

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 01 DECEMBER 2000

**00/0664/FL : CHANGE OF USE FROM STORE TO FLORIST/GIFT SHOP
AT 19 HIGH STREET, MAUCHLINE**

APPLICATION BY MRS STRAIN

EXECUTIVE SUMMARY

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the change of use of the former store to a florist/gift shop. This is a retrospective application as the property has been used as a florist/gift shop for the last 3 or 4 months. An advertisement sign has been displayed on the frontage of the building. This sign has deemed consent, and advertisement consent is not therefore required. No other external alterations are proposed to the proposed shop.

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 In terms of the relevant policy document, the East Ayrshire Local Plan, Finalised Version, the proposed development complies with the provisions of Policy RTC1 and RTC5.

3.2 With respect to the letter of objections, it is considered that the use of the proposed development is compatible with surrounding land uses. The site lies on the edge of the town centre where a higher level of noise and activity is normal. Whilst it is appreciated that the proposed shop adjoins residential properties, it is not considered that the use of the premises as a flower shop would have any significant detrimental impact on the residential amenity of the area. The concerns regarding road safety have not been echoed by the Roads Division. A condition could be imposed requiring all rubbish associated with the business to be stored within suitable litter receptacles outwith the premises.

**Alan Neish
Head of Planning & 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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AT 19 HIGH STREET, MAUCLINE

APPLICATION BY MRS STRAIN

Report by Head of Planning and Building Control

3. PURPOSE OF REPORT

3.1 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 objections.

4. APPLICATION DETAILS

4.1 **Site Description:** The site is located on the north side of High Street, Mauchline, approximately 100 metres north-eastwards from The Cross. The site is bound to the west by residential flatted properties, to the east by a dwellinghouse, to the north by the derelict, former Ramsay and Jackson site and to the south by Main Street and residential properties.

4.2 The site comprises a single storey former store which is attached to the adjacent flats to the west. There is an area in front of the store and adjacent to flats which extends to approximately 95 square metres. This is a tarmaced area of which the owners of the flats and the store each own approximately one third. The shop uses this area to store refuse bins. The flats use this area as a garden/drying green and also for storing their bins.

4.3 **Proposed Development:** Full planning permission is sought for the change of use of the former store to a florist/gift shop. This is a retrospective application as the property has been used as a florist/gift shop for the last 3 or 4 months. An advertisement sign has been displayed on the frontage of the building. This sign has deemed consent, and advertisement consent is not therefore required. No other external alterations are proposed to the proposed shop.

5. CONSULTATIONS AND ISSUES RAISED

5.1 Mauchline Community Council has objected to the application. The Community Council advises that the shop cuts through someone's back garden. The residents at No. 15 High Street have a small daughter who cannot go out to play as people are walking in and out all the time.

The former store and the two adjoining flats have a shared access. This was also the access used by the owner of the former store and by visitors to the premises. The access does not cut directly through the drying greens/bin storage areas of the adjacent flats. There is however no boundary treatment between this communal access and the separate areas owned by each of the three properties. This is the only open space associated with the flats. This is not considered to be private enclosed garden ground as it fronts High Street and its only boundary with High Street is an existing 1.1metre high wall. Whilst it is acknowledged that use of the property as a flower/gift shop will generate more visitors than the former store, it is not considered that this would be detrimental to the residential amenity of the adjacent flats.

5.1.1 This shop has been open for at least four months. Why is it the case that shops can be open and then submit their plans after they are open?

Prior to the opening of the shop, the applicant informed the planning authority that the property had been last used as a store/office. The Town and Country Planning (Use Classes) (Scotland) Order 1997 permits the change of use from an office to a shop without the need for planning permission. Due to the information provided by the owner of the property, an application for planning consent was not requested. Following the opening of the shop, the Planning Division received further information that the property had not been used as an office. Following an investigation by the Planning Division it was concluded that the principal use of the property had always been a store, and a formal planning application for the change of use was subsequently sought.

5.2 East Ayrshire Council's Roads and Transportation Division has no objections to the proposed development. The Roads Division advises that the proposal does not provide any parking at an area where parking is limited. Several visits were however made to the locus and the effect of the shop does not appear to be creating any traffic problems.

Noted

5.3 East Ayrshire Council's Environmental Health Division has not responded to the consultation letter.

Noted.

6. **REPRESENTATIONS:** Three letters of objection, including the objection from Mauchline Community Council (as outlined in Section 3.1), have been received with regard to the application.

6.1 Rubbish is piled high in the bins.

The occupier of 19 High Street, and the owners of the adjoining flats at No. 15 and 17 High Street, all store their bins within the hardstanding in front of No. 19. If the Committee are minded to approve the application, a condition could be imposed requiring all rubbish associated with the business to be stored within suitable litter receptacles outwith the premises.

4.2 Cars are parked on the pavement. It is a congested area with very limited parking.

The Roads Division has no objections to the proposed development on road safety grounds.

6.2 Visitors of the shop could wander into their garden. As they have a small child they are putting up a gate, but are concerned that this would be left open. This is the main road to the school and surgery and the volume of traffic is great.

The area to the front of 19 High Street, is currently very open, due to a 2.6 metre wide access which has no gate. Whilst the objectors concern is acknowledged, this is a flatted property on the edge of a Town Centre which has always had a shared access with a non-residential property and which has no private enclosed garden ground.

6.3 Since the shop has opened, there has been a vast increase in the number of members of the public accessing the property. This affects their privacy when sitting in their garden.

