

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 22 JUNE 2001

**01/0227/LB & 01/0229/FL : CHANGE OF USE OF BUILDING FROM
FORMER CHURCH/COUNCIL STORE TO CAFÉ, UNDER 18 LEISURE
AND RECREATION CENTRE AND CHILDREN'S NURSERY, AND
ALTERATIONS AT TANYARD, CUMNOCK**

APPLICATIONS BY BOX CAFÉ LIMITED

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 **Proposed Development:** Full planning permission is sought for the change of use and alterations to the building to form a café, under 18 leisure and recreation centre and a nursery. During the day, it is proposed to operate a nursery for pre-5 children, and in the evenings it would be used as a general leisure facility for under 18's. The facility will also be used for discos and private parties. It is proposed that the business will operate from 8.00am to 11.00pm Monday to Saturday and 10.00am to 10.00pm on Sunday's. A car parking area for 7 vehicles would be formed to the rear of the property.

1.2 In addition to the planning application a Listed Building Consent application has also been submitted as the proposal involves alterations to existing openings, the display of an illuminated sign and the installation of new windows, doors and roller shutter. It is proposed to install new timber doors to the front of the building and a new uPVC door to the side. All replacement windows would be constructed in uPVC.

2. RECOMMENDATION

2.1 **It is recommended that the planning and listed building consent applications be approved subject to the respective conditions on the attached sheets.**

3. SUMMARY OF ANALYSIS

3.1 As is indicated at paragraph 5.1 in the report, there are no policies contained within the Adopted Cumnock and Auchinleck Local Plan relevant to the determination of this application and, as such, greater weight should be given to other material considerations. As is indicated within Section 6 in the report, there are material considerations relevant to this application. However it is considered that these are generally supportive of the application.

3.2 It is considered that the use of the property as a café, recreation centre and nursery is acceptable within its town centre location, and is in compliance with the retail policies of the EALP. Furthermore, the proposed alterations to the building are considered to be generally sympathetic to the listed building and are in compliance with the relevant Environment policies of the EALP and with the Council's Design Guidance. The proposed development will bring back into use an architecturally important building which has been disused for a number of years.

3.3 It is acknowledged that use of uPVC is contrary to advice outlined within Historic Scotland's Memorandum of Guidance. However, the Council has agreed within their design guidance, that uPVC windows, subject to certain criteria, will be considered acceptable within Category C(S) listed buildings.

3.4 In terms of the letters of objection, amended plans have been submitted and the windows on the front elevation would utilise the full window opening, thus providing a symmetry on the front elevation. As previously indicated, the use of uPVC complies with the Council's Design Guidance.

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.

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 22 JUNE 2001

**01/0227/LB & 01/0229/FL : CHANGE OF USE OF BUILDING FROM
FORMER CHURCH/COUNCIL STORE TO CAFÉ, UNDER 18 LEISURE
AND RECREATION CENTRE AND CHILDREN'S NURSERY, AND
ALTERATIONS AT TANYARD, CUMNOCK**

APPLICATIONS BY BOX CAFÉ LIMITED

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to jointly present for determination a full planning application and a listed building consent application which are to be considered by the Local Planning Committee under the scheme of delegation, as the listed building consent application is subject to objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies on the east side of New Bridge Street (The Tanyard) in Cumnock and lies some 80 metres north-east of the junction of New Bridge Street with Ayr Road. The site relates to the former Strathclyde Regional Council stores building and curtilage at this location. The building is a Category C(S) Listed Building being the former United Sessions Church, is presently disused and is in the ownership of the Council. It is also located within Cumnock Conservation Area.

2.2 The site is bounded to the north by Cumnock Health Centre, by Glaisnock Water to the east and south, and by New Bridge Street and the Lugar Water to the west.

2.3 **Proposed Development:** Full planning permission is sought for the change of use and alterations to the building to form a café, under 18 leisure and recreation centre and a nursery. During the day, it is proposed to operate a nursery for pre-5 children, and in the evenings it would be used as a general leisure facility for under 18's. The facility will also be used for discos and private parties. It is proposed that the business will operate from 8.00am to 11.00pm Monday to Saturday and 10.00am to 10.00pm on Sunday's. A car parking area for 7 vehicles would be formed to the rear of the property.

2.4 In addition to the planning application a Listed Building Consent application has also been submitted as the proposal involves alterations to

existing openings, the display of an illuminated sign and the installation of new windows, doors and roller shutter. It is proposed to install new timber doors to the front of the building and a new uPVC door to the side. All replacement windows would be constructed in uPVC.

