

**EAST AYRSHIRE COUNCIL**

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

**03/0317/FL: PROPOSED ERECTION OF SINGLE STOREY YOUTH CENTRE  
AND CRÈCHE  
AT HIGH STREET, NEWMILNS  
BY THE DAIRY TRUST**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 It is proposed to erect a single storey building for the Dairy Trust for use as a youth centre and crèche. The building is of rectangular shape and extends to some 208 square metres and a maximum height 3.9 metres. The building will be finished in metal profiled roof cladding and blue facing brick and a complementary colour of wall cladding. A glazed timber entrance door is proposed on the front elevation and a fire escape door at the rear. No other window or doors are proposed.

The applicant has submitted that in 2001 a survey was conducted by young people which identified the need for a dedicated youth centre as there is no venue for young people residing in the area to go to. Following receipt of funding a youth group was formed and premises leased in the form of an old dairy building. The group have outgrown these premises and a Trust has now been formed to allow the community to work together. The Dairy Centre caters for young people aged between 12 to 25 of all denominations and from all levels of Irvine Valley economic and social backgrounds.

1.2 The applicant's agent has advised that his client has agreed principal terms and conditions to lease the site which include provision for rights of access as the larger site has been agreed as a lease to the Newmilns Snow and Sports Complex Trust. The site presently under consideration comprises the former Newmilns Secondary School although despite the development plan zoning was never marketed for residential purposes. Consideration was previously given to the transfer of the land to a housing partnership although this proposal did not succeed and Property Services are not aware of any enquiries from parties interested in residential development.

1.3 The applicant's agent has also responded to the letter of objection and associated petition detailed in Section 4 of this report. It is advised that the site area was determined by East Ayrshire Council Property Services and the project brief was to provide a building requiring ongoing minimal maintenance. No allowance has been made for windows and this should ensure neighbouring properties privacy is not infringed and in turn, noise levels emanating from the building should be minimal.

1.4 Whilst the applicant's agent notes the concerns regarding likely increase in vandalism, it is considered that there are already such instances of vandalism in the area and it is inappropriate to assume that users of the Dairy Project will contribute to vandalism. As the facility is to benefit the community, it is hoped that users will take pride in the building.

1.5 Whilst the applicant submits that many of the issues raised in Section 4 are not relevant material planning considerations, the applicant's agent makes the following comments:-

- *The hours of operation will comprise Wednesday and Thursday 3.00 – 8.00pm, Friday and Saturday 3.00 – 11.00pm and Sunday 2.00 – 20.00pm;*
- *the building will be insulated and have fire escape provision that meets the Building Regulations;*
- *the applicant has held preliminary discussion with the adjacent Newmilns Snow and Sports Complex and hopes to work alongside this organisation to ensure eventual complementary uses;*
- *the applicant is willing to comply with any conditions regarding external lighting required by the Council's Roads and Transportation Division;*
- *Access to the adjacent farrier's premises will not be restricted.*

## **2. RECOMMENDATION**

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

**2.2 It is recommended that the application should be notified to the Scottish Ministers under the Town and Country Planning (Notification of Applications)(Scotland) Direction 1997 as a significant departure from the Development Plan and subject to the conditions indicated on the enclosed sheet.**

## **3. CONCLUSIONS**

3.1 As identified in Section 5 of this report, the proposal is zoned as a housing opportunity site and is therefore technically contrary to Policy RES 1. It is however appropriate under Policy CS1 that the D.A.I.R.Y. Project be considered to be in line with the EALP. It is a use which will be beneficial to the local community and is therefore acceptable in terms of the EALP. In line with Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 the proposal should be approved unless material considerations indicate otherwise. As discussed in Section 6 of this report, none of the consultation responses raise any issues that warrant the refusal of this application. The

petition has been discussed in Section 4 of this report and whilst noted, it is not considered that the points raised warrant refusal of this application. It is not considered that the proposed use and building would detract from the amenity of neighbouring properties.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control it would not be required to be referred to the Development Services Committee as there would be no significant breach of Council 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 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 an application of area significance and is subject to objection.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The application site is located centrally within Newmilns Dry Ski Slope. The site is bound by workshops to the south and west and sloping grassland to the north and east.

