determination of this application. Legal implications may arise should the Committee be minded to refuse the application in terms of enforcement action to secure removal of the shelter.

Noted.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report, there are no policies within the development plan relevant to the proposed development and therefore greater weight should be given to the material considerations associated with the proposal. As is indicated at Section 6 of the report, there are material considerations relevant to this application but it is considered that they are not of sufficient weight to merit refusal of the application.

8.2 It is considered that the smoking shelter is acceptable in terms of its location, design and use of materials which are generally consistent with the frontage of the existing club premises. It is not considered that the shelter will have any significant impact on residential properties which are located a reasonable distance away from the shelter such that it will have no significant impact on residential amenity or privacy.

9. RECOMMENDATION

9.1 It is recommended that the application be approved.

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 because it would not be a significant departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

15 January 2007
HM/HM
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Letters of Representation
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).

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

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 06/0175/FL

Location	Cumnock Juniors FC Social Club Townhead Street CUMNOCK
Nature of Proposal:	Proposed Erection of a Smoking Shelter
Name and Address of Applicant:	Cumnock Juniors FC Social Club Townhead Street CUMNOCK
Name and Address of Agent	Architecture Design and Development Solutions 14a Beresford Terrace AYR KA7 2EG

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

The above **FULL** application should be approved.

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