

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 08 AUGUST 2003

**03/0518/FL: PROPOSED CHANGE OF USE FROM VACANT SHOP TO
VETERINARY SURGERY
AT 68 EAST MAIN STREET, DARVEL
BY S J PRITCHETT**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The applicant proposes to change the vacant shop into a veterinary surgery. The floor plans show minor internal alterations whilst there are no external alterations proposed.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As is indicated at Section 5 of the report the application is 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.

3.2 The proposed change of use is in accordance with Policies RTC5 and RTC11 of the Adopted East Ayrshire Local Plan. None of the statutory consultees have raised any objections and whilst the letter of objection is noted, it is not considered to be of such significance as to outweigh the policies of the EALP.

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 require to be referred to the Development Services Committee as there would be no significant breach of Council 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.

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 08 AUGUST 2003

**03/0518/FL: PROPOSED CHANGE OF USE FROM VACANT SHOP TO
VETERINARY SURGERY
AT 68 EAST MAIN STREET, DARVEL
BY S J PRITCHETT**

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 because it is subject to objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site relates to a traditional terraced single storey building, rendered and with a slate roof located on the south side of East Main Street. The building, previously used as a shop, has been vacant for a number of years, and is bounded by another vacant shop and a house.

2.2 **Proposed Development:** The applicant proposes to change the vacant shop into a veterinary surgery. The floor plans show minor internal alterations whilst there are no external alterations proposed.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no adverse comments to make regarding the proposal.

Noted.

3.2 East Ayrshire Council's Environmental Health and Waste Management Service have no objection to the proposed works. However they offer the following comments:-

- (i) if alteration is to be made to the premises any demolition, clearance and building works should be carried out in such a manner and at such times as to prevent nuisance arising. Any asbestos present should be removed

and disposed of in accordance with the relevant legislation and a licence from Scottish Environment Protection Agency.

- (ii) The Service has been involved with a separate matter involving dog barking however, after contacting the applicant, Environmental Health and Waste Management have been assured that no dogs would be kennelled at the Surgery and only very sick dogs will be kept overnight at the premises. If these arrangements remain unchanged, it is unlikely that a noise nuisance due to dogs barking will arise.

Noted. The application is for change of use only, and does not involve any external alterations. Conditions can be attached to any grant of planning permission regarding the kennelling of dogs on the premises and hours of operation.

3.3 Scottish Water have requested that the applicant contact them to discuss whether the existing water supply needs upgrading in view of the proposed changes.

A note to this effect can be attached to any planning consent.

3.4 Darvel and District Community Council have not replied to their consultation letter at the time of writing this report.

Noted.

4. REPRESENTATIONS

One letter of objection has been received which raises the following points:-

4.1 There are too many barking dogs at the moment in the area.

This is not a material planning consideration relevant to the determination of this application. As noted in paragraph 3.2 above, the Council's Environmental Health Section have dealt with this issue as a separate matter under their legislation.

4.2 At present the rear gardens of the properties across the road cannot be used due to a noisy dog. The proposal would result in barking dogs at the front of the house as well.

The objector lives across the main road from the application site. As noted in response to paragraphs 3.2 and 4.1 above, conditions can be attached to any grant of planning permission regarding hours of operation and kennelling. In addition the Environmental Health

Section have confirmed that it is unlikely that a noise nuisance will arise.

4.3 The presence of the barking dog will have a depreciative effect on the value of property.

The value of property is not a material planning consideration.

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).

5.2 Policy RTC 5 of the EALP requires the proposal to be assessed against a number of criteria, which include the effect the development may have on the vitality of Darvel town centre, whether alternative sites are available, whether the proposal would be compatible with other uses in the area, and the effect this proposal may have on the environmental quality and amenity of the area.

It is considered that the proposed change of use to a veterinary surgery would not have an adverse impact on the vitality and viability of Darvel town centre. The applicant has been unable to locate alternative premises within the town centre, and it is considered that the use of relevant conditions would ensure that the proposed use would not have an adverse impact on the amenity of the area.

5.3 Since the proposal involves the re-use of a vacant shop unit Policy RTC 11 is also relevant. Policy RTC 11 states that the Council will support the re-use of the property for appropriate similar Schedule 5 uses. Schedule 5 uses include Class 1 (shops) and Class 2 (financial, professional and other services).

A veterinary surgery falls within Class 2 of the Town and Country Planning (Use Classes)(Scotland) Order 1997 and therefore the proposal complies with Policy RTC 11.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principle material considerations relevant to the determination of the application are the statutory consultation responses and objection received as detailed in Sections 3 and 4 of this report.

6.2 It is not considered that any aspects of the consultations received indicate that the application should be refused. In addition, the issues raised by the objector are not considered to be of sufficient weight such as to merit refusal of the application.

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 is indicated at Section 5 of the report the application is 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.

8.2 The proposed change of use is in accordance with Policies RTC5 and RTC11 of the Adopted East Ayrshire Local Plan. None of the statutory consultees have raised any objections and whilst the letter of objection is noted, it is not considered to be of such significance as to outweigh the policies of the EALP.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions 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 require to be referred to the Development Services Committee as there would be no significant breach of Council policy.

Alan Neish
Head of Planning and Building Control

24 July 2003
(AG/MMM)
FV/AN

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Certificates/Notices.
3. Statutory Consultations.
4. Letter of Objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.

Anyone wishing to inspect the above papers please contact Ailsa Graham on 01563 576787.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0518/FL

Site of Proposal: 68 East Main Street
DARVEL

Nature of Proposal: Proposed Change of Use from Vacant Shop to
Veterinary Surgery

Name & Address of Applicant: Stephen J Pritchett
6 Isles Street
NEWMILNS
KA16 9DP

Name & Address of Agent:

DPOs Reference: AG/MMM

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

1. The use of the premises for a veterinary surgery shall only operate between the hours of 9.00 am and 6.00 pm Monday to Friday, and 9.00 am to 2.00 pm Saturdays, and not at any time on Sundays.

REASON In the interests of residential amenity.

2. The overnight kennelling of animals, inside or outside the premises, will not be permitted.

REASON In the interests of residential amenity.

3. This consent relates to change of use only and no external alterations shall be carried out unless a further specific planning application is submitted to and approved by the Planning Authority.

REASON To ensure that the development is carried out in accordance with the approved details.

Note:

This permission does not grant permission for the display of any advertisement that will be necessary under the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**