

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 15 FEBRUARY 2002**

**01/0387/FL: PROPOSED CHANGE OF USE FROM STORAGE WAREHOUSE TO  
FORM NEW COMMERCIAL OFFICE PREMISES AND EXTENSION OF EXISTING  
BUILDING**

**AT 36 GRANGE STREET, KILMARNOCK  
FOR MR DAVID McKENZIE**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 The applicant proposes to change the use of the storage warehouse to high quality office accommodation. Car parking will be provided for 11 vehicles within the rear yard area. The applicant intends to form two small areas of extension to incorporate lift shafts, stairwells and toilets. Three floors of open plan accommodation are proposed with a common reception area and upper level conference centre. External alterations comprise new window openings with the exterior of the building finished in white render with dark grey metal roof covering with a glazed arrangement to the ridge line.

**2. RECOMMENDATION**

**2.1 It is recommended that the application be approved subject to the conditions on the enclosed sheet.**

**3. CONCLUSIONS**

3.1 As indicated at Section 5 of the report, the application is considered to be in accordance with the development 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 at Section 6 of the report there are material considerations relevant to this application and these are supportive of the proposed development. The proposal complies with the policies of the EALP. The change of use to office premises is appropriate in the town centre. The proposed extension and external finish are acceptable in this area and will not be visually intrusive. None of the statutory consultees have objected and with regard to the letter of objection, it is not considered that their comments would warrant a recommendation of refusal of the application. The proposal will provide modern office space within Kilmarnock Town Centre.

## **CONTRARY DECISION NOTE**

Should the committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control the application will not have to be referred to the Development Services Committee because there would be no significant breach of policy.

**Alan Neish**  
**Head of Planning and Building Control**

**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 and Building Control**

#### **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 relates to premises at 36 Grange Street within Kilmarnock Town Centre. The site extends to some 675 square metres and comprises an existing warehouse building of three storeys in height. Vehicular access is obtained via a pend on Grange Street with a yard area to the rear of the building. The site is bound to the west by The Garage which is operated by the applicant, to the east by other commercial properties, to the south by land used for car parking purposes for properties facing on Portland Road and to the north by Grange Street and other commercial properties. The pend is also used for vehicular access to the Portland Street properties.

2.2 **Proposed Development:** The applicant proposes to change the use of the storage warehouse to high quality office accommodation. Car parking will be provided for 11 vehicles within the rear yard area. The applicant intends to form two small areas of extension to incorporate lift shafts, stairwells and toilets. Three floors of open plan accommodation are proposed with a common reception area and upper level conference centre. External alterations comprise new window openings with the exterior of the building finished in white render with dark grey metal roof covering with a glazed arrangement to the ridge line.

#### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 The Bonnyton and Woodstock Community Council have not replied to their consultation letter.

***Noted.***

3.2 The Coal Authority have not identified any instability issues which would affect the determination of this application.

***Noted.***

3.3 The Roads and Transportation Division have no objections to the application. They were further consulted following receipt of the objection detailed in Section 4 of this report. The opinion of the Division was sought based on the presence of a road safety hazard for properties at Portland Road accessing/egressing their car parking arrangements. The reply received can be summarised as follows:-

- a) The car parking provision provided by the applicant was not a requirement of this development and the spaces provided will be exclusively for the commercial premises. The Roads Division have no interest in the internal arrangement as they do not affect the safety of the public road.
- b) Informal comment is offered for information purposes although no requirement should be placed on the developer to follow these observations:-
  - (i) The internal arrangement of the car parking would be improved by the removal of all dividing walls. This would prevent blind spots for drivers moving through the various sections of the car park and may result in an increase in the numbers of spaces available on the site;
  - (ii) If the walls are not removed and the layout remains as proposed, the safety hazard to users is not likely to be serious given that traffic speeds will necessarily be low and damage to vehicles will be limited. It may be advantageous for the illumination of the car park to be improved for pedestrian safety as well as increasing the visibility of vehicles.

***Noted. These comments bear directly on the objection received which is detailed in Section 4 of this report.***

3.4 West of Scotland Water have advised that the developer should satisfy himself by site investigation if necessary that relative levels are such as will allow the development to be connected at a reasonable gradient. Their permission should be sought to connect to the public sewerage system.

**Noted.**

#### **4. REPRESENTATIONS**

One letter of objection has been received and is detailed as follows:-

4.1 The existing car park to the rear of offices at 7-23 Portland Road is well used and the proposed car park is bounded by a wall which restricts visibility for drivers exiting on the access/exit route used by the 7-23 Portland Road properties. It would be preferable if the wall could be reduced in height for car safety reasons.

