

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 02 NOVEMBER 2001

01/0371/FL: PROPOSED EXTENSION AND CHANGE OF USE FROM BAKERY TO SOFT ADVENTURE PLAY AREA AND SNACK BAR WITH CRECHE AND CHILDMINDING FACILITIES ALL FOR UNDER 9 YEARS OF AGE AT KILNHOLM BAKERY, KILNHOLM PLACE, CUMNOCK

APPLICATION BY MRS R HYNDS

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for an extension and change of use from bakery to soft adventure play facility and snack bar with crèche and childminding facilities for children under 9 years of age. It is proposed to operate the adventure play facility/snack bar from 9.00am to 6.00pm Monday to Thursday and from 10.00am to 7.00pm Saturday and Sunday. It is proposed to operate the crèche facility from 8.00am to 5.30pm Monday to Friday and 10.00am to 5.30pm Saturday and Sunday. A car parking area for 4 vehicles would be formed to the side of the property.

1.2 It is proposed to extend the building by providing two new enclosed staircases to the south and east of the building. All new windows would be constructed in uPVC. It is also proposed to replace the existing timber and metal framed windows with uPVC windows.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As is indicated at paragraph 5.1 of the report, the application is considered to be in accordance with 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 is indicated in Section 6 of 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 Although the property would not be used for industrial/commercial purposes, the use of the building as a crèche and adventure play facility is acceptable within this town centre location. Furthermore, the proposed development will bring a disused property back into use and will generate employment within the area. The proposed alterations to the building are considered to be generally sympathetic to the building and are in compliance with the relevant Environment policies of the EALP and with the Council's Design Guidance.

3.3 In terms of the letters of objection, 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.

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APPLICATIONS BY MRS R HYNDS

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 it is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies in a mixed use area within Cumnock Town Centre, on the corner of Hamilton Place and Barrhill Road. The site is bound by commercial/retail properties to the south and west, by Hamilton Place and Greenmill Primary School to the east and by Barrhill Road to the north. The site relates to the former bakehouse building and its curtilage at this location.

2.2 The building is a two storey brick building with timber and metal framed windows. The roof of the main building is finished in corrugated sheeting. The roofs of previous extensions to the building are finished in slate. The property is located within Cumnock Conservation Area.

2.3 **Proposed Development:** Full planning permission is sought for an extension and change of use from bakery to soft adventure play facility and snack bar with crèche and childminding facilities for children under 9 years of age. It is proposed to operate the adventure play facility/snack bar from 9.00am to 6.00pm Monday to Thursday and from 10.00am to 7.00pm Saturday and Sunday. It is proposed to operate the crèche facility from 8.00am to 5.30pm Monday to Friday and 10.00am to 5.30pm Saturday and Sunday. A car parking area for 4 vehicles would be formed to the side of the property.

2.4 It is proposed to extend the building by providing two new enclosed staircases to the south and east of the building. All new windows would be constructed in Upvc. It is also proposed to replace the existing timber and metal framed windows with Upvc windows.

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 no adverse comments to make on the proposed development. They advise that drainage from the development should include an adequate grease trap.

A note to this effect could be attached to any planning consent granted for the proposed development.

3.3 East Ayrshire Council's Roads and Transportation Division indicate that the proposed development is likely to result in an increased demand within the town centre. There could also be conflict of short term parking requirements associated with school drop off/pick up times at Greenmill Primary School. This is however a redevelopment of an existing town centre property in which the applicant is providing the maximum number of parking spaces available to them within the site. As there is on street parking in Hamilton Place and a public car park in close proximity to the development, the Roads Division would offer no objection to this proposal subject to conditions regarding car parking and surfacing of the entrance to the car park. The possible resultant increase in town centre parking should however be noted. The existing car park is in poor condition and repairs should be carried out in the interests of public safety.

The requirements of the Roads Division can be met by attaching conditions and a note to any planning consent granted for the proposed development.

3.4 East Ayrshire's Environmental Health Division has no adverse comments to make on the proposed development.

Noted.

3.5 East Ayrshire's Pre-Five Service indicates that they would offer a maximum registration for 20 children at any one time in the crèche. As there is no outdoor play area or separate play room for children under two years available at this time, this facility will not be recommended for full day-care registration. A recommendation may be made for this facility as a sessional crèche that may open for no more than 4 hours at any one time with a minimum break of 30 minutes between each session. The premises must conform to the health and safety standards, required by relevant legislation, by the Firemaster and the department of Environmental Health.

Noted.

3.6 The Architectural Heritage Society of Scotland indicates that they are pleased to see this building finding a new use but object to one detail. Apart from being a totally inappropriate off-the-peg design the new window in the east elevation should not be in Upvc. When this material degrades in ultra-violet light it becomes a pollutant. It is also unsuitable in appearance for a building of this character, even in a matching design. AHSS objects to this element of the proposal.

