

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 29 SEPTEMBER 2000**

**00/0505/FL: CHANGE OF USE FROM BANK TO HOT FOOD TAKEAWAY  
AND FROM FIRST FLOOR OFFICE TO RESIDENTIAL FLAT, INSTALLATION  
OF 2NO DORMERS TO FRONT OF PROPERTY, SECOND VELUX TO REAR  
AND INSTALLATION OF FLUE  
AT 16/18 WEST MAIN STREET, DARVEL  
BY MR KATAR SINGH BARHAYA**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 The application is for a change of use of the ground floor property from a bank to a hot food takeaway and the first floor from office to residential use. External alterations comprise the installation of two dormer windows to the front, two velux windows to the rear and a flue to the rear.

**2. RECOMMENDATION**

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

**3. SUMMARY OF ANALYSIS**

3.1 It is considered that the proposed change of use complies with Local Plan policy. There are no adverse comments from any of the consultees and the issues raised by the objectors have been addressed by the consultees' responses.

**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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**Report by Head of Planning and Building Control**

**1. PURPOSE OF REPORT**

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

**2. APPLICATION DETAILS**

2.1 **Site Description:** The site is located within Darvel Town Centre boundary and is also within a proposed Conservation Area as indicated in the Finalised East Ayrshire Local Plan. The neighbouring properties consist of the Town Hall and Library which is a Category B listed building and a hairdresser's shop. Directly across the road lies Hastings Square which is a group of Category B listed buildings. The building is currently vacant.

2.2 **Proposed Development:** The application is for a change of use of the ground floor property from a bank to a hot food takeaway and the first floor from office to residential use. External alterations comprise the installation of two dormer windows to the front, two velux windows to the rear and a flue to the rear.

**3. CONSULTATIONS AND ISSUES RAISED**

3.1 The Roads and Transportation Division has no objections to the proposed change of use of this property.

***Noted.***

3.2 Darvel and District Community Council has objected to the proposals.

***See para 4.***

3.3 The Department of Community Services, Environmental Health and Waste Management has no comments or objections to the proposals.

*Noted.*

#### 4. REPRESENTATIONS

Darvel and District Community Council have objected to the proposals on the following grounds:-

4.1 Inappropriate use in the towns central square.

The premises form part of the town's central square, containing several monuments, public gardens, the Town Hall and housing and is in a conservation area. The proposals are inappropriate to these surroundings.

***It is considered that the design of the proposed dormers and front elevation as proposed can be conditioned to be sympathetic to the location.***

4.2 Loss of amenity.

The proposals would constitute a significant loss of amenity to residents, mainly elderly, in the immediate vicinity.

***See Para 5, Development Plan Status. The property is sited within a town centre location with a wide variety of uses in this locality. There are no objections to the use from the Department of Community Services. It is therefore not considered that the proposed use would detrimentally affect the surrounding environment and consequently there are no material considerations sufficient to outweigh the relevant policy guidance.***

4.3 Traffic problems.

There would be significant traffic problems created in an area containing traffic calming measures, a dedicated bus stopping area and a pedestrian crossing.

***The Roads and Transportation Division have been consulted and have no objection to the proposals (see para 3 above).***

#### 4.4 Litter and noise.

There would be increased litter and gathering of potentially rowdy young people.

***The Department of Community Services, Environmental Health and Waste Management have been consulted and have no objection to the proposals (see para 3 above).***

#### 4.5 Over provision of hot food takeaways.

There is an evident over provision of hot food takeaways.

***Over provision or competition is not a relevant planning consideration.***

#### 4.6 External alterations.

Should permission be granted there should be limitations on any alterations to the appearance of the frontage including a bar on the use of fluorescent signing.

***Any proposed signage will require the benefit of a separate Advertisement Consent and cannot be dealt with as part of this application.***

### 5. DEVELOPMENT PLAN STATUS

5.1 The relevant policy document is the Finalised East Ayrshire Local Plan. The property is located within the town centre boundary.

5.2 Policy RTC14 states that proposals for public houses and hot food takeaways will be considered acceptable uses within town centres where they do not have a detrimental effect on the amenity of adjacent property. Policy RES6 states that the Council will support the sympathetic conversion of vacant premises located above existing retail, commercial or office units within the area settlements to residential use. The property is currently vacant and the proposed uses are also in accord with local plan policy RTC10 in respect of both the proposed commercial and residential uses; this policy being supportive, where amenity is not affected, of the introduction of hot food premises into vacant property. The proposed use is therefore compliant with local plan policy.

### 6. OTHER PLANNING CONSIDERATIONS

6.1 The proposed dormer windows will match those of the adjoining building and are therefore considered acceptable. The flue is located at the rear of the building.

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

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

## **8. CONCLUSION**

8.1 It is considered that the proposed change of use complies with Local Plan policy. There are no adverse comments from any of the consultees and the issues raised by the objectors have been addressed by the consultees' responses.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application should be approved subject to the conditions on the attached sheet.**

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

21 September 2000  
(SMcA/MMM)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letters of objection.
5. East Ayrshire Council Local Plan (Finalised Version).

Anyone wishing to inspect the above papers please contact Yvonne Mitchell on 01563 576771.

***Implementation Officer: Dave Morris***



EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

00/0505/FL

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Site of Proposal: 16/18 West Main Street, DARVEL KA17 0AQ

Natural of Proposal: Proposed Change of Use from Bank to Hot Food Takeaway and from First Floor Office to Residential Flat, Installation of 2No Dormers to Front of Property, Second Velux to Rear and Installation of Flue

Name & Address of Applicant: Kartar Singh Barhaya  
16/18 West Main Street  
DARVEL KA17 0AQ

Name & Address of Agent:

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DPOs Reference: SMcA/MMM

The above FULL 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 submitted on 21 July 2000 and amended plans submitted on 25 July 2000.

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

2. Notwithstanding the details hereby approved precise details of the materials to be used in the formation of the 2no dormer windows shall be submitted to and approved by the Planning Authority prior to the commencement of development.

REASON In the interests of visual amenity.

Note to Applicants: No permission is hereby granted in respect of the location on the premises of any advertisement signage.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**

**AGENDA**