3. CONSULTATIONS AND ISSUES RAISED

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

Noted.

3.2 West of Scotland Water has not responded to the consultation letter at the time of writing the report.

Noted.

3.3 East Ayrshire Council's Roads and Transportation Division has no objections subject to conditions. The development may result in increased parking demand within the Tanyard area. Given however that this is a change of use of an existing town centre property, that staff parking will be provided, and the development is aimed at under 18's, the Roads Division do not oppose the development. It is recommended that conditions be attached to any planning consent regarding the provision of 6 staff parking spaces and ensuring access to the site is taken in forward gear.

Conditions could be attached to any planning consent granted for the development to meet the requirements of the Roads Division.

3.4 East Ayrshire's Environmental Health Division states that it would have no objection in principle to the proposed development. Youth/leisure centres can often create some local noise/disturbance impact whilst in operation. In normal circumstances, the Division would consider that the venue should be capable of operating without causing such problems. There is therefore no objection subject to the general proviso that no nuisance is caused through the operation of the premises.

Noted, a condition to this effect could be attached to any planning consent.

3.5 Historic Scotland states that it is pleased to see an application proposing to re-use this building which has been at risk for many years. The principle of demolition of the rear portion of the building has been established in past discussions with the Inspectorate. However, HS is disappointed to note that it is proposed to use uPVC windows. It is not possible to determine whether the existing windows are in salvageable condition as they are too well concealed by the boarding currently fixed to the exterior. The use of uPVC windows in listed buildings is not acceptable. This principle has been tested at call-in on a number of occasions, and has consistently found against their use

in listed buildings, being contrary to policy as set out in the Memorandum of Guidance on Listed Buildings and Conservation Areas.

Whilst it is not possible to inspect the existing windows, it is believed that they are metal windows which are in a state of disrepair. The applicant was asked to consider a more traditional material for the replacement windows but has advised that, due to cost restraints, uPVC was the preferable option. Notwithstanding this, the Council's Design Guidance on Listed Buildings and Buildings within Conservation Areas states that in respect of Category C(S) Listed Buildings, consideration will be given to the use of high quality uPVC windows (see paragraph 6.6(ii)).

3.6 The Scottish Civic Trust indicates that it welcomes the principle of re-using this building for a café and community use. The Trust would however welcome the opportunity to review a report regarding the condition of the existing windows. The Trust believes that they are an integral part of the aesthetics of the building and would be surprised if they could not be repaired. If repair did prove to be prohibitive to the successful re-use of the building then the Trust would encourage new slender framed windows made to follow the shape of the windows and crafted out of natural materials. Not only would this provide a more sympathetic solution, aesthetically it would avoid the use of uPVC which is known to emit toxins, including lead, which would not be appropriate for a youth centre. The Trust would therefore wish to review a more sensitive set of proposals in the near future.

See response to paragraph 3.5.

3.7 The Architectural Heritage Society of Scotland indicates that whilst it finds the proposed change of use generally acceptable, the solution to providing window openings on the west façade is oddly random and at odds with the general symmetry. The design of this former United Associate Church is referred to in the R.I.A.S. Architectural Guide to Ayrshire as "unusual". A greater effort should be made to preserve this character and at least an illusion of symmetry. Ideally the window openings should match but this may be difficult given the staircase on one side and two floors on the other. Some compromise should be possible, however, and the remaining differences could be minimised by not outlining the frames in white.

The original plans indicated that the existing infill within the window openings on the front elevation was to remain. This resulted in an unbalanced window arrangement on the principal elevation. Following discussions with the Planning Division, amended plans were received and it is now proposed to utilise the full window openings on the front elevation. Given the height of these windows, it is proposed to install six window panels within each opening.

The Society further states that UPVC is, according to Historic Scotland, not an acceptable material for a listed building and objects to its use as alien and

unsympathetic for any elevation. The Society is pleased to see that timber is proposed for the doors on the west façade but suggest they should be less standardised proportions to relate better to the existing door openings. A reduced fanlight could be an improvement.

Whilst it is acknowledged that the installation of more traditional windows would be preferable to the uPVC proposed, the proposed windows comply with the Council's Design Guidance for Category C(S) Listed Buildings. Furthermore, it is considered that the proposed timber door on the front elevation is acceptable.

4. REPRESENTATIONS : One letter of objection from the Architectural Heritage Society has been received with regard to the application. This is outlined in paragraph 3.9 above.

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

5.2 There are no specific policies within the Adopted Cumnock and Auchinleck Local Plan relevant to the determination of this application and, as such, greater weight should be attached to the "other material considerations" referred to in Section 6 of this report.

