

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 14 NOVEMBER 2003

**03/0747/FL: PROPOSED CHANGE OF USE ON UPPER FLOOR FROM
FUNCTION HALL TO MANUFACTURING AT THE BOX CAFÉ, TANYARD,
CUMNOCK**

APPLICATION BY MR T DICKSON

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full permission is sought to change the use of the first floor of the building to provide manufacturing space to accommodate eight industrial sewing machines for the production of home furnishings such as cushion covers. The applicant has indicated that eleven members of staff shall be required as a result of the development. It is understood that this will be existing staff that would transfer from the applicant's existing premises at Waterside Industrial Estate in New Cumnock.

1.2 The applicant has also advised that the car park at the rear would be for nine vehicles with loading and unloading at the rear entrance of the building only in early morning or evening. The estimated vehicle movements are four cars per day on Monday to Thursday only.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reasons listed on the attached sheet.

3. CONCLUSIONS

3.1 As indicated in section 5 of the report, the application is not 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 refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, and it is considered that these have been addressed and do not carry sufficient weight to indicate that the application should be approved contrary to the development plan.

3.2 The application under consideration is for a further change of use of the first floor of the building to accommodate a manufacturing unit. As proposed it does not have any implications for the external appearance of the actual building which is a Category C Listed Building and is set within the Conservation Area.

3.3 The site itself is physically constrained in terms of its curtilage and the amount of available ground for parking and turning especially for delivery vehicles which would be coming and going in relation to the manufacturing unit, if approved. It is evident that there is already a shortage of dedicated parking spaces for the employees and customers of the Box Café and hence the proposal would have significant implications for the other public car parks available in the town. The egress of delivery vehicles onto the A70, particularly in the absence of a turning area, would also create a road safety hazard. Hence the Roads and Transportation Division has recommended that planning permission is refused.

3.4 Albeit that the Council's Economic Development Division has stated its support for the proposed change of use, there is no site specific locational need for the textile business to be located in the same building as the Box Café. The proposed manufacturer would be an existing company that currently occupies an industrial unit in New Cumnock and therefore if approved the development would only serve to relocate employment rather than be a new employer in the area. Although it is accepted there are mixed uses within the vicinity of the site it is not considered that the proposed use is compatible with the café downstairs or the health centre immediately adjacent.

3.5 It is considered that the proposed change of use is not acceptable at this particular location and the applicant has not addressed the issue of how parking would be achieved within the land available.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee because it would not be 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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CUMNOCK

APPLICATION BY MR T DICKSON

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, due to it having received third party letters of objection and being recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is a two storey building situated between Cumnock Health Centre and the Glaisnock Water and fronting onto the A70. The building which is a Category C Listed Building is constructed of ashlar stonework with a slate clad roof. The existing use of the building is as a café on the ground floor with an associated function hall on the first floor.

2.2 The site has direct access off the A70 road at The Tanyard by way of a private lane running between the existing building and Health Centre premises. This access serves a parking area to the rear of the building and this area backs onto the car park pertaining to the Health Centre. A dwarf brick wall forms the boundary between the two car parks.

2.3 **Proposed Development:** Full permission is sought to change the use of the first floor of the building to provide manufacturing space to accommodate eight industrial sewing machines for the production of home furnishings such as cushion covers. The applicant has indicated that eleven members of staff shall be required as a result of the development. It is understood that this will be existing staff that would transfer from the applicant's existing premises at Waterside Industrial Estate in New Cumnock.

2.4 The applicant has also advised that the car park at the rear would be for nine vehicles with loading and unloading at the rear entrance of the building only

in early morning or evening. The estimated vehicle movements are four cars per day on Monday to Thursday only.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has recommended that planning permission be refused. The Division has stated that the applicant has indicated that an additional eleven members of staff will be employed but there has been no increase in parking provision. Existing parking does not meet current guidelines and the proposal will put increased pressure on parking in the adjacent car park. The provision of a loading/unloading facility at the rear of the building is not acceptable as it is unlikely that it can be used if there are vehicles parked in the car park and this would increase the likelihood of vehicles parking on the public road in front of the building leading to increased congestion.

Parking provision for the proposed development requires to take into consideration the fact that the existing café business has a staffing level and the Roads Division has indicated that the existing car parking provision already falls short of requirements. This lack of parking provision would be exacerbated by the relocation of 11 additional staff members to these premises.