2.2 **Proposed Development:** It is proposed to erect a single storey building for the Dairy Trust for use as a youth centre and crèche. The building is of rectangular shape and extends to some 208 square metres and maximum height 3.9 metres. The building will be finished in metal profiled roof cladding and blue facing brick and a complementary colour of wall cladding. A glazed timber entrance door is proposed on the front elevation and a fire escape door at the rear. No other window or doors are proposed.

The applicant has submitted that in 2001 a survey was conducted by young people which identified the need for a dedicated youth centre as there is no venue for young people residing in the area to go to. Following receipt of funding a youth group was formed and premises leased in the form of an old dairy building. The group have outgrown these premises and a Trust has now been formed to allow the community to work together. The Dairy Centre caters for young people aged between 12 to 25 of all denominations and from all levels of Irvine Valley economic and social backgrounds.

2.3 The applicant's agent has advised that his client has agreed principal terms and conditions to lease the site which include provision for rights of access

as the larger site has been agreed as a lease to the Newmilns Snow and Sports Complex Trust. The site presently under consideration comprises the former Newmilns Secondary School although despite the development plan zoning was never marketed for residential purposes. Consideration was previously given to the transfer of the land to a housing partnership although this proposal did not succeed and Property Services are not aware of any enquiries from parties interested in residential development.

2.4 The applicant's agent has also responded to the letter of objection and associated petition detailed in Section 4 of this report. It is advised that the site area was determined by East Ayrshire Council Property Services and the project brief was to provide a building requiring ongoing minimal maintenance. No allowance has been made for windows and this should ensure neighbouring properties privacy is not infringed and in turn, noise levels emanating from the bunding should be minimal.

2.5 Whilst the applicant's agent notes the concerns regarding likely increase in vandalism, it is considered that there are already such instances of vandalism in the area and it is inappropriate to assume that users of the Dairy Project will contribute to vandalism. As the facility is to benefit the community, it is hoped that users will take pride in the building.

2.6 Whilst the applicant submits that many of the issues raised in Section 4 are not relevant material planning considerations, the applicant's agent makes the following comments:-

- *The hours of operation will comprise Wednesday and Thursday 3.00 – 8.00pm, Friday and Saturday 3.00 – 11.00pm and Sunday 2.00 – 20.00pm;*
- *the building will be insulated and have fire escape provision that meets the Building Regulations;*
- *the applicant has held preliminary discussion with the adjacent Newmilns Snow and Sports Complex and hopes to work alongside this organisation to ensure eventual complementary uses;*
- *the applicant is willing to comply with any conditions regarding external lighting required by the Council's Roads and Transportation Division;*
- *Access to the adjacent farrier's premises will not be restricted.*

### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 Scottish Water, Transco and the Coal Authority have not made any adverse comments that would warrant refusal of this application.

***Noted.***

3.2 The Council's Roads and Transportation Division have no objections to the proposal.

***Noted.***

3.3 The Scottish Environment Protection Agency (SEPA) have no objection to the proposal on the understanding that the foul drainage is connected to the public sewer. SEPA have also requested that surface water is treated in accordance with the principles of Sustainable Urban Drainage Systems (SUDS).

***Noted. If Members choose to grant consent, the use of SUDS can be incorporated as a condition.***

3.4 The Department of Community Services have no objections to make although request that any maintenance of Community Service Account held land which may be damaged by this application, should be reinstated to the satisfaction of the Outdoor Amenities Manager.

***Noted. If Members choose to grant consent, an advisory note can be attached.***

3.5 The Newmilns and Greenholm Community Council have not responded to their consultation at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS RECEIVED**

A petition with 25 signatures has been submitted objecting to the proposal. The points raised as follows:-

4.1 No consideration has been given by the leaseholder to the site which will impact on privacy and noise levels to the adjacent owners. The numbers of people who will be using the buildings and surrounds could result in an increase in vandalism.

