

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING COMMITTEE - 8 FEBRUARY 2006

DECISION OF THE SOUTHERN LOCAL PLANNING COMMITTEE HELD ON 27 JANUARY 2006 RELATING TO PLANNING APPLICATION NO 05/1192/FL: PROPOSED CHANGE OF USE OF INDUSTRIAL UNIT TO RECREATIONAL FACILITY FOR PUBLIC USE AT UNIT 3, THISTLE BUSINESS PARK, AYR ROAD, CUMNOCK BY 'OOT SIDE IN'

Report by the Depute Chief Executive/Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform the Committee of the decision of the Southern Local Planning Committee held on 27 January 2006, regarding the above planning application.

2. BACKGROUND

- 2.1 The Southern Local Planning Committee on 27 January 2006 considered a report dated 11 January 2006 (attached as an Appendix) by the Head of Planning, Development and Building Standards, and agreed to refer this application to the Development Services Committee with a recommendation for approval, the Local Planning Committee being of the view that the proposal represented a much needed youth recreational facility for the area, would make use of an industrial unit, which otherwise would have been vacant and, therefore, the proposed development would represent an acceptable departure from the Development Plan; and to delegate to the Head of Planning, Development and Building Standards for appropriate conditions and reasons to be attached to the planning consent.
- 2.2 One objection was submitted in respect of this application and no Hearing took place at the meeting of the Local Planning Committee held on 27 January 2006 as the objector was not present or represented. Therefore, there is no requirement for a Hearing at this meeting.

3. FINANCIAL/LEGAL IMPLICATIONS - NIL.

4. POLICY IMPLICATIONS

4.1 The Committee are referred to the report dated 11 January 2006 by the Head of Planning, Development and Building Standards, attached as an Appendix to this report.

5. RECOMMENDATION

5.1 It is recommended that this Committee consider the planning application with reference to the report dated 11 January 2006 by the Head of Planning, Development and Building Standards and with consideration to the recommendation of the Southern Local Planning Committee, as detailed in Paragraph 2.1, above.

Elizabeth Morton
Depute Chief Executive/Executive Director of Corporate Support

31 January 2006
RB/SR

LIST OF BACKGROUND PAPERS

NIL

Any person wishing further information on this report should contact Bill Walkinshaw, Administration Manager, on telephone number 01563 576135.

Implementation Officer: Robert Beaton, Administrative Officer.

APPENDIX

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 27 JANUARY 2006

**05/1192/FL: PROPOSED CHANGE OF USE FROM INDUSTRIAL UNIT TO
RECREATIONAL FACILITY FOR PUBLIC USE AT UNIT 3, THISTLE
BUSINESS PARK, AYR ROAD, CUMNOCK**

APPLICATION BY 'OOT SIDE IN'

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the change of use of the existing industrial unit to use as a recreational facility for public use. The applicant has provided detailed information on the proposed use which would incorporate both a skateboard/rollerblade park and a fitness centre. The centre is aimed at young people aged 16 years of age and under with the fitness centre also aimed at young people with disabilities. It is further noted that young people have been involved in the design process and in the identification of suitable equipment.

1.2 The applicant has provided details pertaining to the proposed opening hours for the facility which would include opening Monday to Friday between the hours 4.30pm to 10.00pm, Saturday between the hours 12 noon to 7pm and on a Sunday from 12 noon to 9.30pm. It is further noted that the centre is proposing to open during the daytime Monday to Friday for use by local groups and individuals.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As indicated in section 5 of the report, the application is not considered to be 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. As is indicated at Section 6 of the report, there are material considerations relevant to this application; and it is considered that the points raised are of a sufficient weight and in line with policy to justify the refusal of the application.

3.2 The proposed development is considered to be contrary to policy as it involves a recreational use which is not regarded to be acceptable within a safeguarded business and industrial area. The loss of an existing business/industrial unit within a safeguarded industrial area is also not considered justified in this particular case.

3.3 *To conclude, the proposal is for a community orientated recreational centre which will encourage and allow young people to have access to a range of specialised equipment. Due to the specific requirements of the type of equipment proposed, especially with regards to the skateboard/rollerblade park, a large indoor area is required. This reduces the range of possible suitable sites to larger industrial size units, especially those within close proximity to the town centre. However, this proposal remains contrary to the provisions of Policy IND5 of the East Ayrshire Local Plan as the proposed use is not one which would be acceptable in terms of an industrial estate specifically safeguarded for industrial uses.*

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 would require to be referred to the Development Services Committee as it would be a significant departure from the East Ayrshire Local Plan.