3.2 East Ayrshire Environmental Health Division has no adverse comments to make.

Noted.

3.3 East Ayrshire Economic Development Division has advised that this is an application which it would wish to support. The Division has stated that although the cafeteria has experienced a reasonable trading performance, the function room on the upper floor has not achieved its original business plan projections, to the detriment of the trading position of the business as a whole. The option to relocate the textile business to this accommodation would allow for a significantly tighter level of management control over both businesses. Relocation of the textile business into other accommodation within the ownership of the applicant would produce a saving in rental payments, which would in turn enhance the return to the business. In addition, the relocation of the textile business would release factory space which would then become available for the expansion of another adjacent local business.

Noted.

3.4 Cumnock Community Council has comments to make regarding the health and safety implications of the proposed development with particular regard to the upper floor not being access friendly to all, additional toilet facilities required and any other fire exit from the upper floor. The Community Council has also advised

that the upper floor which was previously granted permission was for the benefit of the young people of the town and surrounding areas and a safe play area for the under fives.

The health and safety concerns raised by the Community Council are matters which would be addressed in determination of an application for a Building Warrant, if permission is granted. Albeit the change of use to form a function hall was for the young people of the area the current application is for a further change of use and must be considered on its individual merits.

3.5 Cumnock and Doon Valley Access Panel has advised that the company will not be able to employ some people with a disability as all disabilities will not be able to access the upper floor. The upper floor should be kept for the original purpose, the young people of the town.

Noted.

4. REPRESENTATIONS

4.1 In addition to the concerns raised by the Roads Division, the Community Council and The Access Panel, three other letters of representation have been received.

4.2 The lack of parking will increase the burden on the public car park and increase the risk of unauthorised parking on Trust premises (Cumnock Health Centre). With parking at a premium for both Trust staff and patients this would be detrimental to the existing services offered by the Health Centre and to the community in general. The area is insufficient for the present needs of the Health Centre and the problem is made worse by visitors to the Box Café “sneaking” into the staff car park. Another 10 employees at the Box Café can only make the problem worse.

The proposed increase in staff and current insufficient parking has been cited as reasons for recommending refusal by the Roads and Transportation Division. It is noted that this is a material planning consideration which carries significant weight in the determination of the application.

4.3 The Trust has previously granted a right of vehicular and pedestrian access over the narrow lane between the Health Centre and the Box Café to allow access to a small parking area at the rear of the Box Café but this affords little or no manoeuvring for larger goods vehicles. The Trust has no intentions of authorising any parking in the lane as any short or longer term parking in this confined area would severely restrict free access/egress from the Trust’s own car

parking area. Although there is a right of access there is a problem of cars being parked in the lane despite “No Parking” notices having been erected. The proprietors of the Box Café have been advised but nothing has been done to eradicate this problem.

Right of access over this lane is not in itself a material planning consideration. However, it does reiterate the concerns raised by the Roads and Transportation Division regarding access to the site as well as the restricted space to the rear of the building for delivery vehicles turning. The lane is private and the Council has no remit over preventing people from parking on the lane, hence this is a civil matter between the owners/occupiers of the neighbouring properties. However, it does have implications for road safety, as vehicles parked there will prohibit access to delivery vehicles as well as emergency service vehicles for the health centre. This could result in service and delivery vehicles parking on the Tanyard.

4.4 Any lorry will require to reverse along the lane as there are no turning facilities in the small car park. Any large lorry aligning itself to reverse up this lane will cause considerable congestion in New Bridge Street.

It is recognised that this has serious implications for the traffic flow and road safety on the A70. This as well as other concerns have been substantiated in the recommendation made by the Roads and Transportation Division.

4.5 A further concern arising from the close proximity of certain clinical treatment areas and the Box Café is the possibility of increased noise levels, particularly the piercing beep which emanates from a reversing lorry, arising from both the proposed manufacturing process and increased deliveries being detrimental to the well being of patients and health care staff within the Health Centre.

The likely increase in the level of noise is a material consideration. However, the site is located within the central area of Cumnock which is a mixed use area and where there are a number of other premises receiving goods by larger delivery vehicles. The Council's Environmental Health Division did not cite noise pollution as a concern and it is therefore not considered that this issue is of sufficient weight to indicate refusal of the application.

