

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 12 AUGUST 2005**

**05/0574/FL: PROPOSED CHANGE OF USE FROM VACANT INDUSTRIAL  
UNIT TO CASH AND CARRY OUTLET AT UNIT 8,  
THISTLE BUSINESS PARK, AYR ROAD, CUMNOCK**

**APPLICATION BY MR MOHAMMAD ASIF ALI**

**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 cash and carry outlet for the sale of a wide range of goods. The applicant has indicated that the goods sold would be available to trade customers as well as the general public. No information has been provided by the applicant as to the specific range of goods on offer or to the potential employment that the proposal may generate. The retail floor space provided would extend to 560 m<sup>2</sup> and storage space extending to 790 m<sup>2</sup>.

**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; however it considered that these are not of sufficient weight to justify approval of the application.

3.2 The proposed development is considered to be contrary to policy as it involves a retail 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. In the absence of any justification for the development against the sequential approach, the proposal is not considered to be acceptable in terms of policy RTC5.

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application would require to be referred to the Development Services Committee as it would be classed as 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.**

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APPLICATION BY MR MOHAMMAD ASIF ALI

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 north side of Ayr Road in Cumnock and lies immediately east of Cumnock Academy. The unit is located to the rear of the existing unit complex and has a floor space of approximately 1350 square metres. 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 unit is currently vacant.

2.3 **Proposed Development:** Full planning permission is sought for the change of use of the exiting industrial unit to use as a cash and carry outlet for the sale of a wide range of goods. The applicant has indicated that the goods sold would be available to trade customers as well as the general public. No information has been provided by the applicant as to the specific range of goods on offer or to the potential employment that the proposal may generate. The retail floor space provided would extend to 560 m<sup>2</sup> and storage space extending to 790 m<sup>2</sup>.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Cumnock Community Council has no objections to the proposed development.

***Noted***

3.2 East Ayrshire Council Roads and Transportation Division has no objections to the proposed development.

***Noted.***

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

***Noted.***

#### **4. REPRESENTATIONS**

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

***Noted.***

#### **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 Policy L8 states that the viability, vitality and design quality of existing town centres shall be maintained and enhanced. Accordingly;

A new investment in retailing and commercial leisure facilities shall be directed first to town centres and then to the edge of centres, in preference to out of centre locations;

***The application site is considered to be out of centre and the applicant has not submitted any justification for the proposed site as opposed to a town centre site.***

B applicants proposing retailing, commercial and leisure developments in out of centre locations shall need to demonstrate that no suitable site can be

found, firstly and preferably, within existing town centres, or secondly on the edge of centre; and

***Again, the applicant has not demonstrated that there are no suitable sites for the proposed development within Cumnock town centre.***

C development 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 applicant has not demonstrated that there is a need for a cash and carry in Cumnock.***

### 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.

***Details of the proposed cash and carry operation have not been submitted but it has been confirmed the premises will be open to members of the public for retail trade. The proposed development is not considered to be a business, industrial or storage and distribution use and is thus contrary to this policy. Notwithstanding this, the industrial units within the Thistle Business Park have been safeguarded for industrial use.***

5.4 Policy RTC1 states that the Council will adopt a sequential approach in assessing development proposals for retail and other uses appropriate to town centres as described in Schedule 5 of the Plan. Applicants proposing such developments in out-of-town centre locations are required to demonstrate that no suitable alternative site can be found or assembled within town centres and thereafter in an edge of centre location.

***No demonstration has been given to the Council regarding the availability and/or suitability of alternative sites in terms of this policy.***

5.5 Policy RTC5 states that, in assessing all out-of-centre retail and other Schedule 5 development proposals, the Council will have regard to certain stated factors, those being:

(i) whether the applicants have adopted a sequential approach and can demonstrate that no suitable alternative sites are available within or on the edge of town centres;

***The application site is considered to be out of centre and the applicant has not submitted any justification for the proposed site,***

***nor have they demonstrated they have considered alternative sites within or adjacent to the town centre.***

- (ii) whether the proposal would affect, either individually or cumulatively, the vitality and viability of town centres and whether the scale of the proposal is appropriate to its location;

***Given the proposed scale of development it is considered that the proposed development may have significant impacts on town centre trading within Cumnock. The applicant has not demonstrated that the proposed development would not have a negative impact on the town centre.***

- (iii) whether the proposal is accessible to a choice of means of transport;

***There is bus service along Ayr Road.***

- (iv) the effect of the proposal on travel patterns, infrastructure and road works;

***There are no significant infrastructure impacts associated with the proposed development.***

- (v) whether the proposal would be compatible with other uses in the surrounding area;

***The application site is located within an established and safeguarded business and industrial area and it is considered that a cash and carry, or any retail use, would not be compatible with other business and industrial uses in this area.***

- (vi) whether the design of the proposed building would be acceptable;

***The proposed cash and carry would occupy an existing unit.***

- (vii) the effect of the proposal on the environmental quality, character and amenity of the area; and

***It is considered that the vehicular traffic associated with a retail use of the proposed nature may not be compatible and may be detrimental to the character and amenity of the established business and industrial area within which it is proposed.***

- (viii) whether the proposal would be compatible with other local plan policy objectives.

***The proposed development is considered to be contrary to Policies IND5, RTC1 and RTC5, as detailed above and to the primary policy objective of promoting and protecting the retail function of town centres.***

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

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses.

### Consultations Responses

6.2 The consultation responses received would indicate that the approval of the application would be appropriate.

## **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; however it considered that these are not of sufficient weight to justify approval of the application.

8.2 The proposed development is considered to be contrary to policy as it involves a retail 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. In the absence of any justification for the development against the sequential approach, the proposal is not considered to be acceptable in terms of policy RTC5.

## **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 and Building Control, the application would require to be referred to the Development Services Committee as it would be classed as a significant departure from the East Ayrshire Local Plan.

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

03 August 2005  
HM/HM

### **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).

Anyone wishing to inspect the above background papers should contact Mr. Hugh Melvin on 01563 555483.

**Implementation Officer: Dave Morris**

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/0574/FL

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|                                |   |
|--------------------------------|---|
| Location                       | Unit 8<br>Thistle Business Park<br>Ayr Road<br>CUMNOCK                      |
| Nature of Proposal:            | Proposed change of use from vacant industrial unit to cash and carry outlet |
| Name and Address of Applicant: | Mohammad Asif Ali<br>31 Menzies Avenue<br>CUMNOCK                           |
| Name and Address of Agent      | N/A   |

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DPO's Ref:  
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 safeguarded industrial/business unit to a retail and storage use for which there is no demonstrated need or justification. The proposed development is therefore contrary to Policies IND5 and RTC1 of the adopted East Ayrshire Local Plan 2003.
2. The Council considers that the establishment of the proposed retail unit, in an out-of-town centre location, would have a detriment impact on the viability and vitality of Cumnock Town Centre. The proposal is therefore contrary to Policy RTC5 of the adopted East Ayrshire Local Plan 2003 and Policy L8 of the approved Ayrshire Joint Structure Plan.

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