

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 10 NOVEMBER 2006**

**06/0846/FL: USE OF VACANT PREMISES FOR CLASS 2 PURPOSE AS A  
LICENSED BETTING OFFICE  
AT 8 THE CROSS KILMARNOCK KA1 1LR  
BY WILLIAM HILL ORGANISATION LTD**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for a change of use of a vacant unit to a Class 2 betting office.

**2. RECOMMENDATION**

**2.1 It is recommended that the application be granted.**

**3. CONCLUSIONS**

3.1 As is indicated in Section 5 of the report, the application is considered to accord with the Adopted Local 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.

3.2 As indicated in Section 6 of the report, there are material considerations relevant to the proposed development. The concerns of the objector are noted, however it is considered that the proposed use is acceptable. It will bring a vacant unit back into use within the core shopping area which will add to the vitality and viability of the town centre.

**CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards the application will not require to be referred to the Development Services Committee as there would be no 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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**06/0846/FL: USE OF VACANT PREMISES FOR CLASS 2 PURPOSES AS  
A LICENSED BETTING OFFICE  
AT 8 THE CROSS KILMARNOCK KA1 1LR  
BY WILLIAM HILL ORGANISATION LTD**

**Report by Head of Planning, Development and Building Standards**

**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 because it is subject to an objection.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The application site is a vacant unit within The Cross area of Kilmarnock Town Centre. It is surrounded by shops, bakery and café and building society. The proposed unit is 145.6 square metres in area.

2.2 **Proposed Development:** Full planning permission is sought for a change of use of a vacant unit to a Class 2 betting office.

**3. CONSULTATIONS AND ISSUES RAISED**

3.1 Piersland Bentinck Community Council have not responded to their consultation letter at the time of writing this report.

*Noted.*

**4. REPRESENTATIONS**

4.1 One letter of objection has been received. A summary of the main points of objection are detailed as follows:-

4.2 The East Ayrshire Local Plan includes this site within the Core Shopping Area and the plan confirms that retail uses should predominate within the core area to maintain and protect the town's retail status. The local plan goes on to

identify other areas which cater for Class 2 uses. Therefore this is an inappropriate use of the subject premises.

***This vacant unit has been actively marketed since August 2004 and no interest has been shown for a Class 1 retail use due to the size of the unit. The proposed use is an acceptable use in terms of Policies RTC 2 and RTC 4 of the Adopted East Ayrshire Local Plan.***

4.3 This side of the Cross already has a weak retail frontage and any further loss would surely be harmful to the retail character and function of the area. For example, if this proposal goes ahead the only remaining Class 1 retail unit between The Coffee Traders (Class 3 use) on Fore Street and the entrance to Burns Mall will be the Holland and Barrett shop. In such circumstances it is especially important to retain as many Class 1 retail units as possible if retail is to continue to be the predominant use in the square. The unit has only been vacant and is only very recently the case, with Semi-Chem having relocated close by. Therefore it is reasonable to expect the unit to be marketed for Class 1 retail purposes and given the prime location they would expect a retailer to come forward.

***See response to 4.2 above.***

## **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 (EALP).

### Approved Ayrshire Joint Structure Plan (AJSP)

5.2 There are no policies in the Ayrshire Joint Structure Plan that are particularly applicable to this proposal.

### Adopted East Ayrshire Local Plan (EALP)

5.3 Policy RTC2 states that the types of development detailed in Schedule 5 of the Local Plan will be considered acceptable, in principle, within town centres.

***The proposed use is an identified Schedule 5 use and therefore accords with Policy RTC2 of EALP.***

5.4 Policy RTC4 states that within the Kilmarnock Core Shopping area of Kilmarnock, the Council will: ( i ) encourage and support the continuing use of existing ground floor retail space for retail purposes; and ( ii ) encourage and support the use of any vacant ground floor or upper floor space in non-retail use, for retail purposes.

5.5 Additionally, RTC4 states that the change of use of existing ground floor retail premises for non retail use will only be acceptable to the Council where the proposed use comprises a Class 2, Class 3 or sui generis public house use, as detailed in schedule 5. Notwithstanding this provision the Council will ensure that the ratio of gross floor space within the core area does not exceed 1:3.

***The proposed use accords with Policy RTC4 as the unit has been vacant in excess of 12 months and has not found a Class 1 retail use. The proposed use as a betting office is an identified Schedule 5 use and therefore is an appropriate use within the core shopping area.***

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

6.1 The principal material consideration relevant to the determination of the application are the consultation responses received which are addressed in Section 3 of this report and the letter of objection addressed in Section 4 of this report.

### Consultation and Representations

6.2 The consultees have not raised any adverse comments. The objector's concerns are noted, however it is considered that a betting office is an appropriate use in the core shopping area for a vacant unit.

## **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 considered to accord with the Adopted Local 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.

8.2 As indicated in Section 6 of the report, there are material considerations relevant to the proposed development. The concerns of the objector are noted, however it is considered that the proposed use is acceptable. It will bring a vacant unit back into use within the core shopping area which will add to the vitality and viability of the town centre.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards the application will not require to be referred to the Development Services Committee as there would be no significant breach of Council Policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

01 November 2006  
(WH/RH)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Consultation Responses.
3. Statutory Notes/Certificates.
4. Letter of objection.
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Willie Harris, Planning Officer, on 01563 576787.

***Implementation Officer: Dave Morris***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 06/0846/FL

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Site of Proposal: 8 The Cross  
KILMARNOCK  
KA1 1LR

Nature of Proposal: Use of Vacant Premises for Class 2 Purposes  
as a Licensed Betting Office

Name & Address of Applicant: Wm Hill Organisation Ltd  
9-15 North Drive  
GLASGOW  
G1 4BL

Name & Address of Agent: Buttery & Watson  
The Barn  
Handpost Farmhouse  
Maidens Green  
Berkshire  
RG42 6LD

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DPOs Reference: (WH/RH)

The above FULL application should be granted.

Note to applicant

Formal application for planning permission in respect of detailed plans of any proposed new buildings or extensions or alterations (including building materials), and any new accesses shall be submitted to and approved by the Planning Authority before any such development commences.

**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.**