

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 10 AUGUST 2001

**01/0320/FL : PROPOSED REMOVAL OF CONDITION NO.2 APPLYING TO
EXISTING APPROVAL AT 105 GLAISNOCK STREET, CUMNOCK**

APPLICATION BY SCI FUNERALS LTD.

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the removal of Condition No.2 of Planning Consent CD/84/201, granted in November 1984. Condition No.2 of this consent states:

“that the hours of business be restricted to 8am to 6pm on Mondays to Saturdays and that no business from the premises takes place on Sundays in the interest of amenity of nearby residential properties”.

1.2 Part of the service currently on offer are facilities for “lying in rest” and viewing, where relatives and friends of the deceased can visit to pay their last respects. It is proposed to remove Condition No.2 in the report to allow the business to open on Sundays for viewing purposes only. No extension to the hours of opening is proposed.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As is indicated at paragraph 5.2 in the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at paragraph 6.1 in the report, there are material considerations relevant to this application. It is considered that the weight that should be attached to these material considerations should be greater than that given to the policies of the Adopted Local Plan due to the age of this plan.

3.2 In terms of the letter of objection, it is considered that due to the property’s town centre location and the limited level of activity that shall be

generated, the proposed Sunday opening will not have a detrimental effect on nearby residential properties.

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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APPLICATION BY SCI FUNERALS LTD.

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 as the proposed development is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description** : The application site is located within a mixed use area on the east side of Glaisnock Street, Cumnock. The site is bound by commercial properties to the east, west and north, and by Glaisnock Street and residential properties to the south.

2.2 **Proposed Development:** Full planning permission is sought for the removal of Condition No.2 of Planning Consent CD/84/201, granted in November 1984. Condition No.2 of this consent states:

“that the hours of business be restricted to 8am to 6pm on Mondays to Saturdays and that no business from the premises takes place on Sundays in the interest of amenity of nearby residential properties”.

2.3 Part of the service currently on offer are facilities for “lying in rest” and viewing, where relatives and friends of the deceased can visit to pay their last respects. It is proposed to remove Condition No.2 above to allow the business to open on Sundays for viewing purposes only. No extension to the hours of opening is proposed.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Cumnock Community Council has not responded to the consultation letter at the time of writing.

Noted.

3.2 East Ayrshire Council Roads and Transportation Division has no objection to the proposed development. Complaints have been received in

the past about parking problems associated with the operation of the business. These complaints were investigated by the Roads Division and the Police. The operation of the business was not found to cause specific traffic or road safety concerns. It is noted that the application is related to viewings and that no additional funeral vehicles will be parked on Glaisnock Street. The Roads Division therefore have no objections to the proposed development.

Noted.

4. REPRESENTATIONS

4.1 One letter of representation has been received with regard to the proposed development. This is summarised as follows:

4.2 Since this business established itself approximately 15 years ago in the above named premises, it has functioned 10 hours a day, 6 days a week. They now find the respect for private and family life very limited. The movement of coffins out the front door, the solemn and tearful outlook of mourners and the fact that another funeral parlour has opened next door, curtails family life at present. These premises have a rear entrance, which would be more appropriate for employees and members of the grieving public to use. This entrance is not in direct view of houses and therefore does not intrude in any individuals privacy or basic human rights. Sundays should have no business activities via the front entrance.

Although there are residential properties nearby, the site lies within Cumnock Town Centre, as defined by the East Ayrshire Local Plan, Finalised Version with Modifications (See Paragraph 6.3). A higher level of activity is therefore common within this area. It is not proposed to move any coffins or use any hearses on Sundays. Furthermore, viewing will be by appointment only, and it is anticipated that this service shall be used only occasionally. It is not therefore considered appropriate to impose a condition requiring members of the public to use a "back door".

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 (1999) and the Adopted Cumnock and Auchinleck Local Plan, (1992). The Adopted Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against Policy 25 which states that development which is

detrimental to the amenity and enjoyment of nearby dwellinghouses will not be permitted within areas of mixed uses.

The proposed use has operated for 6 days a week since 1984. Although it is now proposed to use the premises on Sundays, the funeral parlour will not be open all day, but shall open on an appointment basis only. It is not considered that occasional viewings by the public on Sundays would generate much activity or noise. The proposed development therefore complies with the provisions of policies of the Adopted Plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan, Finalised Version with Modifications (2001), the planning history of the site and the letter of objection summarised in Section 5.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan, Finalised Version with Modifications (EALP) should be considered as a prime material consideration.

6.3 The site lies within Cumnock Town Centre, as defined by the EALP. There are however no relevant policies within the EALP which relate to this application.

Noted.

6.4 Although there are no relevant policies contained within the EALP, the proposal does require to be considered against a number of factors such as its effect of the amenity of adjacent properties by reason of noise, litter or any other nuisance or disturbance, and its implications for traffic safety.

The premises will be opened on Sundays on an appointment only basis, and there shall be no movement of coffins or hearses associated with the funeral parlour on that day. Given the limited level of activity that shall occur on Sundays, and the fact that the premises are located within Cumnock Town Centre, it is not considered that Sunday opening will have a detrimental effect on nearby residential properties. Furthermore, the Roads Division has no objection to the proposal.

6.5 Planning History: Full planning permission (Ref. No. CD/84/201) was granted on 29 November 1984 for the change of use of existing garage/workshop to funeral parlour and associated joiner's workshop. This was granted subject to conditions, one of which restricted opening to between 8am and 6pm on Mondays to Saturdays.

Noted.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As is indicated at paragraph 5.2 above, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at paragraph 6.1 above, there are material considerations relevant to this application. It is considered that the weight that should be attached to these material considerations should be greater than that given to the policies of the Adopted Local Plan due to the age of this plan.

8.2 In terms of the letter of objection, it is considered that due to the property's town centre location and the limited level of activity that shall be generated, the proposed Sunday opening will not have a detrimental effect on nearby residential properties.

9. RECOMMENDATION

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

Alan Neish
Head of Planning and Building Control
VE
23 July 2001
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/certificates.
3. Consultation responses.
4. Letter of Representation
5. East Ayrshire Local Plan Finalised Version with Modifications.
6. Cumnock and Auchinleck Local Plan.

7. Approved Ayrshire Joint Structure Plan.
8. Previous planning consent number CD/84/201.
9. Approved Strathclyde Structure Plan.

Any person wishing to inspect the background papers listed above, should contact Miss Vivien Emery on 01563 555485.

Implementation Officer: Dave Morris

Application no: 01/0355/FL

Location	105 Glaisnock Street, Cumnock
Nature of Proposal:	Removal of Condition No.2 of Consent CD/84/201
Name and Address of Applicant:	SCI Funerals Ltd. Knight House 2 The Parade Sutton Coldfield B72 1PD
Name and Address of Agent	Brian Hammond 29 Kirkvale Drive Glasgow G77 5HQ

DPO's Ref: [VIVIEN EMERY]
PPO's Ref; []

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

1. Condition No. 2 of Consent CD/84/201 dated 29 November 1984 shall be deleted and replaced with the following condition:

(2) The hours of operation of the funeral parlour business shall be restricted to between 0800hours and 1800hours Monday to Saturdays. Except for the purposes of family viewings, no operations, including the movement of hearses and coffins, shall take place on Sundays. Such viewings shall be restricted to between the hours of 1000 hours and 1600hours on Sundays.

REASON: To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity.

AGENDA