

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 03 FEBRUARY 2006

**05/0408/FL: PROPOSED CHANGE OF USE OF WORKSHOP TO FORM
CLASS TWO OFFICE ACCOMMODATION
AT 1-19 CAMPBELL STREET, KILMARNOCK
BY MACONOCHIES OF KILMARNOCK LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought to change the use of the building from a workshop to a class two office unit. As defined within the Town and Country Planning (Use Classes)(Scotland) Order 1992, such uses are financial, professional or any other services, including use as a betting office, (which it is appropriate to provide in a shopping area, principally for visiting members of the public). Externally the applicant proposes to form additional windows and access doors to the north, south and eastern elevations.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report, the proposals are 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 relevant to this application and they are not supportive of the development. Taking the material considerations together 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 applicant has not fully justified why the proposed use could not be accommodated within Kilmarnock Town Centre.

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.

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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 provisions of the Development Plan and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a former single storey workshop finished in grey facing brick and blue profiled metal cladding. The application site is adjoined by car sales, spare parts/accessories units to the west; the A71 Kilmarnock bypass and car parking to the north; a UPVC manufacturer, motorcycle breakers and Riccarton Church to the east and vacant land with vacant shop units and modern two storey flatted dwellings beyond to the south

2.2 **Proposed Development:** Full planning permission is sought to change the use of the building from a workshop to a class two office unit. As defined within the Town and Country Planning (Use Classes)(Scotland) Order 1992, such uses are financial, professional or any other services, including use as a betting office, (which it is appropriate to provide in a shopping area, principally for visiting members of the public). Externally the applicant proposes to form additional windows and access doors to the north, south and eastern elevations.

3. CONSULTATIONS AND ISSUES RAISED.

3.1 East Ayrshire Council's Roads and Transportation Division has no adverse comments to make in relation to this application.

Noted.

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

4. REPRESENTATIONS RECEIVED

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's town centre shall be maintained and enhanced. Any application requires to meet the following criteria:

- 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,

The application site is considered to be out-of-centre and the applicant has not demonstrated, as required under this policy, that they have considered sites within Kilmarnock town centre or at the edge of Kilmarnock town centre. The proposed development is considered to be contrary to this policy.

Adopted East Ayrshire Local Plan

5.3 Policies RTC1 and RTC5 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.

Class 2 office use is identified within Schedule 5 as a use that is primarily directed to town centres in preference to out-of-centre locations. The applicant has not demonstrated that they have adhered to the sequential approach. Therefore the proposed development is considered to be contrary to this policy.

5.5 Policy RTC 5 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.

As stated at 5.4 above the applicant has not demonstrated that a sequential approach has been considered in relation to the proposals. It is also considered that individually the affect on the vitality and viability of Kilmarnock town centre would be minimal but in order to minimise cumulative impacts the applicant should give primary consideration to locating within the town centre. The application site is located in an area which contains a variety of uses, including a garage, vacant former industrial buildings and a car park. It is therefore considered that the proposals would have little, if any, impact on the environmental quality, character and amenity of the area. It is, however, considered that a Class 2 office would be more compatible with other Schedule 5 uses within a town centre location.

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 his application, the applicant has advised that he has been contacted by a number of prospective lessees who have intimated they would like a base out with the town centre to avoid traffic congestion and parking restrictions. Next to the application site there is ample car parking which is easily accessible and not regularly used. The applicant has also indicated that there are a number of other class 2 offices located out with the town centre. The applicant further states that whilst they expect the future

user of the premises would be ancillary to the current neighbouring uses they wish Class 2 consent to ensure the premises can attract a variety of users

Members are referred to Section 5 of the report.

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.

National Planning Policy Guideline (NPPG) 8 Town Centres and Retailing

6.4 NPPG 8 states that Planning Authorities should encourage uses which need to be accessible to a large number of people; for example, offices, health care, higher education and tourism uses; to be located in or near town centres. Together with retailing these uses should be directed in the first instance to town centres where they will collectively reinforce the vitality of the centre and promote sustainable modes of transport. Only if it can be demonstrated that all town centre options have been thoroughly considered can a view be taken on the suitability of out of centre locations. This approach was recently re-stated in the approval of the Regeneration Strategy for Kilmarnock Town Centre.

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 proposals are 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 relevant to this application and they are not supportive of the development. Taking the material considerations together 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 applicant has not fully justified why the proposed use could not be accommodated within Kilmarnock Town Centre.

9. RECOMMENDATION

9.1 It is recommended that the planning application be refused for the reasons 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

27 January 2006
(BD/MMM)

FV/DVM

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. NPPG 8 - 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

05/0408/FL

Site of Proposal:	1-19 Campbell Street KILMARNOCK KA1 4HL
Nature of Proposal:	Proposed Change of Use of Workshop to Form Class 2 Office Accommodation
Name & Address of Applicant:	Maconochies of Kilmarnock Ltd. 1-19 Campbell Street KILMARNOCK KA1 4HL
Name & Address of Agent:	James W Mair 25 Woodside Avenue KILMARNOCK KA1 1TU

DPOs Reference: BD/MMM

The above FULL application should be REFUSED for the following reasons:-

1. The proposed use would be contrary to Policies RTC 1 and RTC 5 of the Adopted East Ayrshire Local Plan as it involves a Class 2 office use which should be directed to a town centre location in the first instance and only where it has been demonstrated that no suitable sites are available should the proposal be considered for an out of centre location such as that in this instance. The applicant has failed to demonstrate that town centre locations are unavailable and in consequence the application should be refused for having failed to apply an appropriate sequential approach and because it would not contribute as required to the vitality and viability of the town centre.
2. The proposed development would be contrary to the provisions of NPPG 8 "Retailing" in that it fails to satisfy the sequential tests in terms of justifying such a proposal being located outwith the town centre of Kilmarnock.

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