The applicant now proposes to replace all existing windows with Upvc as well as installing Upvc windows within the three new window openings. Whilst it is acknowledged that the installation of more traditional windows would be preferable to the Upvc proposed, the proposed windows generally comply with the Council's Design Guidance for unlisted buildings in Conservation Areas. However the design of the kitchen and staircase windows should be revised by means of a condition to present a more appropriate appearance.

3.7 West of Scotland Archaeology Service indicates that the application raises no substantive archaeological issues.

Noted.

4. REPRESENTATIONS:

One letter of objection from the Architectural Heritage Society has been received with regard to the application. This is outlined in paragraph 3.6 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 Approved 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 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against Policy 25 which states that development detrimental to the amenity of residential properties will not be permitted in areas of mixed use.

There are no residential properties in close proximity to the proposed site. The development would therefore be consistent with the above policy.

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 and the letter 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 Industrial and Environment Policies.

6.3 Industrial Policy IND8 states that other than those sites specifically safeguarded for industrial use, proposals for alternative uses of land or premises currently or formerly used for industrial purposes shall be considered acceptable subject to the following criteria:

(i) *the proposed use not being detrimental to surrounding established uses;*

The proposal is an acceptable town centre use and would not be detrimental to surrounding established retail and commercial uses.

(ii) *the proposal meeting with the requirement of all other relevant Local Plan policies;*

The proposed development complies with other relevant policies contained within the EALP.

(iii) *the existence of alternative industrial or business land or premises with potential for future employment use within the settlement concerned.*

There is an adequate supply of industrial/business land in Cumnock. Furthermore the proposed use will in itself generate employment.

6.4 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.

Whilst the building is situated within Cumnock Conservation Area, it is not considered to be of particular architectural or historic merit. The proposed alterations are considered to be

generally sympathetic to the building. It is proposed to extend the building in red brick to match existing. The proposed replacement windows, although uPVC, would be of the same style as existing. A condition can be applied to give a more appropriate appearance to the new staircase and kitchen windows.

6.5 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.*

All replacement windows, would reflect the style of the existing windows.

(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.*

It is considered that the style of the replacement windows is in keeping with the character of the building. The use of uPVC conforms with the provisions of the above Design Guidance.

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 5.1 of the report, the application is considered to be in accordance with 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 is indicated in Section 6 of 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.

8.2 Although the property would not be used for industrial/commercial purposes, the use of the building as a crèche and adventure play facility is acceptable within this town centre location. Furthermore, the proposed development will bring a disused property back into use and will generate employment within the area. The proposed alterations to the building are considered to be generally sympathetic to the building and are in compliance with the relevant Environment policies of the EALP and with the Council's Design Guidance.

8.3 In terms of the letters of objection, the use of uPVC complies with the Council's Design Guidance.

9. RECOMMENDATION

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

Alan Neish
Head of Planning and Building Control
18 October 2001
VE/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. Adopted Cumnock and Auchinleck Local Plan.
7. Approved Ayrshire Joint Structure Plan.
8. East Ayrshire Council's Design Guidance.
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: 01/0371/FL

Location	Kilnholm Bakery Kilnholm Place Cumnock KA18 1PA
Nature of Proposal:	Proposed extension and change of use from bakery to soft adventure play area and snack bar with crèche and childminding facilities all for under 9 years of age
Name and Address of Applicant:	Mrs R Hynds Barrhill Terrace CUMNOCK KA18 1PT
Name and Address of Agent	N/A

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

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 22 May 2001 as revised by the site plan and floor plans received by the Planning Authority on the 14 August 2001 and the elevation plans received by the Planning Authority on 10 October 2001.

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

- (2) The use hereby approved 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.

- (3) 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.

- (4) Notwithstanding the approved plans, a sample of the proposed roof material of the staircase extension shall be submitted to and approved by the Planning Authority prior to the commencement of development.

REASON - In the interests of visual amenity in the conservation area.

- (5) Notwithstanding the approved plans, the new kitchen and staircase windows are not hereby approved. Revised details shall be submitted to for approval by the Planning Authority indicating a more vertical emphasis achieved where necessary through the use of mullions.

REASON - In the interests of visual amenity in the conservation area.

- (6) The replacement uPVC windows hereby approved shall be of the same style as the existing windows and shall be of a colour to be agreed by the Planning Authority prior to the commencement of development.

REASON - In the interests of visual amenity.

- (7) Notwithstanding the approved plans, the four parking spaces provided within the site shall be restricted to customer parking.

REASON – In the interests of road safety.

- (8) Notwithstanding the approved plans, the entrance to the car park off Hamilton Place shall be bituminously surfaced for a minimum distance of 2 metres from the rear of the footway to avoid overcarry of loose material onto the public road.

REASON – In the interests of road safety.

NOTES:

1. West of Scotland Water advises that drainage from the development shall include an adequate grease trap.
2. East Ayrshire Council Roads Division recommends that repairs should be carried out to the existing car park in the interests of public safety.

AGENDA