4.6 While any increase in employment in the Cumnock area is welcome, the proposed siting of this workshop on the first floor of the Box Café does not seem to be the most appropriate location.

The proposed change of use would not in fact result in an increase in employment as it is a relocation of an existing business into the town. The proposed increase in staff is an increase to the existing number currently employed at the Box Café. The appropriateness of the manufacturing use is considered against all the material planning considerations and it is recognised that this particular site is not suited to such a use for a number of reasons as indicated below.

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 East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 Policy ADS3 states that new residential, commercial, cultural, educational and community development shall be directed to, and located within, settlements as defined in local plans.

The proposed development site is located within the settlement boundary of Cumnock and the proposal is therefore in accordance with this policy.

5.3 Policy E20 states that development proposals considered to have an adverse effect on the following heritage resources shall not conform to the structure plan:

- (a) listed buildings of architectural and historic interest;
- (b) designated conservation areas;
- (c) historic gardens and designed landscapes; and
- (d) archaeological locations.

The property is a Category C Listed Building within the Cumnock Conservation Area. No alterations are proposed for the building and it is considered that the development will have no direct adverse effect on the property in physical terms. However, it is considered that the lack of ancillary ground to accommodate adequate parking and loading/unloading facilities in connection with the proposed

development could result in the development having an overall adverse effect on the character of the Conservation Area within which the building is located.

East Ayrshire Local Plan

5.4 Policy SD7 states that the Council will support, encourage and promote the sympathetic upgrading, re-use and conversion of existing properties in preference to the construction of new build properties.

The proposal involves the reuse of the first floor of an existing property and is acceptable in terms of this policy.

5.5 Policy IND6 requires all proposals for new industrial or business development on land not specifically identified for such purposes on the Local Plan maps and changes of use of existing premises to industrial or business use to be justified against a set of eight separate criteria as follows:-

(i) locational need;

No justification for the development of an industrial unit at this location in planning terms has been submitted by the applicant. A justification in financial and economic terms has been suggested by the Economic Development Division, however, this is not material to the consideration of the proposed development. It is considered that the proposed use would be better sited within an established industrial area and there is no need for it to be located in this particular building, with its sensitive town centre location. The proposal is therefore contrary to this particular criterion.

(ii) availability of alternative land/premises in established industrial areas or on land identified as part of the marketable industrial land supply;

There are a number of alternative industrial development sites and safeguarded industrial areas in the Cumnock/Auchinleck areas designated in the East Ayrshire Local Plan. These areas are considered suitable for manufacturing uses through the local plan process and the proposed use would be better suited to these established industrial areas. With the existence of alternative established industrial areas within the area it is not considered that the establishment of an additional industrial unit at the development site is justified in terms of this policy. It should be noted that the applicant proposes to relocate from existing industrial premises within an established industrial estate.

(iii) economic benefit;

It is accepted that the proposal would be able to demonstrate an economic benefit.

(iv) impact on surrounding environment and adjacent uses;

It is considered that the proposal would have an adverse impact on the area within which it is located due to the nature of the operations proposed and increased vehicular movements associated with the development in an area with limited parking and servicing facilities. The proposal is considered to be out of keeping with and detrimental to the established café and children's facility on the ground floor of the property, which provides a valuable community facility for the youth of the town. The loss of the upstairs function room of the café to alternative uses would be unfortunate. The proposal is also considered to be detrimental to the amenity of the existing Health Centre that lies directly adjacent to the application site.

(v) transportation and infrastructure implications;

It is considered that the proposal would have an adverse impact on the surrounding environment due to increased vehicular movements in an area with limited parking facilities. The proposal is therefore contrary to this criterion.

(vi) loss of public amenity open space;

This criterion is not applicable to the application.

(vii) loss of prime quality and good quality locally important agricultural land falling within categories 1, 2, 3.1 and 3.2 of the Macauley Land Use Research Institute; and

This criterion is not applicable to the application.

(viii) impact on natural and built heritage resources.

The property is a Category C Listed Building and is of local importance. However, no alterations to the building are proposed.

5.6 Policy ENV1 states that the Council will seek to protect, preserve and enhance all heritage resources requiring conservation including Listed Buildings and Conservation Areas, together with their respective settings, Scheduled Ancient Monuments and Archaeological and Industrial Archaeological sites and landscapes.

