

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 12 DECEMBER 2003

**03/0802/FL: PROPOSED CHANGE OF USE FROM SHOP/PRINTING STUDIO
TO DWELLINGHOUSE AND ALTERATIONS TO FRONTAGE
AT 53-55 LOUDOUN STREET, MAUCHLINE.**

APPLICATION BY NORTHERN STAR PROPERTIES LTD

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The application is for change of use from printing shop to residential accommodation and alterations to the frontage of the property. The conversion of the print shop will provide additional accommodation for the adjoining residential property at No 55 Loudoun Street to create an 8 apartment dwellinghouse. The print shop area on the ground floor will provide a further bedroom, while the former store area will provide a new kitchen and dining room on the ground floor and another bedroom at first floor level.

1.2 The proposed alterations to the frontage will result in the building up of the shop door leaving the adjacent residential property front door as the main entrance to the building. It also includes the change of the shop front window to a smaller window in line with the existing windows on the residential property. The proposed finish of external walls is smooth cement render and paint.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in section 5 of the report, the application is not 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 refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, but in this regard, they are generally supportive of the proposed development.

3.2 The proposed development is considered to constitute a minor departure from Policy RTC11 as it is considered that it has only been partly demonstrated that an alternative Schedule 5 use for the property cannot be found. However, it should be noted, that the applicant has highlighted that the former print shop has been vacant for some time and that the building had started to deteriorate through the lack of maintenance.

3.3 While the proposed residential use is not a Schedule 5 use, the re-use of the property as additional residential accommodation is sympathetic to the residential use of the adjacent property. The applicant has also demonstrated that a residential use would be a return to the original use of the building. Therefore, the proposed development is seen to be an acceptable minor departure from the development plan in this instance.

3.4 The proposed alterations to the frontage of the building are considered to be acceptable. The change of the existing shop window to a smaller window matching the existing windows, and removal of the shop front door will reinstate the line and balance between first floor windows and ground floor windows and doors.

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 because it would not represent a significant departure from the development plan.

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 for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation, due to the application being a minor departure from policy.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies on the south side of Loudoun Street in Mauchline, within the town centre and the Outstanding Conservation Area of Mauchline. The application site lies within an area mixed uses, predominantly residential and commercial in nature. The site relates to an existing two storey building which adjoins Nos. 45-51 Loudoun Street to the east, with Loudoun Street and Mauchline Castle to the north, No. 57-59 Loudoun Street to the west and a large curtilage back garden and Barskimming Road to the south.

2.2 The building is separated into two separate units. The first unit at No. 53 Loudoun Street incorporates the facilities of a former print shop on ground floor with an ancillary storage room to the back of first floor. The second unit is a 4 apartment residential property which includes both ground and first floor of No. 55 Loudoun Street but also incorporates front rooms on first floor extending above the unit at No. 53. The properties have a large curtilage to the rear.

2.3 **Proposed Development:** The application is for change of use from printing shop to residential accommodation and alterations to the frontage of the property. The conversion of the print shop will provide additional accommodation for the adjoining residential property at No 55 Loudoun Street to create an 8 apartment dwellinghouse. The print shop area on the ground floor will provide a further bedroom, while the former store area will provide a new kitchen and dining room on the ground floor and another bedroom at first floor level.

2.4 The proposed alterations to the frontage will result in the building up of the shop door leaving the adjacent residential property front door as the main entrance to the building. It also includes the change of the shop front window to a smaller window in line with the existing windows on the residential property. The proposed finish of external walls is smooth cement render and paint.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads & Transportation Division has advised that it has no objection to the proposed development.

Noted.

3.2 The Architectural Heritage Society of Scotland has advised that it finds the design generally acceptable but questions the proposed wall finish of cement and paint. They highlight that this treatment can cause damage in some cases to certain types of stone.

The existing building currently has a painted smooth cement render finish, and where alterations are proposed on the front elevation, the external finish is being made good to match.

3.3 Mauchline Community Council had not responded to the consultation letter at the time of writing the report.

Noted.

