

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 13 APRIL 2005

**05/0197/FL: PROPOSED CHANGE OF USE FROM VACANT UNIT TO
CLASS 1 DRY CLEANERS/LAUNDRY
AT UNITS 7 - 8, BLOCK 14, SMIDDY COURT, KILMARNOCK
BY MRS MARGARET ORR**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought to change the use of the building from Class 4,5 6 business use to form a Laundry/Dry cleaning business which falls within Class 1 of the Town and Country Planning (Scotland) (Use Classes) Order 1997. The applicant has also indicated that three vehicle parking spaces will be provided to the front of the unit. There are no external alterations proposed as part of this application.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the report, the application is not 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.

3.2 As is indicated in Section 6 of the report, there are material considerations and none of the statutory consultees have raised any objections. The proposed use should be directed to a town centre location as advised by NPPG8 Town Centres and Retailing. Therefore it is considered that a departure from the policies of the Adopted East Ayrshire Local Plan and the Approved Ayrshire Joint Structure Plan is not justified as the Glencairn Industrial Estate provides good quality purpose-built industrial units for small businesses. There is a current lack of available good quality industrial accommodation. The proposed use is not considered an acceptable use within an industrial estate.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standards the application will require to be referred to the Development Services Committee because there would be a significant breach of Council Policy.

Alan Neish
Head of Planning, Development and Building Standards

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

CENTRAL LOCAL PLANNING COMMITTEE: 13 APRIL 2005

05/0197/FL: PROPOSED CHANGE OF USE FROM VACANT UNIT TO
CLASS 1 DRY CLEANERS/LAUNDRY
AT UNITS 7 - 8, BLOCK 14, SMIDDY COURT, KILMARNOCK
BY MRS MARGARET ORR

Report by Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of the 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 contrary to the policies of the Adopted East Ayrshire Local Plan and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a white rendered purpose built industrial unit constructed in the 1980s, within the established Glencairn industrial Estate. The application site is bound on all elevations by similar industrial units constructed at the same period and has dedicated parking/delivery bays to the front of the unit.

2.2 **Proposed Development:** Full planning permission is sought to change the use of the building from Class 4,5 6 business use to form a Laundry/Dry cleaning business which falls within Class 1 of the Town and Country Planning (Scotland) (Use Classes) Order 1997. The applicant has also indicated that three vehicle parking spaces will be provided to the front of the unit. There are no external alterations proposed as part of this application.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division, East Ayrshire Council's Environmental Health and Waste Management and East Ayrshire Council's Economic Development and Property Division have no adverse comments to make in relation to this application.

Noted.

3.2 There is no Community Council in existence for this area.

Noted.

4. REPRESENTATIONS

4.1 No letters of representation have been received to the proposed development.

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 (2000) and the Adopted East Ayrshire Local Plan (2003).

Approved Ayrshire Joint Structure Plan

5.2 The application requires to be considered against Policy L8 of the Ayrshire Joint Structure Plan which states that the viability, vitality and design quality of Kilmarnock town centre shall be maintained and enhanced. Any application requires to meet the following criteria.

- (a) New retailing and leisure development shall be directed firstly to the town centre and then edge of centre in preference to out-of-centre locations;
- (b) Application for retail, commercial and leisure developments shall need to demonstrate that no suitable site can be found firstly and preferably within town centres or secondly on the edge of centres; and
- (c) Developments should be of a size and scale appropriate to the function of the centre and should serve the needs of the town and its catchment.

The application site is out-of-centre and the applicant has sought to demonstrate that a laundry and dry cleaning business is more of a service industry than a retail unit and the industrial unit would be more suitable for this specific use. However it is considered that a laundry/dry cleaners business is a Class 1 use in terms of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and thus should be directed to the town centre in preference to other locations.

Adopted East Ayrshire Local Plan

5.3 Policies RTC1, RTC3, RTC5, RTC7 and IND5 are relevant in the consideration of this application.

5.4 Policy RTC1 states that the Council will adopt a sequential approach in assessing development proposals for retail and other town centre uses. Applications proposing such developments in out-of-centre locations are

required to demonstrate that no suitable alternative site can be found or assembled within town centres or thereafter on edge-of-centre location.

5.5 Policy RTC3 states that all development proposals falling within the classes of development detailed in Schedule 5 of the Local Plan will be directed to:

- (1) Kilmarnock and Cumnock town centres if the proposed gross floorspace exceeds 1500 square metres; and
- (2) All town centres if the proposed gross floorspace is less than 1500 square metres.

A dry cleaner/ laundry business is considered as a Class 1 use under the terms of the Town and Country Planning (Use Classes) (Scotland) Order 1997. This use is identified in Schedule 5 of the Adopted EALP and thus directed to town centres in preference to out-of-centre locations, such as Smiddy Court.

5.6 Policy RTC5 states that in assessing all out of centre retail development proposals, the Council will have regard to certain stated criteria namely whether:-

- (i) the applicant has adopted a sequential approach and can demonstrate that there are no suitable alternative sites;
- (ii) the proposal would affect (individually or cumulatively) the vitality and viability of town centres and whether the scale of the proposal is appropriate to its location;
- (iii) the proposal is accessible to a choice of means of transport;
- (iv) there will be an effect of the proposal on travel patterns, infrastructure and road works;
- (v) the proposal would be compatible with the other uses in the surrounding areas;
- (vi) the design of the proposed building will be acceptable;
- (vii) the effect of the proposal on the environmental quality, character and amenity of the area.

The applicant has provided a supporting statement which is detailed in Section 6 of the report. It advises that the applicant has considered other units within the town centre or on the edge of the town centre for the proposed use but does not detail which properties were considered and the reasons why such units are not appropriate. It is considered that the proposed use cannot be accommodated within the above policy as there are alternative units/sites in the town centre. The proposed use is not an acceptable use within a safeguarded industrial area.

