

EAST AYRSHIRE COUNCIL

**SPECIAL NORTHERN AREA LOCAL PLANNING COMMITTEE: 14 AUGUST
2003**

**03/0023/FL: PROPOSED CHANGE OF USE FROM LEISURE CENTRE,
EXTENSIONS AND ALTERATIONS TO FORM 6 NO. DWELLINGHOUSES
AT FORMER LEISURE CENTRE, GROUGAR, MOSCOW
BY MR JIM CUTHBERT**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The applicant proposes to change the use of the building from a leisure centre to form 6 private dwellinghouses. The scheme will use the footprint of the existing building and extend only to provide an entrance porch for each new dwellinghouse. The properties will be 2-bedroomed with one dwellinghouse incorporating the existing whirlpool, sauna and steam room. External alterations comprise new fenestration arrangements including dormer and rooflight windows for the upper floor bedroom accommodation. 18 car parking spaces will be formed within the site which will be served from 2 access points.

2. RECOMMENDATION

2.1 That the application should be approved subject to the conditions indicated on the attached sheet.

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report, the application is considered to comply with details of the development plan. Therefore, given the terms of Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As discussed in Section 6 of this report, there are material considerations relevant to this application however, it is considered that the weight attached to these material considerations should be less than that given to the policies of the Adopted Local Plan.

3.2 As indicated in Section 6 of the report, the material considerations do not raise issues of such significance that would warrant refusal of planning permission. The consultation responses and letters of representation are noted although they do not raise significant material planning considerations.

CONTRARY DECISION NOTE

Should the Committee agree that the application should be refused contrary to the recommendation of the Head of Planning and Building Control the application would not require to be referred to the Development Services Committee as it would not constitute a significant departure from policy.

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 for this report is to present for determination an application which is to be considered by the Local Planning Committee under the scheme of delegation because it is an application for residential purposes in excess of 5 units and is subject to objection.

2. APPLICATION SITE

2.1 **Site Description:** The application site relates to the former Leisure Centre that was previously Grougar Primary School at Moscow. The site extends to some area 2670 square metres and is located outwith the settlement boundary of Moscow.

2.2 **Proposed Development:** The applicant proposes to change the use of the building from a leisure centre to form 6 private dwellinghouses. The scheme will use the footprint of the existing building and extend only to provide an entrance porch for each new dwellinghouse. The properties will be 2 bedroomed with one dwellinghouse incorporating the existing whirlpool, sauna and steam room. External alterations comprise new fenestration arrangements including dormer and rooflight windows for the upper floor bedroom accommodation. 18 car parking spaces will be formed within the site which will be served from 2 access points.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Legal Services have no objections to make to the application. They have advised the owner of the site of the title restrictions obliging the owner to make certain areas of the centre available for community groups and a polling station as required and the need to discharge these.

Noted.

3.2 The Scottish Environment Protection Agency (SEPA) have no objection on the understanding that the foul drainage is connection to the public sewer.

Noted.

3.3 The Council's Environmental Health and Waste Management Service have no objection in principle subject to the following comments:

- (i) The drainage should be upgraded (if necessary) to the satisfaction of SEPA;
- (ii) All waste materials arising from the construction should be disposed of to the satisfaction of the Waste Management Section and other than by burning;
- (iii) All works should be carried out at such times, and in such a manner as will not give rise to nuisance;
- (iv) All necessary works should be carried out to ensure, so far as is practicable, that the operation and condition of the plant room and its equipment does not give use to nuisance.

Noted. Members are referred to SEPA's comments in Section 3.2 of this report and are also advised that if they choose to grant consent, advisory notes as per Environmental Health's comments can be attached to any consent.

3.4 Scottish Water have not raised any issues that would warrant the refusal of this application.

Noted.

3.5 Moscow and Waterside Community Council have objected to this application on the following grounds:-

- (i) The site was previously a community hall that was the focal point for the area and it is insisted that the developer return something in the form of planning gain and consultation in this respect is requested with the community prior to consent being considered;
- (ii) The legal title allows the community use of the existing facility and presumably affected the price then paid for it;
- (iii) The proposals would leave the local community (who raised money for the village hall) with no voting station, community hall for use for various associates and no community focal point as there isn't even a local children's playpark;
- (iv) Several recent developments in the area will increase the population of Moscow and Waterside. Significantly it is unclear what the compulsory title Council's long term strategy to encourage community as allowing permission would not seem to consider the bigger picture of increased traffic, community facilities and where children will attend school;
- (v) In many parts of Scotland, community halls are incorporated and it may be more appropriate to come to a compromise with the developer.

