

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 06 SEPTEMBER 2002

**02/0496/FL: PROPOSED CHANGE OF USE OF VACANT FORMER
PRIMARY SCHOOL TO BUSINESS / STORAGE CENTRE AT
AUCHINLECK PRIMARY SCHOOL, SCHOOL ROAD, AUCHINLECK**

APPLICATION BY MR GEORGE GLOVER AND PARTNERS

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for a change of use of the premises to use as a business and storage centre. The applicant has indicated that the business centre element of the proposal involves the provision of 8 individual offices for accommodation for small businesses. The storage element involves the temporary storage of furniture in a separate part of the building. It is proposed that no industrial processes will be carried out on the site. The use of the existing access is proposed and the applicant has indicated that 20 car parking spaces will be provided.

1.2 The applicant has confirmed that the alterations and upgrading of the building will not involve any external alterations to the recently Listed Building.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report, the application is considered to be contrary to Policy 68 of the Adopted Local Plan. Therefore, given the terms of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. It is, however, considered that the loss of the premises to educational/community use would not have a significant impact on the overall provision of community facilities.

3.2 As is indicated in Section 6 of the report, there are further material considerations relevant to the determination of the application. In this regard, the provisions of the East Ayrshire Local Plan (Finalised Version with Modifications) in part presume in favour of the business element of the proposal in so far as it relates to uses under Class 2 of the UCO 1997. However the use of the premises for office uses not falling within Class 2 but

Class 4 (i) of the UCO 1997, and the storage use of the premises, would be contrary to the policy provisions of the EALP.

3.3 However, office uses falling within Class 4(i) require to be of a nature that can be carried on in any residential area without detriment to the amenity of the area due to noise, vibration, smell etc. In this respect it is considered that such business uses of the premises would be acceptable at this location. Similarly, the temporary storage element of the proposal, which does not specifically comply with the provisions of the EALP, could be conditioned as a temporary use, in order to minimise any impact on residential amenity.

3.4 No adverse consultation replies have been received in respect of the application. Although the proposed development is contrary to the development plan, and the Council has a financial interest in the development site, there have been no objections to the proposal. In this respect the application will not require to be notified to the Scottish Ministers.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not be required to be referred to the Development Services Committee for determination as such a decision would comply with Policy 68 of the Adopted Local Plan.

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 as the proposal is contrary to policy and is recommended for approval.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site, which measures approximately 950 square metres in area, comprises the former Auchinleck Primary School and its grounds and lies on the south side of School Road, Auchinleck. The property is currently in the ownership of the Council. The school is now vacant and this recently listed Category B Listed Building is susceptible to vandalism and is falling into an increasingly dilapidated state. The site is accessed via an existing access from School Road. It is bounded to the north, west and south by residential premises on School Road, Sorn Road and Main Street respectively. The Railway Hotel also lies to the south of the site on Main Street whilst the indoor bowling rink lies to the east of the site.

2.2 **Proposed Development:** Full planning permission is sought for a change of use of the premises to use as a business and storage centre. The applicant has indicated that the business centre element of the proposal involves the provision of 8 individual offices for accommodation for small businesses. The storage element involves the temporary storage of furniture in a separate part of the building. It is proposed that no industrial processes will be carried out on the site. The use of the existing access is proposed and the applicant has indicated that 20 car parking spaces will be provided.

2.3 The applicant has confirmed that the alterations and upgrading of the building will not involve any external alterations to the recently Listed Building.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objection to the proposal subject to conditions in respect of the access gates, the provision of a turning area within the site, visibility splays and the provision of on site car parking.

Should the application be approved, appropriate conditions in respect of the above can be included on the planning permission.

3.2 East Ayrshire Council Environmental Health and Waste Management Service has no objection to the proposal.

Noted.

3.3 Auchinleck Community Council has no objection to the proposal.

Noted.

3.4 East Ayrshire Council's Administrative and Legal Service has confirmed that the Council has entered into suspensive missives for the sale of the site, suspensive on the applicant obtaining detailed planning permission.

Noted.

3.5 East Ayrshire Council's Department of Homes and Technical Services has no objection to the proposal.

Noted.

3.6 East Ayrshire Council's Economic Development Division has no objection to the proposal.

Noted.

3.7 Scottish Water has no objection to the proposal.

Noted.

3.8 The Scottish Civic Trust has not responded to the consultation letter at the time of writing this report.

Noted.

3.9 The Architectural Heritage Society of Scotland has not responded to the consultation letter at the time of writing this report.

Noted.

3.10 Cumnock and Doon Valley Access Panel has not responded to the consultation letter at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 No representations have been received in respect of the application.

Noted.

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 in the context of the then emerging Strathclyde Structure Plan.

5.2 Policy 25 of the Adopted Local Plan states that development which is detrimental to the amenity and enjoyment of nearby dwellinghouses will not be permitted within areas of mixed uses.

It is not considered that the proposed business element of the proposal, which relates solely to the provision of office accommodation, would be detrimental to the amenity of the surrounding dwellinghouses. It is also considered that the storage element of the proposal would not be detrimental to the amenity of the adjacent dwellings. The applicant has indicated that furniture will be stored within the premises and that the storage use is proposed to be temporary. Appropriate conditions in that regard can be included on any planning permission granted.

5.3 Policy 68 of the Adopted Local Plan is also of relevance. This policy provides that, wherever possible, existing community and educational facilities will be maintained.