5.7 Policy RTC7 supports retail development proposals in out-of-town centre locations in six stated circumstances:

- (i) the proposal relates to a site specifically identified for such purposes on the Local Plan maps;
- (ii) the proposal is for a local shop or shops, not exceeding a total of 200m² gross floor area and falling within Class 1 of the Use Classes Order, required to meet the day to day convenience needs of local residents;
- (iii) the proposal is for a factory shop, not exceeding 200m² gross floor area and falling within Class 1 of the Use Classes Order, where the retail outlet is purely ancillary to the main manufacturing use of the premises and the goods sold are limited exclusively to those goods manufactured on site;
- (iv) the proposal is for a farm shop, falling within Class 1 of the Use Classes Order, related specifically to local agricultural or horticultural activities and where the goods sold are limited exclusively to those produced or grown on site;
- (v) the proposal is for a tourism, leisure or recreation related retail development including provision for the sale of refreshments, not exceeding 200m² gross floor area where the goods sold and services provided cater specifically for tourists and visitors to the area in which the retail facility is proposed; or
- (vi) the proposal is for the sale of coal or other minerals direct from an extraction site, either to local distributors or to individual members of the general public for local domestic use.

It is considered that the proposed dry cleaners/ laundry does not comply with any of the criteria set out in the above Policy and therefore is contrary to Policy RTC7.

5.8 Policy IND 5 safeguards those established industrial areas, as shown on the local plan maps, for business, industrial and storage and distribution uses. This policy was formulated in order to preserve existing industrial provision in the area, broaden the economic base of the area and minimise any adverse impact of the industrial and business development on the surrounding area.

The application site is within the Glencairn Industrial Estate, an area safeguarded for business, industrial, storage and distribution by the above policy. The proposed retail use cannot be accommodated within the above policy and therefore is contrary to Policy IND 5. Furthermore, Environmental Health have indicated that they can see no health and safety constraints why such a use can not be located in the town centre, as there are numerous other examples of laundry/dry cleaners within retail areas.

6 ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the statutory consultations detailed in Section 3 of the report, the supporting statement submitted by the applicant and NPPG 8 Town Centres and Retailing.

Supporting Statement Submitted by the Applicant

6.2 In support of the application, the applicant's agent has advised that the applicant has to re-locate her business as the lease is due to expire and is currently trying to expand her business after taking it over last year. The applicant has looked for other suitable premises within a reasonable distance of the town centre, but has been unable to find a property that would be suitable for this specific use. They believe the dry cleaning and laundry business should be considered as a service industry rather than a retail unit as the proposals have health and safety implications and would be better located in the industrial estate rather than the town centre. The applicant also states that the provision of on-site parking is necessary for such a use and such parking facilities are not readily available in the town centre. The applicant also believes that the policy is not consistent as there is a plant hire company; butchers outlet; timber flooring sales; hair and beauty product sales and a plumbing and bathroom sales outlet within the business park.

See response to Section 5.5

Statutory Consultations

6.3 The content of the statutory consultation responses has been addressed in Section 3 of this report. None of the statutory consultees have raised any negative issues that would warrant refusal of this application.

NPPG8 Town Centres and Retailing

6.4 NPPG8 directs new retail development to town centre sites where sites or buildings are suitable for conversion are available followed by edge-of-centre sites and only then by out-of-centre sites. The variety of shops and other uses available, the range of services provided, the choices offered, can all contribute to maintaining the vitality and viability of town centres.

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 in Section 5 of the report, the application is not 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.

8.2 As is indicated in Section 6 of the report, there are material considerations and none of the statutory consultees have raised any objections. The proposed use should be directed to a town centre location as advised by NPPG8 Town Centres and Retailing. Therefore it is considered that a departure from the policies of the Adopted East Ayrshire Local Plan and the Approved Ayrshire Joint Structure Plan is not justified as the Glencairn Industrial Estate provides good quality purpose-built industrial units for small businesses. There is a current lack of available good quality industrial accommodation. The proposed use is not considered an acceptable use within an industrial estate.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standards the application will require to be referred to the Development Services Committee because there would be a significant breach of Council Policy.

Alan Neish
Head of Planning, Development and Building Standards

4 April 2005
(BD/MMM)
FV-AN

LIST OF BACKGROUND PAPERS

1. Application Form/Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Adopted East Ayrshire Council Local Plan.
5. Approved Ayrshire Joint Structure Plan.
6. NPPG8 Town Centres and Retailing.

Anyone wishing to inspect the above papers please contact Barry Douglas on (01563) 576770.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0197/FL

Site of Proposal: Units 7 & 8
Block 14
Smiddy Court
KILMARNOCK KA1 4BY

Nature of Proposal: Proposed Change of Use from Vacant
Industrial Building to Dry Cleaners Laundry

Name & Address of Applicant: Mrs Margaret Orr
51 Cairns Terrace
KILMARNOCK KA1 2JG

Name & Address of Agent: D M Hall
45 Bank Street
IRVINE KA12 0LL

DPOs Reference: BD/MMM

The above FULL application should be REFUSED for the following reasons

1. The proposed use would be contrary to Policy L8 of the Ayrshire Joint Structure Plan and Policies RTC1 and RTC 5 of the Adopted East Ayrshire Local Plan as it involves a Class 1 retail use which could be accommodated elsewhere within a town centre location.
2. The proposed use would be contrary to Policy IND 5 of the Adopted East Ayrshire Local Plan as it concerns the introduction of a retail use which would not be acceptable within a safeguarded industrial area and would involve the loss of an existing industrial/business use.

**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.**