

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 05 OCTOBER 2007

**07/0572/FL: CHANGE OF USE FROM DWELLINGHOUSE TO SHOP
(PHARMACY) AT 6 MAIN STREET, DALRYMPLE**

APPLICATION BY MRS CHRISTINE DALY

Report by Head of Planning and Economic Development

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

It is proposed to change the use of the existing dwellinghouse to that of a pharmacy / chemist's shop. No external changes are proposed other than proposed signage which is not included as part of this application. The applicant has noted that some minor changes will take place internally to comply with Pharmaceutical Society Guidelines; however this would not require to be the subject of a further planning application.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As indicated in section 5 of 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 Section 6 of the report, there are material considerations relevant to this application; however it is considered that they are not of sufficient weight to justify a departure from policy in this case.

3.2 The proposal is compliant with the East Ayrshire Local Plan and with the imposition of appropriate conditions it is considered that the proposal will not adversely affect the adjacent residential amenity of the surrounding properties and the wider conservation area to any significant degree.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, the application will not require to be referred to the Principal Planning Committee because it would not be a significant departure from the development plan.

Alan Neish

Head of Planning, Development and Building Standards

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 Economic Development

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, because the proposed development is subject to more than 10 objections including an objection from Dalrymple Community Council.

2. APPLICATION DETAILS

2.1 The application site comprises an existing mid-terraced cottage style dwellinghouse located within the central part of Dalrymple Conservation Area and fronts onto Main Street and backing onto Church Street. The property has a hipped roof dormer to the front elevation with an adjoining flat roof dormer finished in render. To the rear the property lies a good sized garden with a single level extension. The end-terrace property, which forms part of the terraced property, is currently utilised as a retail use referred to as the Corner Shop.

2.2 **Proposed Development:** It is proposed to change the use of the existing dwellinghouse to that of a pharmacy / chemist's shop. No external changes are proposed other than proposed signage which is not included as part of this application. The applicant has noted that some minor changes will take place internally to comply with Pharmaceutical Society Guidelines; however this would not require to be the subject of a further planning application.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Environmental Health Division has no objection to the proposed change of use.

Noted.

3.2 East Ayrshire Council Roads and Transportation Division has no objection to the proposal stating that parking is not an issue at present; however should the change of use cause parking problems then the Division may in the future impose restrictions or conditions by the powers invested under the Roads (Scotland) Act 1984.

Noted.

3.3 Dalrymple Community Council has formally objected to the proposed development on the grounds that local residents have concerns regarding security if it were to become a pharmacy and also the fact that the said property is over 100 years old and has always been occupied as a house in all this time.

It is noted that the use of this property has historically been that of a residential dwellinghouse and the external appearance of the property demonstrates this. However the adjacent property also with a relative residential appearance has a current retail use (corner shop) and therefore a precedent has been made. The applicant does not propose any changes to the external appearance of the property other than the erection of signage which can be controlled through the planning system. In visual amenity terms, it is not considered that it will adversely affect the external appearance and visual amenity of the area.

The proposed use as a pharmacy could have implications for residential amenity in terms of potential noise, litter and traffic generation with patrons accessing the proposed facility. However, given the nature of the proposed business, it is not considered that such impacts would be significant in this case.

4. REPRESENTATIONS

4.1 Ten third party letters of objection have been received with respect to the proposed development and the main points of objection are summarised as follows:

4.2 Main Street and Garden Street are the old part of the village incorporating listed buildings which have to adhere to strict planning regulations. I feel it more important to preserve these streets.

It is agreed that the application site lies within the oldest part of Dalrymple. However the application is for a change of use of the property and with no significant alterations proposed to the external appearance, it is considered that the proposal will not degrade the existing character of the building. In addition any proposed future

external works to the property would require to be the subject of an application for planning permission. Therefore it is not considered that the change of use of the property would adversely affect the visual character of the adjacent listed buildings or conservation area.

4.3 As a result of speed bumps and islands taken out from the footpath, 8 parking spaces have already been lost. In a now crowded street a business would only add to this chaos and would have major safety issues.

The Roads and Transportation Division has not raised any road safety issues resulting from the proposed change of use. Comments state that if any parking issues follow as a result of the application the Division may impose restrictions on parking, implemented through the Roads (Scotland) Act, 1984.

4.4 The nature of the i.e. pharmacy is worrying to existing residents in it being a “soft target” for vandalism and theft. The premises do not allow for any ‘on the premises’ accommodation, so security would be an issue for residents. It could become a target for the already existing and increasing drug culture that is plaguing our village thereby increasing criminal activity.

The point made by the objector is not a valid planning ground of objection as it is considered that this is a matter of policing. It is not appropriate to necessarily attribute an increase in crime with the formation of a pharmacy.

4.5 Security – both with the stock which would be held on the premises, this could cause all sorts of problems with break-ins etc. Also the owner will not be living there and this could cause major problems if the alarm is triggered.

This point is not considered to be a valid planning ground of objection and is a matter of policing.

4.6 I want to know that the shop was not going to be prescribing methadone now or at any time in the future.

In this case it would be for the applicant to determine whether the pharmacy would prescribe methadone as this is not something that the Planning Authority would have any specific control over and is therefore not considered to form a valid planning ground of objection.

