

## **EAST AYRSHIRE COUNCIL**

### **SOUTHERN LOCAL PLANNING COMMITTEE: 02 NOVEMBER 2001 01/0549/FL : PROPOSED CHANGE OF USE FROM SHOP TO FLAT AND OTHER ALTERATIONS AT 46 MILL SQUARE, CATRINE**

#### **APPLICATION BY MR GEORGE GLOVER**

#### **EXECUTIVE SUMMARY SHEET**

### **1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for a change of use of the vacant shop unit to form a ground floor residential flat. The proposed external alterations to the property relate solely to the removal of existing signage and supporting framework and the replacement of two single pane windows on the front elevation with two timber frame, vertical sliding sash and case windows.

1.2 An associated application for Listed Building Consent is presently being considered by the Development Promotion Section (Ref. No. 01/0619/LB).

### **2. RECOMMENDATION**

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

### **3. SUMMARY OF ANALYSIS**

3.1 As is indicated at paragraph 5.2 of the report, the application 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 paragraphs 6.1 to 6.3 of the report, there are material considerations relevant to the determination of this application.

3.2 Given the age of the Adopted Catrine and Sorn Local Plan, the Council has agreed that the East Ayrshire Local Plan Finalised Version with Modifications should be considered as a prime material consideration. The proposal is, however, contrary to the policy provisions of the EALP.

3.3 Nevertheless, the property has lain vacant for some time and no alternative commercial or retail use has been found. It is also considered that there is not a great demand for commercial or retail premises within Catrine. Furthermore, other vacant commercial/retail properties exist within Catrine

and many other such premises in Mill Square have been converted to residential use in the past. It is therefore considered that the use of the premises as a flatted dwelling would be acceptable as a minor exception to the EALP and in terms of the amenity and character of the area in which the application site is located. The proposed development would not compromise the effectiveness Catrine's service/retail sector.

3.4 No adverse consultation replies or letters of objection have been received in respect of the application.

**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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#### APPLICATION BY MR GEORGE GLOVER

#### 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 as the proposed development is recommended for approval as a minor departure from policy.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a vacant shop unit on the east side of Mill Square, Catrine. The shop unit occupies the ground floor of a two-storey traditional stone building within the Catrine Conservation Area. Existing residential properties lie adjacent to the site and the majority of properties in Mill Square are in residential use.

2.2 **Proposed Development:** Full planning permission is sought for a change of use of the vacant shop unit to form a ground floor residential flat. The proposed external alterations to the property relate solely to the removal of existing signage and supporting framework and the replacement of two single pane windows on the front elevation with two timber frame, vertical sliding sash and case windows.

2.3 An associated application for Listed Building Consent is presently being considered by the Development Promotion Section (Ref. No. 01/0619/LB).

### 3. CONSULTATIONS AND ISSUES RAISED

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

***Noted.***

3.2 The Architectural Heritage Society of Scotland commends the sensitive design of the proposal.

**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 (1999) and the Adopted Catrine and Sorn Local Plan (1984). The Adopted 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 6. Policy 6 of the Adopted Catrine and Sorn Local Plan presumes in favour of the retention of existing retail and commercial uses where possible. A change of use to another appropriate use such as residential will be considered if there appears to be no demand for retail or commercial activities.

***The property has lain vacant for some time and no alternative commercial or retail use has been found. Furthermore, it is considered that there is not a great demand for commercial or retail premises within Catrine, given that other vacant commercial/retail properties exist within Catrine and that other such premises in Mill Square have been converted to residential use in the past. The use of the premises as a flatted dwelling would be acceptable in terms of amenity and it would not compromise the effectiveness Catrine's service/retail sector. Consequently it is considered that the proposal would accord with the provisions of Policy 6.***

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

6.1 The other principal material consideration relevant to the determination of the application is the East Ayrshire Local Plan, Finalised Version with Modifications (2001).

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 property lies within the Catrine Town Centre Boundary and the relevant policy within the East Ayrshire Local Plan, Finalised Version with Modifications is Policy RTC11. Policy RTC11 states:-

*Where a property falling within the classes of development detailed in Schedule 5 of the Local Plan becomes vacant or where a gap or infill site is available for redevelopment within Town Centres, the Council will encourage and support the re-use of the property or redevelopment of the site for appropriate similar Schedule 5 uses. Schedule 5 uses comprises shops, financial, professional and other services, food and drink, assembly and leisure and certain sui generis uses (theatres, taxi hire, public houses, hot food and amusements). The re-use of such properties or the redevelopment of the land to an appropriate residential or other alternative use not included in the above-mentioned classes will be acceptable only where:-*

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

***The applicant has not provided any information to demonstrate that an appropriate use in terms of the classes within Schedule 5 of the EALP cannot be found. In this respect the proposed development could be considered as being contrary to Policy RTC11.***

***However, the property has lain vacant for some time and no alternative commercial or retail use has been found. Furthermore, it is considered that there is not a great demand for commercial or retail premises within Catrine, given that other vacant commercial/retail properties exist within Catrine and that other such premises in Mill Square have been converted to residential use in the past. The use of the premises as a flatted dwelling would be sympathetic to the amenity and character of Catrine Conservation Area. Consequently it is considered that the development should be approved as an exception to Policy RTC11.***

## **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 paragraph 5.2 of the report, the application 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 paragraphs 6.1 to 6.3 of the report, there are material considerations relevant to the determination of this application.

8.2 Given the age of the Adopted Catrine and Sorn Local Plan, the Council has agreed that the East Ayrshire Local Plan Finalised Version with Modifications should be considered as a prime material consideration. The proposal is, however, contrary to the policy provisions of the EALP.

8.3 Nevertheless, the property has lain vacant for some time and no alternative commercial or retail use has been found. It is also considered that there is not a great demand for commercial or retail premises within Catrine. Furthermore, other vacant commercial/retail properties exist within Catrine and many other such premises in Mill Square have been converted to residential use in the past. It is therefore considered that the use of the premises as a flatted dwelling would be acceptable as a minor exception to the EALP and in terms of the amenity and character of the area in which the application site is located. The proposed development would not compromise the effectiveness Catrine's service/retail sector.

8.4 No adverse consultation replies or letters of objection have been received in respect of the application.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the condition on the attached sheet.**

Alan Neish  
Head of Planning and Building Control

DS/HM/SMB  
19 October 2001  
FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application forms and plans.
2. Statutory notices/certificates.
3. Consultation replies.
4. East Ayrshire Local Plan (Finalised Version with Modifications)
5. Adopted Catrine and Sorn Local Plan.
6. Approved Ayrshire Joint Structure Plan
7. Approved Strathclyde Structure Plan

Any person wishing to inspect the background papers listed above should contact Mr Derek Scott on 01563 555483.

**Implementation Officer: Dave Morris**

Application no: 01/0549/FL

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Location	46 Mill Square CATRINE
Nature of Proposal:	Proposed change of use from shop to flat and other alterations
Name and Address of Applicant:	Mr George Glover Knowe Auchinleck Road CUMNOCK KA18 1AE
Name and Address of Agent	

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DPO's Ref:	[Derek Scott	]
PPO's Ref;	[	]

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

1. Prior to the removal of the existing windows, details of the proposed replacement windows to be installed in the property shall be submitted to and approved in writing by the Planning Authority.

REASON: In the interests of amenity and to safeguard the character of Catrine Conservation Area

**AGENDA**