

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 08 OCTOBER 2004**

**04/0744/FL: PROPOSED CHANGE OF USE FROM WHOLESALE  
WAREHOUSE TO LICENSED BETTING OFFICE CLASS 2 AT 31 LOUDOUN  
STREET, MAUCHLINE**

**APPLICATION BY CORAL ESTATES LTD.**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the change of use of the existing former warehouse, which is used by a sports shop in the vicinity, to a licensed betting office. There are no changes to the external appearance of the building proposed at present, however, any external signage would require to be assessed separately under the Town and Country Planning (Control of Advertisement Regulations) (Scotland) 1984.

**2. RECOMMENDATION**

**2.1 It is recommended that the application be approved.**

**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 these have been thoroughly considered and do not indicate the recommendation should be one of refusal.

3.2 The building is located in the central area of the town of Mauchline in which a variety of uses are encouraged in the interests of the vitality of the town centre. The proposed use as a betting office is not considered to be detrimental to this and is therefore acceptable in principle.

3.3 The proposed change of use does not incorporate any material changes to the external appearance of the building and hence has no impact on the quality of the built environment in which it is located. Should the applicants wish to install signage, this would require to be assessed under the appropriate regulations and would of course require to be sympathetic to its location in the Conservation Area.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee because it would not represent 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.**

## EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 08 OCTOBER 2004

**04/0744/FL: PROPOSED CHANGE OF USE FROM WHOLESALE  
WAREHOUSE TO LICENSED BETTING OFFICE CLASS 2 AT 31 LOUDOUN  
STREET, MAUCHLINE**

**APPLICATION BY CORAL ESTATES LTD.**

**Report by Head of Planning, Development and Building Standards**

### **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 subject to an objection.

### **2. APPLICATION DETAILS**

2.1 **Site Description:** The site is a two storey building in the central area of the settlement of Mauchline. Also located in the Conservation Area the traditional building is constructed of ashlar sandstone with a dual pitched slated roof. The first floor windows to the property remain as original white painted timber sliding sash and case units. The windows to the ground floor are mahogany timber top-hopper units. The entrance door, which has vertically lined timber panels, is featured with a recessed surround and the sign writing above is in gold leaf.

2.2 Albeit the site is located in the Conservation Area there are a mixture of retail, commercial and residential properties in the vicinity, not all of which display the best characteristics of the designation. The property at No.29 accommodates a kebab shop and the property at No.33 is a bakery with coffee shop. Mauchline Parish Church lies across the public road from the site and the primarily residential street of Horwood Place lies to the rear. There is a vehicular access to the rear of the property via the Cowgate which accesses onto Loudoun Street.

2.3 **Proposed Development:** Full planning permission is sought for the change of use of the existing former warehouse, which is used by a sports shop in the vicinity, to a licensed betting office. There are no changes to the external appearance of the building proposed at present, however, any external signage would require to be assessed separately under the Town and Country Planning (Control of Advertisement Regulations) (Scotland) 1984.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objections to the proposed development.

***Noted.***

3.2 Mauchline Community Council has been consulted but no response had been received at the time of writing this report.

***Noted.***

### 4. REPRESENTATIONS

4.1 The planning application has attracted representation from one third party. The letter objects to the proposed development on the following grounds.

4.2 East Ayrshire host a Festival every year in Mauchline where tourists come to both the Parish Church where Robert Burns family are buried and the Poosie Nansies Public House where Robert used to come and drink. Would the planners give permission to a Book Makers being at any of the other tourist attractions in the area? (I think not).

***There are indeed a number of tourist attractions in the vicinity of the site. However, it is also in the central area of the town where a variety of retail and commercial premises are encouraged and it is not considered that the betting office as applied for will have any detrimental impact on tourism within Mauchline. This objection is therefore of no weight in the determination of the application.***

4.3 You can see the road is very narrow and indeed outside block 6 and block 41 it is even worst. At the top of the road there are traffic lights and all the way up there are double yellow lines. Are East Ayrshire going to pay a traffic warden to collect the penalty for parking on the said lines, while the punter is waiting for his horse to win? (again I think not).