The loss of any community facility is regrettable. Whilst there is confusion in this objection between titles which are a matter for Legal, the issue of the desirability of retaining the existing use is a material planning consideration. There requires to be a reasonable probability that a refusal of the proposed housing will result in the continuity of the existing use. The fact is that the Leisure Centre closed in November 2002 and there is information from the applicant's management accountant to substantiate that the premises were trading at a substantial loss each week. The owner has also unsuccessfully attempted to market the property for its current use. All of this information was submitted following enforcement action by this Division relating to non completion of certain road works.

3.6 East Ayrshire Council's Roads and Transportation Division have no objections subject to conditions relating to the amended plans that have been submitted which satisfy their requirements relative to access, sightlines and car parking details.

Noted. All conditions required by the Roads Division can be attached to any grant of planning permission.

4. REPRESENTATIONS RECEIVED

Three letters of objection have been received (one of which is from Moscow and Waterside Community Council and has been addressed in Section 3.5 above). The points of objection are as follows:

4.1 Members of Moscow Community Association (formed some 45 years ago) worked very hard over the years to provide furnishings and equipment for the new buildings of 1969/70 and 1981/82. The village is now left without a focal point.

Members are referred to paragraph 3.5 of this report.

4.2 When the applicant developed the former primary school he promised a hall/community centre. The local community miss the hall considerably and whilst they could go elsewhere, they have their own belongings (such as furniture and utensils etc) which cannot be used for the local WRI which has some 50 members.

Members are referred to paragraph 3.5 of this report.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37 (2) 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.

Adopted East Ayrshire Local Plan

5.2 Policy RES 7 is applicable and states that the rehabilitation to residential use of existing and traditionally designed and constructed buildings both within the settlements and the rural area will be encouraged. The proposed development is required to meet a number of criteria including, the structural condition of the building, the extent of remaining external walls, the service requirements, the design and character of the building.

The reason for Policy RES7 is to maximise the construction that existing properties can make to meeting housing demand. It is considered that existing building is capable of conversion as it is structurally complete and relatively new. None of the statutory undertakers detailed in Section 3 of this report have raised any issues that would warrant the refusal of this application. It is considered that the external alterations do not compromise the character of the existing building in terms of its architectural integrity and is therefore appropriate. Furthermore, in the interests of sustainability, the local plan encourages the development of brownfield sites and conversion of existing properties in preference to greenfield locations. This proposal is therefore compliant with this aim.

5.4 Policy RES 22 is also relevant and states that a minimum of 70 square metres in garden ground should be provided, of a private secluded nature.

Each dwellinghouse is provided with less than the required minimum although it considered that an exception in this instance would be appropriate. If larger areas of garden ground were provided this would impact on the parking area and impinge upon the field to the rear.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to this application are the statutory consultation responses and representations received above, the planning history of the site and the Council's Design Guidance.

Statutory Consultations and Representations

6.2 The issues raised by statutory consultees and as a result of the representation process have been detailed and addressed in Sections 3 and 4 of this report. It is considered that none of the issues raised warrant refusal of this application.

Planning History

6.3 Planning permission was granted (ref: 98/0591/FL) for a change of use of the former primary school to a community/leisure centre with car parking and a full sized football pitch with 4 no. 5 a side pitches. Approval was granted on 13 November 1998.

East Ayrshire Design Guidance

6.4 This document was approved by the Council in April 2001 with the aim of making East Ayrshire a more attractive place in which to live and invest. The document formulates a series of design policies in order to build on the best elements of the built environment. The design policies have been formulated not to restrict development but to ensure that all proposed developments are of the highest quality of design, in keeping with and sympathetic to the character and appearance of the area.

6.5 The Design Guidance states that all designs will be required to conform, complement and harmonise with the landscape character of the area, the design of surrounding buildings and the general appearance of settlements in which the development site is located, particularly in terms of scale, form, materials, finish and fenestration arrangements.

The proposed development seeks to utilise an existing building and undertake alterations to same. The alterations proposed inclusive of the small porch extensions are considered to be sensitively designed to fit with the existing building.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

7.2 In respect of legal implications, whilst not a material planning consideration, if approved, the title restrictions detailed under paragraph 3.1 will require the involvement of Legal Services.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report, the application is considered to comply with details of the development plan. Therefore, given the terms of Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As discussed in Section 6 of this report, there are material considerations relevant to this application however, it is considered that the weight attached to these material considerations should be less than that given to the policies of the Adopted Local Plan.

8.2 As indicated in Section 6 of the report, the material considerations do not raise issues of such significance that would warrant refusal of planning permission. The consultation responses and letters of representation are noted although they do not raise significant material planning considerations.