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), (EALP), East Ayrshire Council's Design Guidance, Historic Scotland's "Memorandum of Guidance on Listed Buildings and Conservation Areas (1998)" and the letters of objection.

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 EALP should be considered as a prime material consideration. The site is affected by Retailing and Environment Policies.

6.3 Policy RTC2 states that types of development detailed in Schedule 5 of the Local Plan will be considered acceptable, in principle, within town centres

and on those development opportunity sites identified as being suitable for such purposes on the Local Plan maps.

The proposal is an acceptable town centre use as highlighted in Schedule 5 of the EALP. The proposed development therefore complies with the provisions of the above policy.

6.4 Retailing Policy RTC3 states that, subject to the provisions of all other retail policies, all development proposals falling within the classes of development detailed in Schedule 5 of the Local Plan will be directed to:

- (ii) All town centres if the proposed gross floorspace is less than 1500 square metres.

The proposed site lies within Cumnock Town Centre, as defined by the EALP. Furthermore, the proposed use falls within Schedule 5 of the Local Plan. The proposed development complies with the policy provisions of Policy RTC3 of the EALP.

6.5 Policy ENV4 states that the Council will seek to ensure that all development within or affecting the setting of a Conservation Area or affecting the appearance or setting of a Listed Building, is sympathetic to the area or building concerned in terms of its layout, size, scale, design, siting, materials and colour of finish. Wherever possible, all proposals should seek to preserve, enhance or incorporate features, which contribute positively to the character or appearance of the area and have due regard to the architectural and historic qualities of the area or building concerned.

The proposed alterations are considered to be generally sympathetic to the listed building. Any repairs to the roof would be carried out in slate to match the existing and the opening to the south elevation is to be built up in stone to match existing. Whilst timber windows would be preferable, the windows proposed comply with the Council's Design Guidance.

6.6 The Council's Design Guidance on Listed Buildings and Buildings within Conservation Areas has specific advice on new and replacement windows. The Guidance states that all new or replacement windows on a listed building or a building within a Conservation Area must meet the following criteria:

- (i) All new or replacement windows must reflect the style, materials and proportion of windows appropriate to the architectural style and period of the property or area, particularly as regards the proportion of top-to-bottom sashes and the pattern of glazing bars and astragals.

Following discussions with the Planning Division, amended plans were received to show all the proposed windows to be installed up to the full height of the existing window openings. Due to the

height of the window openings on the front elevation, it is proposed to install 6 separate windows within each opening.

(ii) In respect of Category C(S) listed buildings and unlisted buildings in Conservation Areas, consideration will be given to the use of high quality uPVC windows exactly replicating timber and preferably with traditional methods of opening. In all cases, windows that are proposed in non-traditional materials must still be of traditional style and design.

The property is a Category C(S) listed building and it is considered that the style of the windows, utilising the full window openings, is in keeping with the character of the building. The use of uPVC conforms with the provisions of the above Design Guidance.

6.7 Historic Scotland's 'Memorandum of Guidance on Listed Buildings and Conservation Areas, 1998' gives detailed advice on consideration of Listed Building Consent applications. Paragraph 1.2.11 states that the damage which may be caused by the replacement of the window, which is historically and architecturally correct, with a modern unit made from a different material, to a different design or with a different method of opening, is potentially immense. Any proposal which will result in the diminution of architectural quality, no matter how small, should be refused.

The advice outlined in the Memorandum is noted. However the Council has agreed, as part of its design guidance, to accept the use of uPVC within Category C(S) listed buildings where the windows are of traditional style and design.

6.8 **Planning History:** Listed Building Consent (Ref. No: 98/0017/LB) was approved for the partial demolition of the building on 21 October 2000. This approval was for the demolition of the single storey section to the rear of the property which is badly affected by dry rot and is beyond economic repair. The applicant proposes to implement this consent and form a car parking area to the rear for staff use only.

6.9 Under the provisions of the Town and Country Planning (Notification of Applications) Direction 1997, development in which planning authorities have either a financial interest or that is to be located on land wholly or partly in their ownership requires to be notified to the Scottish Ministers where the development does not accord with the adopted local plan for the area or has been the subject of a substantial body of objections.

As the proposed development is not contrary to the adopted Cumnock and Auchinleck Local Plan and there is not a substantial body of objections in this case, then it will not be

necessary to notify the Scottish Ministers should the Committee be minded to approve the applications.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 As the property is currently in the ownership of the Council, financial and legal implications will arise from the sale and the legal disposal of the property.