***The proposed change of use is not considered to have any significant impact on any traffic congestion which may already exist. The application has been the subject of a consultation to the Council's Roads and Transportation Division and no objections were raised. Additionally, if there is an issue of people parking on the double yellow lines this is a matter for Strathclyde Police to address. This objection, whilst material, is therefore not considered to be of significant weight to indicate the application should be refused.***

4.4 I think there must be much other business that would be worthwhile to the area than another Book Makers in the town.

***The application has been made for the change of use to form a licensed betting office and it is this which must be considered. This objection is therefore not material to the determination of the application.***

## **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 and the Adopted East Ayrshire Local Plan (2003).

### Ayrshire Joint Structure Plan

5.2 There are no policies contained within the structure plan which are of particular relevance to this planning application.

### East Ayrshire Local Plan

5.3 Policy RTC2 states that the 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 application site is located within the town centre boundary of Mauchline. The proposed use as a betting office is a Class 2 use as defined in Schedule 5 of the local plan. The proposal is therefore considered acceptable in terms of Policy RTC2.***

5.4 Policy IND8 states that proposals for alternative uses of land or premises currently or formerly used for industrial purposes shall be considered acceptable subject to a set of three criteria being met, as follows:

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

***The proposed use is an acceptable town centre use as defined in local plan Policy RTC2 and is unlikely to be detrimental to surrounding established uses.***

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

***The proposal is considered to meet with the requirement of all other relevant Local Plan policies.***

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

***Alternative industrial or business land or premises with potential for future employment use is available elsewhere within Mauchline.***

5.5 Policy ENV2 states that the Council will actively encourage the retention, restoration, renovation and re-use of listed buildings, unlisted buildings in Conservation Areas and other locally important, especially traditional older properties, throughout the area. There will be a presumption against the demolition or partial demolition of all such properties.

***The property relates to an unlisted building within the Mauchline Outstanding Conservation Area. Renovation and reuse of the property is encouraged and is acceptable in planning policy terms.***

5.6 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.

***It should be ensured that any changes that are proposed to the property are sympathetic and in keeping with the character and appearance of the Outstanding Conservation Area. In this regard, any subsequent physical changes to the property that are proposed should be assessed against the Council's Design Guidelines for Listed Buildings and Buildings in Conservation Areas.***

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and third party representations.

## Consultation Responses

6.2 There are no consultation responses which would indicate the application should be refused.

## Representations

6.3 The objections which have been raised by a third party are not considered to be of sufficient weight to indicate the application should be refused.

## **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 these have been thoroughly considered and do not indicate the recommendation should be one of refusal.

8.2 The building is located in the central area of the town of Mauchline in which a variety of uses are encouraged in the interests of the vitality of the town centre. The proposed use as a betting office is not considered to be detrimental to this and is therefore acceptable in principle.

8.3 The proposed change of use does not incorporate any material changes to the external appearance of the building and hence has no impact on the quality of the built environment in which it is located. Should the applicants wish to install signage, this would require to be assessed under the appropriate regulations and would of course require to be sympathetic to its location in the Conservation Area.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved.**

## **CONTRARY DECISION NOTE**

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

**Alan Neish**  
**Head of Planning, Development and Building Standards**

24 September 2004  
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: 04/0744/FL

---

Location	31 Loudoun Street MAUCHLINE KA5 5BE
Nature of Proposal:	Proposed change of use from wholesale warehouse to licensed betting office Class 2
Name and Address of Applicant:	Coral Estates Ltd 25-27 Front Street CHESTER LE STREET DH3 3XD
Name and Address of Agent	Mr Scott Munro Wardhadaway Solicitors Sandgate House 102 Quayside NEWCASTLE UPON TYNE NE1 3DX

---

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

The above **FULL** application should be granted. A note to the applicants should be attached as follows.

➤ **NOTE TO APPLICANTS**

1. Any external signage which the applicant intends to install may require the further written approval of the Planning Authority and if so required shall be the subject of an application for Advertisement Consent.

**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.**