***Noted although it is not considered that the new building will adversely impact upon adjacent residents/landowners. There are no windows and doors are kept to a minimum, as the applicant has detailed in Section 2 of this report. Vandalism of property would be a Police matter in any case.***

4.2 The Council's Education Department administers this area and the land is designated within the East Ayrshire Council Strategy Plan for leisure and recreation use. The applicant could have been directed to a plot further within the site away from residential and business premises. This would have been more economical in terms of the provision of services and could also enhance facilities for the dry ski-slope complex.

***Noted. The Members are however required to determine the application as submitted.***

4.3 The main use of the building will be for youth's aged between 12 and 25 years with a possible membership of 100. The majority will be 12-14 years and could number around 50. It is normal for youths to arrive at the premises at least 30 minutes before opening and generally remain after closing. This is the time when they become boisterous, noisy and prone to vandalism. The application makes no provision for lighting and even if proposed it will only be when the building is in use. Youths at these times will cause major problems and as there are a number of senior citizens in the area, it could lead to intimidation.

***Any anti-social behaviour ensuing from the youth centre would be a Police matter.***

4.4 The building appears to lack insulation and the recreational/games room appears to have a high ceiling which will cause reverberations and increased noise levels to the outside area.

***The provision of insulation is a matter for the Building Control Service to assess in the consideration of a Building Warrant. The nearest residential properties are some 20 metres away.***

4.5 The application does not indicate services that will be necessary. Lighting will be needed from the gates and around the area which will intrude on the privacy of residents.

***It is not necessary for the application to indicate services on the plans. If external lighting is required this would be the subject of a further application when the impact on the neighbouring properties would be assessed.***

4.6 Only one fire door is proposed and opens straight on to the bank. Even if this area is excavated, such an area is not conducive for an orderly evacuation of the premises. There should be a second fire door in the vicinity of the Media and Music Room to allow exit should there be an obstruction at the main entrance/corridor leading to the multi-purpose room.

***This is a matter for Building Control in the determination of a Building Warrant and is not a material planning consideration.***

4.7 If in excess of 50 members use the premises, toilet facilities are inadequate.

***This is not a material planning consideration and is a matter to be addressed by the Council's Building Control Service in the consideration of an application for a Building Warrant.***

4.8 The crèche could consist of children aged between 3 – 5 years over here have no facilities provided for lower washbasins/WCs.

***This is not a material planning consideration and is a matter to be addressed by the Council's Building Control Service in the consideration of an application for a Building Warrant.***

4.9 No cloakroom facilities are provided within the building.

***This is not a material planning consideration and is an operational consideration for the applicant.***

4.10 There is only one staff parking space. There is a lack of parking for other users and for drop-off parking. Some users will have cars and although only one staff member will be on duty during the day, there will also be leaders and instructors to be accommodated.

***The Council's Roads and Transportation Division have not objected to the application as detailed in Section 3.2 of this report.***

4.11 The position of the boundary will restrict access to the farrier's premises.

***This is not a material planning consideration and is a legal matter for the applicant to resolve. Members are however referred to Section 2 of this report and the applicant's comments that access will not be restricted.***

## **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 (2003) (EALP).

5.2 The site is located within a Housing Development Opportunity Site as identified in the EALP. The proposal is therefore technically contrary to Policy RES1 which reserves the site for housing purposes.

5.3 Policy CS1 is also relevant and states that the Council will positively respond to changing needs and demands for community and educational facilities throughout Ayrshire and encouragement will also be given to community activities/public service organisations to maintain and improve the services may provide.

***The proposal is known locally as the D.A.I.R.Y. Project and it is considered that the development would provide a valuable addition to community facilities for young people. There has also been little interest shown in developing the site for residential purposes. The applicant has provided a justification as detailed in Section 2.2 of this***

***report and it is considered that a departure from the local plan policy would be appropriate.***

## **6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS**

6.1 The other principle material considerations relevant to the determination of the application are the Consultations and Representations.