8. CONCLUSIONS

8.1 As is indicated at paragraph 5.1 above, there are no policies contained within the Adopted Cumnock and Auchinleck Local Plan relevant to the determination of this application and, as such, greater weight should be given to other material considerations. As is indicated within Section 6 above, there are material considerations relevant to this application. However it is considered that these are generally supportive of the application.

8.2 It is considered that the use of the property as a café, recreation centre and nursery is acceptable within its town centre location, and is in compliance with the retail policies of the EALP. Furthermore, the proposed alterations to the building are considered to be generally sympathetic to the listed building and are in compliance with the relevant Environment policies of the EALP and with the Council's Design Guidance. The proposed development will bring back into use an architecturally important building which has been disused for a number of years.

8.3 It is acknowledged that use of uPVC is contrary to advice outlined within Historic Scotland's Memorandum of Guidance. However, the Council has agreed within their design guidance, that uPVC windows, subject to certain criteria, will be considered acceptable within Category C(S) listed buildings.

8.4 In terms of the letters of objection, amended plans have been submitted and the windows on the front elevation would utilise the full window opening, thus providing a symmetry on the front elevation. As previously indicated, the use of uPVC complies with the Council's Design Guidance.

9. RECOMMENDATION

9.1 It is recommended that the planning and listed building consent applications be approved subject to the respective conditions on the attached sheets.

Alan Neish
Head of Planning and Building Control
30 May 2001
VE/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices and Certificates.
3. Consultation Responses
4. Letter of Representation.
5. East Ayrshire Local Plan, Finalised Version with Modifications.
6. Cumnock and Auchinleck Local Plan.
7. Adopted Ayrshire Joint Structure Plan.
8. East Ayrshire Council's Design Guidance.
9. Historic Scotland's Memorandum of Guidance, 1998.
10. Previous application 98/0017/LB

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

Implementation Officer: Dave Morris

Application no: 01/0229/FL

Location	The Box Kirk Tanyard Cumnock
Nature of Proposal:	Change of Use of Building from Former Church./Council Store to Café, Under 18 Leisure and Recreation Centre and Children's Nursery and Alterations
Name and Address of Applicant:	Box Café Ltd The Box Kirk Tanyard Cumnock
Name and Address of Agent	D A Design 8 Broomlands Avenue DALBEATTIE DG5 4RD

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

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

- (1) The café, recreation centre and nursery shall operate only between the hours of 0800 hours and 2300 hours.

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

- (2) The use hereby approved shall operate without detriment to adjoining properties by reason of noise, dirt, smell or general disturbance.

REASON – To safeguard the amenity of the area.

- (3) Notwithstanding the approved plans, the roller shutter hereby approved shall have a plastisol coating, in a colour to be agreed and approved by the Planning Authority prior to the commencement of development.

REASON - In the interests of visual amenity.

- (4) Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997, this permission relates to the use of the premises as a café, under 18 leisure and recreation centre and a children's nursery and the further express permission of the Planning Authority shall be required in respect of any other use which falls within the same use class to the use hereby approved.

REASON – To enable the Planning Authority to retain control over the use of the site in the interests of residential and general amenity

- (5) Notwithstanding the submitted details, and prior to the commencement of development, the applicants shall submit a revised parking scheme showing the provision of 6 car parking spaces and a layout such that vehicles can exit and enter the car park in a forward gear.

REASON – In the interests of road safety.

Application no: 01/0227/LB

Location	The Box Kirk Tanyard Cumnock
Nature of Proposal:	Change of Use of Building from Former Church./Council Store to Café, Under 18 Leisure and Recreation Centre and Children's Nursery and Alterations
Name and Address of Applicant:	Box Café Ltd The Box Kirk Tanyard Cumnock
Name and Address of Agent	D A Design 8 Broomlands Avenue DALBEATTIE DG5 4RD

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

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

(1) Notwithstanding the approved plans, any replacement slates shall match the original slates on the building. Samples of the replacement slates shall be submitted to and approved by the Planning Authority, prior to the commencement of the development.

REASON - In the interests of visual amenity and the character of the listed building.

(2) Notwithstanding the approved plans, the roller shutter hereby approved shall have a plastisol coating, in a colour to be agreed and approved by the Planning Authority prior to the commencement of the development.

REASON - In the interests of visual amenity and the character of the listed building.

(3) The proposed alterations requiring partial reconstruction works to the south elevation shall be carried out in stone which shall be salvaged from the demolition of the single storey section to the rear.

REASON - In the interests of visual amenity and the character of the listed building.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**

AGENDA