4. REPRESENTATIONS

4.1 None.

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 The structure plan does not contain any specific policies which are relevant to the proposed development.

Noted.

East Ayrshire Local Plan

5.3 Policy RTC11 encourages and supports the reuse of vacant properties, formerly in Schedule 5 use, within town centres for appropriate similar Schedule 5 uses. The re-use of such properties or the redevelopment of the land to an appropriate residential or other alternative use not included in Schedule 5 will be acceptable only where two stated criteria can be met, as follows:

- (i) it can be demonstrated, to the satisfaction of the Council, that an appropriate use falling within the Classes described in Schedule 5 cannot be found; and

The applicant has demonstrated that the property was advertised locally in the shop window for six weeks prior to submitting the planning application. However, it would be expected that advertising of availability of the property should be undertaken on a wider basis, through advertisement in the local press and possibly retail trade journals for a substantially longer period. It is considered that sufficient steps to adequately market the property for a Schedule 5 use have not been demonstrated in this case.

- (ii) the proposed use of the property is sympathetic to the character and amenity of the area concerned.

It is considered that the proposed use is sympathetic to the residential use of the adjacent property of which the conversion will form an integral part. The applicant has also demonstrated, through repairs on the property to arrest deterioration, that the shop element of the building was originally part of the dwellinghouse, forming a kitchen and bedroom.

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 property lies within the Outstanding Mauchline Conservation Area. It is considered that the alterations that are proposed for the property are in keeping with the appearance of the building and also in character with the Outstanding Conservation Area itself.

5.5 Policy ENV7 states that all developers will be expected to comply fully with the Council's existing and emerging Design Guidance and Policy documents relating to and advising on the particular type of development proposed. The policy also states that developments which do not meet the required design standards detailed in these documents will require to be fully justified and may not be supported by the Council.

The design and finish of the proposed alterations meet the provisions of the Council's approved Design Guidance relating to development in Conservation Areas.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses.

Consultations Responses

6.2 There are no consultation responses that would suggest refusal of the application is appropriate.

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 not 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 refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, but in this regard, they are generally supportive of the proposed development.

8.2 The proposed development is considered to constitute a minor departure from Policy RTC11 as it is considered that it has only been partly demonstrated that an alternative Schedule 5 use for the property cannot be found. However, it should be noted, that the applicant has highlighted that the former print shop has been vacant for some time and that the building had started to deteriorate through the lack of maintenance.

8.3 While the proposed residential use is not a Schedule 5 use, the re-use of the property as additional residential accommodation is sympathetic to the residential use of the adjacent property. The applicant has also demonstrated that a residential use would be a return to the original use of the building. Therefore, the proposed development is seen to be an acceptable minor departure from the development plan in this instance.

8.4 The proposed alterations to the frontage of the building are considered to be acceptable. The change of the existing shop window to a smaller window matching the existing windows, and removal of the shop front door will reinstate the line and balance between first floor windows and ground floor windows and doors.

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 Building Control, 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 and Building Control

HT/HT/SMB

25 November 2003
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).
7. East Ayrshire Council Design Guidance.

Anyone wishing to inspect the above background papers should contact Miss Heidi Thorsdalen on 01563 555485.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0802/FL

Location	Nos. 53-55 Loudoun Street MAUCHLINE KA5 5BE
Nature of Proposal:	Proposed change of use from shop/printing studio to dwellinghouse and alteration to frontage
Name and Address of Applicant:	Northern Star Properties Ltd Grooms Cottage Sorn Estate SORN KA5 6HR
Name and Address of Agent	Coleman Ballantine Architects Craigie Hall 6 Rowan Road GLASGOW G41 5BS

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

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

1. Notwithstanding the plans hereby approved, the external surface of the walls shall be rendered in a smooth cement finish and painted in a colour to be agreed in writing with the Planning Authority prior to the commencement of the development.

REASON – In the interest of visual amenity.

2. Notwithstanding the plans hereby approved, new and replacement windows on the north elevation shall be wooden sash and case units to match the existing windows of the original dwellinghouse.

REASON – In order to maintain the visual quality of the building.

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PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**