***Members are referred to the comments of the Roads Division in paragraph 3.3 above. The applicant is unwilling to reduce the height of the wall as it provides a defined area for car parking associated with the proposed development. Any road safety hazard is not considered to be so serious as to warrant a recommendation of refusal of the proposal. It would not be considered reasonable therefore to require the applicant to demolish the wall when cautious driving practices would resolve the issue.***

#### **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 Kilmarnock Local Plan (1985). The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 The application site is located in a mixed use area. Policy 5.2.12 is relevant to non-retail commercial development because the site is located outwith the central core area but within the Town Centre. The policy encourages office use such as general offices (Central and Local Government Administration Manufacturing Administration and Professional Services) financial service offices and business meeting place.

***The proposed development complies with the above policy.***

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

6.1 The principal other material considerations relevant to the determination of this application are the East Ayrshire Local Plan Finalised Version with Modifications (EALP), the consultation responses and letter of objection.

##### East Ayrshire Local Plan Finalised Version with Modifications

6.2 The Adopted Kilmarnock Local Plan is considerably out-of-date and it is therefore appropriate that greater weight should be attached to more recent expressions of Policy.

The Council has agreed that the EALP should be considered as a prime material consideration.

6.3 The proposal should be assessed against Policy IND7 because of the area of extension proposed. There are no policy implications arising from the change of use from storage/warehouse to office accommodation.

6.4 Policy IND7 states that extensions to existing industrial or non-industrial buildings for industrial or business purposes will be supported subject to the proposal being justified against the following criteria:-

- (i) Impact on surrounding environment and adjacent uses;
- (ii) Transportation and infrastructure implications;
- (iii) Loss of public amenity open space;
- (iv) Loss of prime agricultural land; and
- (v) Impact on national and built heritage resources.

***In this instance only criteria (i) and (ii) are relevant. There are no objections from the Roads Division in respect of criteria (ii) and in respect of (i), it is not considered that the proposed extensions will adversely affect any neighbouring properties or uses. The development will be finished in external materials which will be in keeping with the surrounding area and will be surrounded by properties of similar use. The proposal is not considered to be contrary to the above policy.***

### Consultations

6.5 The consultation responses received have been highlighted in Section 3 of this report. None of the responses raise any material considerations that would warrant the refusal of this application.

### Letter of Objection

6.6 The letter of objection has been detailed in Section 4 of this report and it is considered that the point raised is not of such significance as to warrant a recommendation of refusal of this application.

## **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 at Section 5 of the report, the application is considered to be in accordance with the development 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 at Section 6 of the report there are material considerations relevant to this application and these are supportive of the proposed development. The proposal complies with the policies of the EALP. The change of use to office premises is appropriate in the town centre. The proposed extension and its external finish are acceptable in this area and will not be visually intrusive. None of the statutory consultees have objected and with regard to the letter of objection, it is not considered that their comments would warrant a recommendation of refusal of the application. The proposal will provide modern office space within Kilmarnock Town Centre.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the condition on the enclosed sheet.**

### **CONTRARY DECISION NOTE**

Should the committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control the application will not have to be referred to the Development Services Committee because there would be no significant breach of policy.

**Alan Neish**  
**Head of Planning and Building Control**

06 February 2002  
(FMF/MMM)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Plan and Forms.
2. Statutory Notices and Certificates.

3. Consultation Replies.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted Kilmarnock Local Plan.
6. East Ayrshire Local Plan Finalised Version with Modifications.
7. Approved Strathclyde Structure Plan.
8. Letter of Objection.

Anyone wishing to inspect the above papers please contact Fiona Finlay on 01563 576768.

***Implementation Officer: Dave Morris***

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## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0387/FL

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Site of Proposal:	36 Grange Street KILMARNOCK
Nature of Proposal:	Proposed Change of Use from Storage Warehouse to Form New Commercial Office Premises and Extension of Existing Building
Name & Address of Applicant:	Mr David McKenzie The Garage Grange Street KILMARNOCK KA1 2DD
Name & Address of Agent:	

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DPOs Reference: FMF/MMM

The above FULL application should be approved subject to the following conditions:-

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 and the Town and Country Planning (Use Classes)(Scotland) Order 1997 or any Order revoking and re-enacting that Order this permission relates to the use of the property as Class 2 Financial, professional and other services or Class 4 business premises.

REASON To enable the Planning Authority to retain control over the use of the site in accordance with local planning policies.

2. Prior to the use of the building as offices, the eleven car parking spaces shall be provided.

REASON In the interests of road safety.

**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.**