4.7 A pharmacy is not required as the village is served very well for prescriptions by the present post office.

As no formal pharmacy exists in Dalrymple the applicant states within the supporting statement that the proposal will provide a formal service to the village and as part of new contracts, pharmacies will support and promote the Minor Ailment Scheme and Public Health campaigns. It is considered that the creation of a formal pharmacy facility as proposed will provide extra services for the community of Dalrymple.

4.8 The proposed development would be in the midst of a residential terraced homes and would constitute a major problem for immediate neighbours.

The proposed use as a pharmacy will have implications for residential amenity in terms of potential noise, litter and traffic generation. However, given the nature of the proposed business, it is not considered that such impacts would be significant in this case.

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 There are no policies in the Structure Plan especially relevant to the proposed development.

Noted.

East Ayrshire Local Plan

5.3 Policy RTC6 states that, in settlements with no town centre boundary indicated on the Local Plan maps, the Council will encourage and support the reuse of properties currently in Schedule 5 use for alternative purposes, only where it can be demonstrated to the satisfaction of the Council, that an appropriate, alternative Schedule 5 use cannot be found.

This part of the policy is not applicable as the application relates to a property currently in residential use.

The policy further states that within such settlements, proposals for those types of development detailed in Schedule 5 will be assessed on their own merits and

will be considered acceptable where the proposals meet a series of stated criteria as follows:

- (i) do not exceed 200m² gross floor area;

The applicant has indicated that the area of the site is 90 m² therefore the proposal is well below this threshold

- (ii) meet with the Council's design and layout policies;

The proposal does not conflict with the Council's design guidance.

- (iii) meet with the requirements of the Council as Roads Authority;

The Roads and Transportation Division has raised no objections to the proposal.

- (iv) do not have a detrimental effect on the amenity of adjacent properties by reason of noise, litter, odour, or any other nuisance or disturbance; and

The proposal is for the change of use to a pharmacy and it is considered that the proposal is unlikely to have any significant detrimental impact on adjacent properties in terms of noise, litter, odour, or any other nuisance or disturbance

- (v) are compatible with surrounding land uses.

It is considered that the proposal is compatible with surrounding land uses.

5.4 Policy ENV4 seeks 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. The policy also states that development 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 proposal lies within Dalrymple Conservation Area and it is considered that as long as there are no significant external alterations, the proposal will be sympathetic to the character and appearance of the Conservation Area.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representations received and the statement of support by the applicant.

Consultations Responses

6.2 None of the consultation responses have raised any issues which would indicate that the application should be refused other than the representations from Dalrymple Community Council which are considered to have been adequately addressed.

Representations

6.3 It is considered that the representation made are either not valid, can be addressed by the imposition of conditions or are not of sufficient weight to merit refusal of the application.

Statement of Support by Applicant

6.4 The applicant has submitted a detailed statement in support of the proposal, the main points of which have been summarised below:

- Dalrymple has had a significant increased population in the last few years and there are still more houses being built there. As such it is now viable to support a community pharmacy and I have been looking for suitable premises in which to provide one for quite a while. There are no available retail premises in Dalrymple and East Ayrshire Council Estates Section has advised it has no sites available so it has been a case of waiting until somewhere suitable to convert onto a pharmacy came up for sale.
- I have bought 6 Main Street, Dalrymple with the sole intention of converting it into a pharmacy. I do not intend making any changes to the overall look of the building other than to have appropriate signage outside, stating the name of the pharmacy.
- The residents of Dalrymple have very few services available locally only a part time doctor's surgery and their nearest pharmacy is almost 5 miles away so I'm sure they would welcome a pharmacy in the village.
- Now as part of new contracts, pharmacies provide the Minor Ailment Scheme and Public Health campaigns along with all the usual pharmaceutical services and will be further involved monitoring various conditions in the future. Ayrshire and Arran Health Board also provides access to general health

services through pharmacies, which makes it even more important that people have easy access to a pharmacy.

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 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 Section 6 of the report, there are material considerations relevant to this application; however it is considered that they are not of sufficient weight to justify a departure from policy in this case.

8.2 The proposal is compliant with the East Ayrshire Local Plan and with the imposition of appropriate conditions it is considered that the proposal will not adversely affect the adjacent residential amenity of the surrounding properties and the wider conservation area to any significant degree.

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 Economic Development, the application will not require to be referred to the Principal Planning Committee because it would not be a significant departure from the development plan.

Alan Neish
Head of Planning and Economic Development.

25 September 2007
RG/HM/RG
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. Supporting statement from applicant.

Anyone wishing to inspect the above background papers should contact Robin Ghosh on 01563 555483.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 07/0572/FL

Location	6 MAIN STREET, DALRYMPLE
Nature of Proposal:	CHANGE OF USE FROM DWELLINGHOUSE TO SHOP (PHARMACY)
Name and Address of Applicant:	MRS CHRISTINE DALY 10 CUTSTRAW ROAD STEWARTON KILMARNOCK
Name and Address of Agent	N/A

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

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

1. The delivery of supplies to the proposed pharmacy shall be restricted between 0900 and 1700 hours Monday to Friday, with no deliveries taking place on Saturdays or Sundays.

REASON – In the interests of residential amenity.

2. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, no signage shall be erected on the premises without the prior written approval of the Planning Authority.

REASON – In the interests of visual amenity.

3. The development hereby approved relates to a formal change of use of the premises only and that any proposed alterations to the external appearance of the property shall require the formal prior approval of the Planning Authority.

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

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