### Consultations and Representations

6.2 The applications has been assessed against these material considerations elsewhere in this report in Sections 3 and 4.

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

7.1 The Council has an ownership interest and is obliged to notify the Scottish Executive under the Town and Country Planning (Notification of Planning Applications) 1997 if it intends to grant planning permission and there are a substantial body of objections together with the proposed development being deemed to be contrary to the Adopted Local Plan.

***As discussed in Sections 4 and 5 of this report, the application has not received substantial objections but it is contrary to the Adopted Local Plan. Notification to the Scottish Executive is therefore necessary.***

## **8. CONCLUSIONS**

8.1 As identified in Section 5 of this report, the proposal is zoned as a housing opportunity site and is therefore technically contrary to Policy RES 1. It is however appropriate under Policy CS1 that the D.A.I.R.Y. Project be considered to be in line with the EALP. It is a use which will be beneficial to the local community and is therefore acceptable in terms of the EALP. In line with Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 the proposal should be approved unless material considerations indicate otherwise. As discussed in Section 6 of this report, none of the consultation responses raise any issues that warrant the refusal of this application. The petition has been discussed in Section 4 of this report and whilst noted, it is not considered that the points raised warrant refusal of this application. It is not considered that the proposed use and building would detract from the amenity of neighbouring properties.

## **9. RECOMMENDATION**

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

**9.2 It is recommended that the application should be notified to the Scottish Ministers under the Town and Country Planning (Notification of Applications)(Scotland) Direction 1997 as a significant departure from the Development Plan and subject to the conditions indicated on the enclosed sheet.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control it would not be required to be referred to the Development Services Committee as there would be no significant breach of Council policy.

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

07 August 2003  
(FMF/SA/MMM)

FV/AN

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letters of Objection.
5. Adopted East Ayrshire Local Plan.
6. Supporting Information from the Applicant.

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

***Implementation Officer: Alan Neish***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

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Application No: 03/0317/FL

Site of Proposal: High Street  
NEWMILNS

Nature of Proposal: Proposed erection of Single Storey  
Youth Centre and Crèche

Name & Address of Applicant: The Dairy Trust  
6 Loudoun Road  
NEWMILNS  
KA16 9HF

Name & Address of Agent: W I Munro  
Chartered Architects  
1 Seaford Street  
KILMARNOCK KA1 2BZ

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DPOs Reference: FF/SA

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

(1) Before any work commences on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved by the Planning Authority. The Sustainable Urban Drainage System shall thereafter be installed on site, prior to the erection of any of the dwellinghouses in the development site.

REASON To ensure that adequate drainage is provided.

(2) Prior to any development commences on site, details and samples of all external materials for the proposed building shall be submitted and approved in writing by the planning authority and maintained thereafter.

REASON In the interests of visual amenity.

(3) Prior to the building hereby approved being brought into use, all car parking spaces shown on the approved plan shall be formed on site and maintained thereafter.

REASON To ensure that the parking facilities are formed on site prior to the use being brought into operation.

## NOTES

- (1) The applicant is advised that this permission does not include any consent for the display of advertisements that may be necessary under the terms of the Town and Country Planning (Control of Advertisements) Regulations 1984.
- (2) The applicant is advised to make early contact with Scottish Water and Transco to discuss whether the proposed development requires protection/deviation/alterations of their equipment.
- (3) The applicant is advised to note that any maintenance or community service account held land which may be damaged by this application, should be reinstated to the satisfaction of the Outdoor Services Manager or his nominee. Any queries in this connection should be directed to the Department of Community Services on 01563 554065.
- (4) The Developer shall make early contact with the Scottish Environment Protection Agency and West of Scotland Water to confirm their request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.
- (5) The Council does not currently have a general agreement with WoSWA in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.

**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.**