This proposal, which represents the loss from educational and community use of the former school buildings, is considered to be contrary to the provisions of Policy 68 of the Adopted Local Plan. However, given the school has been vacant for some time and that a replacement primary school has been provided, it is not considered that the loss of the premises from educational /community use would have a significant impact on the overall provision of community facilities in the Local Plan Area.

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 and the consultation responses.

East Ayrshire Local Plan

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 is identified as a Miscellaneous Development Opportunity Site within the EALP. Under Policy AUCHINLECK 3, the Council will encourage the development of the site for community, residential or other uses as detailed in Schedule 5 of the Local Plan. Schedule 5 uses include those uses within Class 2 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

Class 2 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, (UCO), relates to office uses for financial, professional and other services where the services are provided principally to visiting members of the public. This would include betting shops, the offices of solicitors, accountants and estate agents, and the surgeries of doctors, dentists and veterinary surgeons. It is therefore considered that such uses of the proposed office units would be consistent with the terms of AUCHINLECK 3.

The applicant has not provided any detailed information on the potential businesses that would occupy the proposed office units. It is likely that the proposed office uses would fall within Class 4(i) of the UCO, being office uses, other than those that fall within Class 2 as indicated above, that can be carried on in any residential area without detriment to the amenity of that area by means of noise, vibration smell, fumes, smoke, soot, ash, dust or grit. The policy provisions of AUCHINLECK3 would presume against Class 4(i) uses. However, it is considered that Class 4(i) uses could be acceptable within the former school premises given its location adjacent to a predominantly residential area. A condition could be attached to any consent granted for the proposed development restricting the proposed use of the offices to those uses falling within Classes 2 and 4(i) of the UCO,

The temporary use of part of the premises for storage also does not fall within Schedule 5 of the EALP. However, it is considered that, should the application be approved, a condition limiting the

temporary use of the site for storage purposes to two years could be included on the planning permission. A further condition limiting the materials temporarily stored within the premises to commercial or domestic furniture could also be included on any planning permission granted. It is therefore considered that, whilst the storage element of the proposal is not a Schedule 5 use, the use could be carried out with minimal impact on residential amenity.

Consultations

6.4 No consultation replies have been received that would indicate the application should be refused.

Noted.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 Financial and legal implications may arise through the sale of the site, subject to the approval of this application, as the property is in the ownership of the Council.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report, the application is considered to be contrary to Policy 68 of the Adopted Local Plan. Therefore, given the terms of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. It is, however, considered that the loss of the premises to educational/community use would not have a significant impact on the overall provision of community facilities.

8.2 As is indicated in Section 6 of the report, there are further material considerations relevant to the determination of the application. In this regard, the provisions of the East Ayrshire Local Plan (Finalised Version with Modifications) in part presume in favour of the business element of the proposal in so far as it relates to uses under Class 2 of the UCO 1997. However the use of the premises for office uses not falling within Class 2 but Class 4 (i) of the UCO 1997, and the storage use of the premises, would be contrary to the policy provisions of the EALP.

8.3 However, office uses falling within Class 4(i) require to be of a nature that can be carried on in any residential area without detriment to the amenity of the area due to noise, vibration, smell etc. In this respect it is considered that such business uses of the premises would be acceptable at this location. Similarly, the temporary storage element of the proposal, which does not specifically comply with the provisions of the EALP, could be conditioned as a temporary use, in order to minimise any impact on residential amenity.

8.4 No adverse consultation replies have been received in respect of the application. Although the proposed development is contrary to the development plan, and the Council has a financial interest in the development site, there have been no objections to the proposal. In this respect the application will not require to be notified to the Scottish Ministers.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed on the attached 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, the application will not be required to be referred to the Development Services Committee for determination as such a decision would comply with Policy 68 of the Adopted Local Plan.

Alan Neish
Head of Planning and Building Control
26 August 2002
DS/HM/DS
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices and Certificate.
3. Consultation responses.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted Cumnock and Auchinleck Local Plan.
6. East Ayrshire Local Plan (Finalised Version with Modifications).

Any person wishing to inspect the background papers listed above should contact Mr Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

4. Prior to the commencement of the uses hereby approved, a visibility splay area shall be formed and thereafter maintained such that there shall be no obstruction to visibility over 1 metre in height within a visibility splay of 4.5 metres by 90 metres at the access to the site from School Road.

REASON – In the interest of public road safety.

5. Prior to the commencement of any work on the site, details showing the exact location and dimensions of the 20 car parking spaces to be provided within the site shall be submitted to and approved by the Planning Authority. The approved car parking spaces shall be provided within the site prior to the commencement of the uses hereby approved and maintained within the site, free from obstruction, at all times thereafter.

REASON – To ensure that adequate car parking is provided, in the interest of public road safety.

6. Notwithstanding any specification on the approved plans or application form, a turning area shall be provided within the site prior to the commencement of the uses hereby approved. The turning area shall be maintained within the site, free from obstruction, at all times thereafter.

REASON – In the interest of public road safety.

7. Any access gates shall open inwards only, away from the public road.

REASON – In the interest of public road safety.

8. Formal application for planning permission in respect of detailed plans of any proposed new buildings or extensions or alterations (including building materials), and any new accesses shall be submitted to and approved by the Planning Authority before any such development commences.

REASON – The approval relates to a change of use only.

➤ **NOTE TO APPLICANT**

1. The applicant is advised to contact East Ayrshire Council Planning and Building Control Division, Council Offices, Lugar, with regard to the possible requirement for Listed Building Consent should any alterations be required to the existing boundary wall and gates in order to achieve the required visibility splay.

**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