

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 4 DECEMBER 2009

**09/0586/PP: CHANGE OF USE OF FORMER TANNING STUDIO INTO A
HOT FOOD TAKEWAY AND INSTALLATION OF NEW CHIMNEY FLUE
AT: 130 KING STREET, KILMARNOCK
BY MRS TANZEELA RAHMAN**

Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/caseFile.do?category=application&caseNo=10/0406/PP>

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposed development comprises a change of use to form a hot food takeaway and the installation of a flue at the rear elevation. Shopfront alterations are also proposed and will comprise a roller shutter arrangement, with pedestrian access door.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 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 East Ayrshire Local Plan (2003). There are no detailed policies of relevance in this instance in the Approved Ayrshire Joint Structure Plan, however, the proposal is considered to accord with Policy RTC15 of the Adopted East Ayrshire Local Plan and the application should therefore be granted unless material considerations indicate otherwise.

3.2 As indicated in Section 5 of the report, the proposal can be considered to accord with Policies RTC2, RTC11, and RTC15 of the Adopted Local Plan and Policies RTC1, RTC3, and RTC15 of the Alteration to the Local Plan (Finalised Version with Modifications). It is considered that Kilmarnock Town Centre is the appropriate location for a hot food takeaway, noting its predominant mix of established commercial uses, and that the application site is a vacant property.

3.3 There are no outstanding issues raised by the consultees. The points raised by the objectors have also been noted, however, the issues raised do not warrant refusal of the application. The site is an established commercial property surrounded by adjacent commercial properties, within Kilmarnock Town Centre. 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. The level of objections that the application has generated is noted. However it is further considered given there are no residential properties in the immediate locale, that neither these objections nor the other material considerations would warrant refusal of this application.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, the application would not require to be referred to the Full Council as this would not constitute a significant breach of policy.

Alan Neish
Head of Planning and Economic Development

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.