9. RECOMMENDATION

9.1 That the application should be approved subject to the conditions indicated on the attached sheet.

CONTRARY DECISION NOTICE

Should the Committee agree that the application should be refused contrary to the recommendation of the Head of Planning and Building Control the application would not require to be referred to the Development Services Committee as it would not constitute a significant departure from policy.

Alan Neish
Head of Planning and Building Control

05 August 2003
(FF/SA/MMM)

FV/AN

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan.
6. East Ayrshire Council Approved Design Guidance.
7. Representations Received.
8. Previous applications: 98/0591/FL.

Anyone wishing to inspect the above papers please contact Fiona Finlay on (01563) 576768.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL
TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0023/FL

Site of Proposal:	Former Moscow Leisure Centre Grougar MOSCOW
Nature of Proposal:	Proposed change of use from leisure centre extensions and alterations to form 6 no. dwellinghouses
Name & Address of Applicant:	Mr Jim Cuthbert 1 Grougar MOSCOW Galston KA4 8PW
Name & Address of Agent:	Lawrence McPherson Associates Suite 1 Beresford Court 6/8 Beresford Lane AYR KA7 2DW

DPOs Reference: FF/SA

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 received on 05 January 2003 and the amended access/site plans received by the Planning Authority on 10 July 2003.

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

(2) The public road adjacent to the site shall be kept clear of mud or other deposited materials during construction by means of mechanical brushing or wheel washing as appropriate.

REASON In the interests of road safety.

(3) All car parking spaces within the site shall be provided prior to the occupation of the first of the dwellinghouses and shall not be used for the parking of construction vehicles during the period of construction works on site.

REASON To ensure the provision of car parking spaces in the interest of residential amenity and road safety.

(4) Notwithstanding the approved plans, details and samples of the access and car parking surfacing shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any works on site and shall be implemented on site prior to the occupation of the first dwellinghouse.

REASON In the interests of visual amenity.

(5) Notwithstanding the approved plans, details of refuse storage shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any works on site and shall be implemented on site prior to the occupation of the first dwellinghouse.

REASON In the interests of residential amenity.

(6) Prior to any work commencing on site, details of the location and formation of all boundary treatment shall be submitted to and approved in writing by the Planning Authority and shall thereafter be implemented on site prior to occupation of the first dwellinghouse, in accordance with the approved details.

REASON In the interests of the residential amenity of the area.

(7) The external appearance of all materials to be used in the construction of the alterations and extensions shall match the materials of the existing building.

REASON To ensure that the extension matches the external appearance of the existing building and hereby maintain the visual quality of the area.

(8) Prior to any work commencing on site, full details concerning the delineation of all garden areas for each dwellinghouse shall be submitted to and approved in writing by the Planning Authority and thereafter shall be formed prior to the occupation of the first dwellinghouse and maintained as approved.

REASON In the interests of the residential amenity of the dwellinghouses.

(9) The foul drainage shall be connected to the public sewer.

REASON In the interests of public safety.

(10) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, (or any order or enactment replacing this) no extensions or garages (unless forming part of the approved layout plan) shall be erected on the site (unless a further specific planning application is submitted to and approved by the Planning Authority.)

REASON To enable the Planning Authority to ensure that such structures are provided in a manner compatible with the visual amenity of the area.

(11) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order revoking and re-enacting that order, no extensions or garages shall be erected on the site such that the approved off- street car parking provision is reduced, (unless a further specific planning application is submitted to and approved by the Planning Authority).

REASON In the interests of road safety.

(12) No surface water shall issue from the site onto the public road.

REASON To ensure the provisions and maintenance of a secure road surface in the interests of road and public safety.

(13) Both proposed vehicle accesses/egresses shall be formed as detailed on the approved plans prior to the occupation of any of the dwellinghouses and maintained thereafter.

REASON To ensure appropriate access/egress to/from the site.

(14) Prior to the occupation of any of the dwellinghouses hereby approved, the sightlines as detailed on the approved access plan, Ref.No. 602(--)001A shall be formed and maintained thereafter.

REASON To ensure appropriate access/egress to/from the site.

NOTES

(1) The applicant is advised to make early contact with Scottish Water at 35 Glenburn Road, Prestwick. Telephone: 0845 601 8855.

(2) The applicant is advised to note the comments of Environmental Health which are as follows:

- (i) All waste materials arising from the construction works should be disposed of to the satisfaction of the Waste Management Section and otherwise other by burning.
- (ii) All work should be carried out at such times and in such a manner as will not give rise to nuisance.
- (iii) All necessary works should be carried out to ensure so far as is practicable, that the operation and condition of the plant room and its equipment, does not give rise to nuisance.

**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.**