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

SOUTHERN LOCAL PLANNING COMMITTEE: 27 JANUARY 2006

05/1192/FL: PROPOSED CHANGE OF USE FROM INDUSTRIAL UNIT TO RECREATIONAL FACILITY FOR PUBLIC USE AT UNIT 3, THISTLE BUSINESS PARK, AYR ROAD, CUMNOCK

APPLICATION BY 'OOT SIDE IN'

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 application which is to be considered by the Local Planning Committee under the scheme of delegation as the proposal is contrary to policy and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located within Thistle Business Park (North) on the northern side of Ayr Road in Cumnock and lies immediately east of Cumnock Academy. The unit is located to the front section of the existing complex with access taken on the eastern side with a service yard available to the western side. The complex was formerly a textile factory prior to its current use for small industrial units.

2.2 The application site is level and is accessed from Ayr Road. The unit has dedicated parking available to it. The Industrial Estate is a gated complex with the main access taken from twin gates on Ayr Road.

2.3 **Proposed Development:** Full planning permission is sought for the change of use of the existing industrial unit to use as a recreational facility for public use. The applicant has provided detailed information on the proposed use which would incorporate both a skateboard/rollerblade park and a fitness centre. The centre is aimed at young people aged 16 years of age and under with the fitness centre also aimed at young people with disabilities. It is further noted that young people have been involved in the design process and in the identification of suitable equipment.

2.4 The applicant has provided details pertaining to the proposed opening hours for the facility which would include opening Monday to Friday between the hours 4.30pm to 10.00pm, Saturday between the hours 12 noon to 7pm and on a

Sunday from 12 noon to 9.30pm. It is further noted that the centre is proposing to open during the daytime Monday to Friday for use by local groups and individuals.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Cumnock Community Council has not responded to the consultation letter at the time of writing this report.

Noted

3.2 East Ayrshire Council Roads and Transportation Division has not formally objected to the proposed development however, the Division have provided detailed recommendations which are listed below:

(i) There is no suitable pedestrian access to the industrial estate. It is recommended that the applicant provides a pedestrian route through the car-park. There is a padlocked gate from Ayr Road which could be re-opened and utilised for this. This would ensure that pedestrians can safely access the site without sharing the vehicle access. Concerns over this have previously been raised by the ambulance service when they carried out a risk assessment, in particular for when ambulances leave the site to attend an emergency. This should be taken up with the owners of the Business Park.

(ii) The applicant has had discussions with Roads and Transportation and is agreeable to providing this access if the owner of the site permits. The applicant has also confirmed that the proposed opening times will be outwith peak times for vehicular movements.

Noted.

3.3 East Ayrshire Council Environmental Health Division has no objections to the proposed development.

Noted.

3.4 East Ayrshire Council Outdoor Amenities Division has concerns over the proposal with respect to public safety stating that the Industrial Estate is used by several companies as well as the Council, who have large vehicles as well as several cars. It is important for public safety that visitors to the Industrial Estate are not put in any danger from these vehicles, especially if children are using the recreational facility.

Noted.

3.5 East Ayrshire Economic Development Division has no objections to the proposed development.

Noted.

4. REPRESENTATIONS

4.1 One letter of representation has been received with regard to the proposed development. The main points of which are summarised below:

4.2 The main reason I located my business here some 18 years ago, is that it is a designated Industrial and Commercial Estate. The inclusion of a proposed Recreational Facility would deviate from this status.

The objector is correct in this statement as the Industrial Estate is a safeguarded industrial area as referred to in the adopted East Ayrshire Local Plan 2003. This allocation is designed to 'safeguard' the site for uses that would fall under Class 5 General Industry and Class 6 Storage and Distribution, of the Town and Country Planning (Use Class) (Scotland) Order 1997. The proposed use would not fall under Class 5 or Class 6 of the above Order and would therefore be a contrary use to the designation of the Industrial Estate.

4.3 Approval would result in a large number of young people accessing the Business Park, which would clearly have implications for Health and Safety. This is mainly due to the frequency of vehicles entering, leaving, loading and unloading in close proximity to Unit 3. My business has 11 vehicles, this together with various delivery vehicles does in my opinion raise a potential Health and Safety issue. Also there are a number of other businesses within the estate with similar issues.

This point has been echoed by the Council's Outdoor Amenities Division who have raised public safety concerns (noted in Section 2 of this report) with respect to vehicle movements within the Industrial Estate.

