

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 26 OCTOBER 2001

**01/0603/FL: PROPOSED CHILDREN'S PLAY CENTRE AND ALTERATION
TO EXISTING SHOP PREMISES
AT 8 HIGH STREET STEWARTON
FOR PAUL McSKEANE**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for a change of use of the premises to form a children's play centre. No external alterations are proposed to the building other than the erection of an advertisement on the front of the premises which will require to be the subject of an application for advertisement consent. The applicant also proposes to use the rear yard area as an outdoor play area.

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 at paragraph 5.2 above, the proposed development 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 at para 6.1 above, there are material considerations relevant to the development of the application. In this instance, the proposal is contrary to the provisions of Policy RES 1 of the EALP (Finalised Version with Modifications). Nevertheless, the proposal accords with the provisions of Policy RTC2 of the EALP (Finalised Version with Modifications) and it is considered to be an acceptable town centre use in terms of planning policy.

3.2 No representations have been received and there are no adverse consultation replies.

**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 to the Local Planning Committee a full application for determination under the Scheme of Delegation as the application is recommended for approval and is a minor departure from policy.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a vacant retail unit on the north side of High Street, within the commercial and retail centre of Stewarton some 20m east of the junction with Avenue Street. The unit is a single storey, flat roofed modernist structure with a substantial yard area to the rear. Further retail and commercial premises lie to the west and opposite the site. The John Knox Church lies to the east. Residential properties lie to the west and opposite the site, above the retail units.

2.2 **Proposed Development:** Full planning permission is sought for a change of use of the premises to form a children's play centre. No external alterations are proposed to the building other than the erection of an advertisement on the front of the premises which will require to be the subject of an application for advertisement consent. The applicant also proposes to use the rear yard area as an outdoor play area.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objection to the proposal.

Noted.

3.2 East Ayrshire Council Environmental Health Section has no adverse comments on the proposals.

Noted.

3.3 The West of Scotland Water Authority has no objection to the proposal provided the development complies with current water bylaws.

Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.

3.4 Stewarton Community Council has not responded to the consultation letter at the time of writing.

Noted.

4. REPRESENTATIONS

4.1 There are no representations.

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 Stewarton Local Plan (1987). The Adopted Local Plan was prepared in the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the application requires to be determined with regard to Policy 5.1.7. This policy states that:

“The District Council shall only allow non-retail uses in the core shopping area as shown on the Proposals Map, where the proposed development falls within any of the following categories:-

(ii) The commercial use as defined by Groups RT02 (B) and 03 of the National Land Use Classification 1975, (Personal Services and Catering), and Group CM01 (Medical Treatment Centres), which in the opinion of the District Planning Authority can be carried on without detriment to the operation of adjacent retail activities.”

It is considered that the proposal complies with the provisions of Policy 5.1.7 of the Adopted Local Plan.”

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material consideration relevant to the determination of this application is the East Ayrshire Local Plan, Finalised Version with Modifications.

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 application site lies within the town centre boundary and is identified as a housing site in the EALP (Finalised Version with Modifications). Policy RES 1 of the EALP (Finalised Version with Modifications) states that such sites will be reserved for residential development.

It is considered that the proposal is contrary to Policy RES 1 of the EALP (Finalised Version with Modifications).

6.4 Notwithstanding the provisions of Policy RES 1, Policy RTC 2 of the EALP (Finalised Version with Modifications) stipulates that the types of development detailed in Schedule 5 of the Local Plan will be considered acceptable within town centres.

As the children's play centre is a Schedule 5 Use falling within Class 11 of the Use Classes Order, the proposal is considered to accord with the provisions of Policy RTC2. It is further considered that the proposal is an acceptable use for the site in planning policy terms, given that it is a commercial use which will have no detrimental impact on the viability of Stewarton as a retail centre, particularly as the site is presently vacant.

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 at paragraph 5.2 above, the proposed development 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 at para 6.1 above, there are material considerations relevant to the determination of the application. In this instance, the proposal is contrary to the provisions of Policy RES 1 of the EALP (Finalised Version with Modifications). Nevertheless, the proposal accords with the provisions of Policy RTC2 of the EALP (Finalised Version with Modifications) and it is considered to be an acceptable town centre use in terms of planning policy.

8.2 No representations have been received and there are no adverse consultation replies.

9. RECOMMENDATION

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

**Alan Neish
Head of Planning and Building Control**

9 October 2001 (DS/SA)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices and Certificates.
3. Consultation Replies.
4. EALP (Finalised Version with Modifications).
5. Adopted Stewarton Local Plan.
6. Approved Ayrshire Joint Structure Plan.
7. Approved Strathclyde Structure Plan.

Any person wishing to inspect the above background papers listed above should contact Derek Scott on (01563) 576769.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0603/FL

Site of Proposal: 8 High Street
STEWARTON

Natural of Proposal: Proposed Change of Use of Vacant Retail
Premises to Form Children's Play Centre

Name & Address of Applicant: Mr Paul McSkeane
11 Dunlop Street
STEWARTON
Kilmarnock KA3 5AS

Name & Address of Agent: John Wetten Brown Architect
23 Cranworth Street
GLASGOW G12 8BZ

DPOs Reference: DS/SA

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

1. Prior to the commencement of the use of the site as a children's play centre, details indicating the treatment and equipment to be installed in the outdoor play area, including details of any fences or walls to be erected, shall be submitted to and approved in writing by the Planning Authority.

REASON To ensure the Planning Authority can control the use of the external area associated with the play centre, in the interest of visual and environmental amenity.

NOTES:

1. The applicant is advised to make early contact with the West of Scotland Water Authority, 35 Glenburn Road, Prestwick, with regard to water supply and drainage.
2. The applicant is advised that the installation of a shop front advertisement will require to be the subject of an application for Advertisement Consent. The applicant is further advised to contact East Ayrshire Council, Planning and Building Control, 6 Croft Street, Kilmarnock, in that regard.

AGENDA