The proposed development relates to a Category C Listed Building, within the Cumnock Conservation Area. It is considered that the introduction of an inappropriate industrial use and the transportation impact of the development would be detrimental to the character and amenity of the Cumnock Conservation Area and the setting of the Category C building in which the development is proposed.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses, third party letters of objection and the planning history of the site.

Consultations Responses

6.2 Some of the consultation responses received indicate that the application should be refused for the reasons outlined in Section 3 of the report. The proposed development has however received the support of the Economic Development Division

Planning History

6.3 The property has been the subject of a number of planning applications. In 2001 (Ref: 01/0229/FL) a change of use was granted to convert the former church and Council stores into a café and under 18 leisure and recreation centre and children's nursery. A further application (Ref: 02/0312/FL) was made to remove a condition on the consent to enable the premises to become licensed. This was also approved. The conversion to a licensed café and function hall for discos and private parties was considered to be an appropriate use within the town centre.

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 indicated in section 5 of the report, the application is not 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 refused unless material considerations indicate

otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, and it is considered that these have been addressed and do not carry sufficient weight to indicate that the application should be approved contrary to the development plan.

8.2 The application under consideration is for a further change of use of the first floor of the building to accommodate a manufacturing unit. As proposed it does not have any implications for the external appearance of the actual building which is a Category C Listed Building and is set within the Conservation Area.

8.3 The site itself is physically constrained in terms of its curtilage and the amount of available ground for parking and turning especially for delivery vehicles which would be coming and going in relation to the manufacturing unit, if approved. It is evident that there is already a shortage of dedicated parking spaces for the employees and customers of the Box Café and hence the proposal would have significant implications for the other public car parks available in the town. The egress of delivery vehicles onto the A70, particularly in the absence of a turning area, would also create a road safety hazard. Hence the Roads and Transportation Division has recommended that planning permission is refused.

8.4 Albeit that the Council's Economic Development Division has stated its support for the proposed change of use, there is no site specific locational need for the textile business to be located in the same building as the Box Café. The proposed manufacturer would be an existing company that currently occupies an industrial unit in New Cumnock and therefore if approved the development would only serve to relocate employment rather than be a new employer in the area. Although it is accepted there are mixed uses within the vicinity of the site it is not considered that the proposed use is compatible with the café downstairs or the health centre immediately adjacent.

8.5 It is considered that the proposed change of use is not acceptable at this particular location and the applicant has not addressed the issue of how parking would be achieved within the land available.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons listed on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee because it would not be a significant departure from policy.

Alan Neish
Head of Planning and Building Control

31 October 2003
NM/NM/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).

Anyone wishing to inspect the above background papers should contact Nicola Monroe on 01563 555485.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0747/FL

Location	The Box Café Tanyard CUMNOCK KA18 1DP
Nature of Proposal:	Proposed change of use on upper floor from function hall to manufacturing
Name and Address of Applicant:	Mr T Dickson The Box Café Tanyard CUMNOCK KA18 1DP
Name and Address of Agent	As above

DPO's Ref: Nicola Monroe
PPO's Ref: Hugh Melvin

The above FULL application should be refused for the following reasons:-

1. It is considered that the proposed development would be detrimental to the overall character and amenity of the Cumnock Conservation Area and would introduce an inappropriate industrial development into a sensitive, historic property located within the town centre of Cumnock. The proposal is therefore contrary to Policy ENV1 of the Adopted East Ayrshire Local Plan the provisions of which state that new development which is considered to have an adverse effect on the character of a designated Conservation Area or a Listed Building will not conform to the development plan.
2. The development is considered to be out of keeping with and detrimental to surrounding community uses and with the existing café use on the ground floor of the property. It therefore breaches the provisions of Policy IND6 of the Adopted East Ayrshire Local Plan which requires that proposals for new industrial or business development on land not specifically identified for such purposes shall be assessed against a set of criteria including its impact on the surrounding environment and adjacent uses.
3. The development as proposed has not demonstrated that there is parking and turning area sufficient to serve the unit and it is therefore contrary to the terms of Policy IND6 of the Adopted East Ayrshire Local Plan which assesses new industrial or business development against a set of criteria which includes transportation and infrastructure implications. The proposed development, if approved, is likely to have an adverse impact on road safety on the A70 road at this location.

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