4.4 The introduction of these additional people within the Business Park raises concerns for the security within the Park. As I carry high levels of stock and require to park my vehicles adjacent to Unit 3, I have concerns over the level of security if this is approved. If this proposal is allowed then additional security measures should be carried out as part of the scheme.

The Planning Authority appreciates the objector's concern relating to possible security issues with the proposed development. This is primarily due to the increased level of visitors to the Industrial Estate late into the evening when other units are closed. If the Committee is

mind ed to approve this proposal it would be very difficult to incorporate conditions to any consent to ensure additional security measures.

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 East Ayrshire Local Plan (2003).

Ayrshire Joint Structure plan

5.2 There are no policies relevant to this application contained within the Ayrshire Joint Structure Plan.

East Ayrshire Local Plan

5.3 Policy IND5 safeguards those established industrial areas as shown on the Local Plan Maps for business, industrial and storage and distribution uses.

The proposal is for a change of use from an industrial unit to a recreational facility for public use. The Thistle Business Park North is a safeguarded area and the proposed development is not considered to be a business, industrial or storage and distribution use.

Therefore, as the proposed use is not an industrial one, the change of use to a recreational facility at this location would be contrary to Local Plan policy.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and the one letter of representation received.

Consultations Responses

6.2 The consultation responses received would indicate that refusal of the application would be appropriate on the grounds of public safety in relation to vehicle movements within the Industrial Estate. However, it is

important to note that the Roads and Transportation Division have stated that if an alternative route into the site can be achieved this would satisfy their road safety concerns.

6.3 The one letter of representation received raises a number of valid concerns in respect of public safety within the Industrial Estate and fears over the security of property and related stock. It is further noted that the point raised regarding the suitability of the proposal at this specific location is consistent with policy considerations.

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 application is not considered to be 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. As is indicated at Section 6 of the report, there are material considerations relevant to this application; and it is considered that the points raised are of a sufficient weight and in line with policy to justify the refusal of the application.

8.2 The proposed development is considered to be contrary to policy as it involves a recreational use which is not regarded to be acceptable within a safeguarded business and industrial area. The loss of an existing business/industrial unit within a safeguarded industrial area is also not considered justified in this particular case.

8.3 To conclude, the proposal is for a community orientated recreational centre which will encourage and allow young people to have access to a range of specialised equipment. Due to the specific requirements of the type of equipment proposed, especially with regards to the skateboard/rollerblade park, a large indoor area is required. This reduces the range of possible suitable sites to larger industrial size units, especially those within close proximity to the town centre. However, this proposal

remains contrary to the provisions of Policy IND5 of the East Ayrshire Local Plan as the proposed use is not one which would be acceptable in terms of an industrial estate specifically safeguarded for industrial uses.

9. RECOMMENDATION

9.1 *It is recommended that the application be refused for the reasons listed 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 would require to be referred to the Development Services Committee as it would be a significant departure from the East Ayrshire Local Plan.

Alan Neish

Head of Planning, Development and Building Standards

11 January 2006

RG/RG

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.

4. Adopted East Ayrshire Local Plan (2003).
5. ***Approved Ayrshire Joint Structure Plan (1999).***
6. ***Additional proposal details***

Anyone wishing to inspect the above background papers should contact Mr. Robin Ghosh on 01563 555483.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/1192/FL

Location	UNIT 3 THISTLE BUSINESS PARK AYR ROAD, CUMNOCK
Nature of Proposal:	PROPOSED CHANGE OF USE OF INDUSTRIAL UNIT TO RECREATIONAL FACILITY FOR PUBLIC USE
Name and Address of Applicant:	OOT SIDE IN BARRHILL ROAD CUMNOCK KA18 1PG
Name and Address of Agent	MR JASON LAWRIE 16A AYR ROAD, CUMNOCK KA18 1EQ

DPO's Ref: Robin Ghosh
PPO's Ref: Hugh Melvin

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

1. The proposed development would result in the loss of an existing industrial/business unit to a recreational use. The proposed development is contrary to Policy IND5 of the adopted East Ayrshire Local Plan 2003 which seeks to safeguard established industrial sites as identified within the adopted local plan.
2. The proposed development would generate additional pedestrian movements within the established industrial estate, some of which would be children and would place such patrons of the proposed facility in conflict with existing commercial and business traffic movements to the detriment of their safety and that of other users within the industrial estate.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
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VIEWING PLEASE CONTACT (01563) 576790.**