Given the current level of noise and activity within this area of High Street, is not considered that the use of the property as a flower shop would be detrimental to residential amenity. Due to the current openness of the garden areas and their location, directly adjacent to High Street, it is not considered that the use of the former store would be detrimental to the amenity of nearby residents.

4.4 A broken window has been left out next to the bins. There is also a smell of rotting flowers.

There was no broken window within the site at the time of the Planning Officer's site visit. If the committee are minded to approve the application, a condition can be imposed requiring all rubbish associated with the business to be stored within suitable litter receptacles outwith the premises.

4.3 When they purchased this property, they wanted somewhere that was residential but had very few children in the surrounding area of the property.

This seems to be changing, due to the interruption of a business with public access and use, being placed on their doorstep.

The site lies directly adjacent to High Street where there is a mixture of both residential and commercial properties. The property was formerly used as a store. Although it is recognised that the level of activity has increased since the opening of the shop, it is not considered that the use of the property as a flower shop is detrimental to the amenity of the nearby residents. It is considered that such activity is commonplace in areas adjacent to town centres.

4.8 Their property will undoubtedly have de-valued should they try to sell it. This is unlike before when the property was simply used as a store room and workshop and there were no signs of the property being used as a business.

This is not a material consideration in the determination of this application and is not a valid ground for objection in planning terms.

5. DEVELOPMENT PLAN STATUS

5.1 The relevant policy document is the East Ayrshire Local Plan, Finalised Version. The application site lies just outwith the Town Centre boundary of Mauchline and is affected by retailing and environment policies. The proposed development is consistent with environment policies contained within the Local Plan.

5.2 Retailing Policy RTC5 states that where developments of the types detailed in Schedule of the Local Plan are proposed in locations both within and outwith town centre boundaries, these will require to be justified and will be assessed against a number of criteria. Part (i), (iv) and (v) of Policy RTC5 are relevant in the determination of this application:

(i) their compliance with the sequential approach detailed in Policy RTC1;

See Section 5.3.

(ii) the extent of the development's catchment area and the effect of development either individually or cumulatively with similar existing or approved developments on the vitality and viability of town centres, neighbourhood centres or local retail facilities within that catchment area;

The site lies directly adjacent to the town centre boundary. It is not considered that the proposed development would have a detrimental effect on the vitality and viability of Mauchline town centre.

(iv) the compatibility of the use with the surrounding uses:

Although there are commercial properties in the vicinity of the site, the site itself lies adjacent to residential properties. It is considered however that the use of the property as a flower shop, with relatively low levels of activity and little noise, is compatible with the surrounding land uses.

(v) the quality of the design and finish of the proposal and its contribution to the environmental quality, character and amenity of the area;

No external alterations are proposed. A small wooden sign has been displayed on the front of the property, however this has deemed consent.

5.3 Policy RTC1 states that the Council will adopt a sequential approach in assessing development proposals for retail, commercial leisure developments and other uses appropriate to town centres as described in Schedule 5 of the Plan. Developers will be required to direct all such development firstly, to town centres as identified on the Local Plan maps and secondly, to edge of centre locations in preference to out of town centre locations. Applicants proposing such developments in out of town centre locations shall require to demonstrate that no suitable alternative site can be found or assembled within town centres and thereafter in an edge of centre location.

The applicant has stated that there were no properties available elsewhere within Mauchline Town Centre.

6. OTHER PLANNING CONSIDERATIONS : None.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. Legal implications would arise through the implementation of enforcement action to stop the use of the premises as a shop should the Committee refuse this application.

8. CONCLUSIONS

8.1 In terms of the relevant policy document, the East Ayrshire Local Plan, Finalised Version, the proposed development complies with the provisions of Policy RTC1 and RTC5.

8.2 With respect to the letter of objections, it is considered that the use of the proposed development is compatible with surrounding land uses. The site lies on the edge of the town centre where a higher level of noise and activity is normal. Whilst it is appreciated that the proposed shop adjoins residential

properties, it is not considered that the use of the premises as a flower shop would have any significant detrimental impact on the residential amenity of the area. The concerns regarding road safety have not been echoed by the Roads Division. A condition could be imposed requiring all rubbish associated with the business to be stored within suitable litter receptacles outwith the premises.

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

08 November 2000
VE/VE

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices and certificates.
3. Consultation responses.
4. Letters of representation.
5. East Ayrshire Local Plan (Finalised Version)

Any person wishing to inspect the background papers listed above should contact Miss Vivien Emery on 01563 555301.

Implementation Officer : Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 00/0664/FL

Location	19 High Street Mauchline
Nature of Proposal:	Proposed Change of Use from Store to Florist/Gift Shop
Name and Address of Applicant:	Catherine Strain 55 Glenshamrock Drive AUCHINLECK KA18 2EF
Name and Address of Agent	N/A

DPO's Ref: [VIVIEN EMERY]
PPO's Ref; []

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

- (1) Notwithstanding the provisions of the (General Permitted Development) (Scotland) Order 1992, and the Town and Country Planning (Use Classes) (Scotland) Order 1997, this permission relates to the retailing of flowers/gifts only, and the further express permission of the Planning Authority shall be required in respect of the proposed retailing of any other type of goods or service.

REASON –To retain effective planning control over the use of the premises in the interests of residential amenity.

- (2) The applicant shall provide suitable litter receptacles outwith the proposed premises. All refuse associated with the florist/gift shop hereby approved shall be disposed of within these receptacles.

REASON – In the interests of residential amenity.

**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

