

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE – 12 JANUARY 2001

**00/0775/FL: PROPOSED CHANGE OF USE TO CLASS 3 (FOOD AND DRINK) AT
UNIT 8 PORTLAND GATE KILMARNOCK BY THE NOBLE ORGANISATION LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 This is a full planning application which has been submitted to change the use of the unit from its consented retail use (under Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997) to a food and drink use. This would allow for a restaurant/café/snack bar for the sale of food or drink on the premises. No external alterations are proposed and were there to be any they would require to be the subject of further planning application.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 The proposal complies with the policies of both the Adopted Kilmarnock Local Plan and the East Ayrshire Local Plan, Finalised Version. The use is an acceptable town centre use which will not adversely affect any neighbouring properties which are all of a commercial or leisure/recreational nature. There have been no objections from consultees or as a result of the neighbour notification or public advertisement processes. Any external changes to the building amounting to development would be the subject of a further planning application.

**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 at the request of the local member.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises Unit 8 at Portland Gate located within the new retail development to the north of the Cross. The site lies to the east of the overall development and is centrally located. It is bound by the units in the development to the north and south, the rear service yard to the east and Portland Street and retail units to the west.

2.2 **Proposed Development:** This is a full planning application which has been submitted to change the use of the unit from its consented retail use (under Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997) to a food and drink use. This would allow for a restaurant/café/snack bar for the sale of food or drink on the premises. No external alterations are proposed and were there to be any they would require to be the subject of further planning application.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The East Ayrshire Council Roads Division have no objections to the proposed development.

Noted.

3.2 West of Scotland Water Authority have advised that drainage from the development must include an adequate grease trap and contact should be made with their offices regarding compliance with current water byelaws.

Should members choose to grant consent an appropriate condition can be attached to the planning consent if granted regarding the provision of a grease trap.

3.3 Piersland Bentinck Community Council have not responded to the consultation letter.

Noted.

4. REPRESENTATIONS

4.1 No letters of representation were received.

5. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

5.1 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Adopted Joint Ayrshire Structure Plan and the Adopted Kilmarnock Local Plan.

5.2 Policies 4.3.5 and 5.2.10 of the Adopted Kilmarnock Local Plan are applicable in the consideration of this application. These policies were formulated in order to maintain the attractiveness of the town centre as the major shopping area in the District. They were also drafted to prevent any uncontrolled increase of non-retail uses in the Central Core Area which could lead to a reduction in the attractiveness of the town centre as a prime shopping area.

5.3 Policy 4.3.5 states that the Council shall restrict the establishment of non-retail uses in the main shopping area of the Kilmarnock Town Centre subject to Policies 5.2.10 and 5.2.11. Policy 5.2.11 relates to floors above ground floor level and is not therefore relevant to this application. Policy 5.2.10 states that the Council shall not allow non-retail uses at ground floor level within the central core area except where the proposed development replaces an existing non-retail use on a different site in the central core area or the proposed development is a restaurant or other catering establishment.

The proposed development is compliant with the above policies. The Adopted Local Plan is considerably out of date as it was prepared in the context of the Strathclyde Structure Plan. As a consequence greater weight must be attached to a more recent expression of policy.

6. MATERIAL CONSIDERATIONS

6.1 The most significant material consideration in planning terms is the East Ayrshire Local Plan Finalised Version. Policies RTC2 (iii), RTC3 and RTC5 are applicable and generally seek to preserve the integrity of the Kilmarnock Core Shopping Area for shopping and general retail purposes and to protect the vitality and viability of existing

town centres. These policies set out an acceptable range of town centre uses which will be appropriate in the town centres and also seek to ensure that within the Kilmarnock Core Shopping Area the ratio of non-retail to retail ground floorspace does not exceed 1:3.

6.2 Policy RTC5 also specifies certain criteria against which developments within town centres will be assessed. These are as follows:-

- (i) their compliance with the sequential approach detailed in Policy RTC1;
- (ii) the extent of the development's catchment area and the effect of the development either individually or cumulatively with similar existing or approved developments on the vitality and viability of town centres, neighbourhood centres or local retail facilities within that catchment area;
- (iii) the accessibility of the site by a choice of means of transport and the effect of the development on overall travel patterns and land use;
- (iv) the compatibility of the use with surrounding land uses;
- (v) the quality of the design and finish of the proposal and its contribution to the environmental quality, character and amenity of the area;
- (vi) the compatibility of the proposal with all other policy objectives of the Local Plan; and
- (vii) the implications that the development would have on existing infrastructure and the trunk and local road networks.

The proposed use is considered to be compliant with Policy RTC2 and RTC3 and RTC5 of the East Ayrshire Local Plan Finalised Version. The proposal is small scale in nature and comprises one unit in a larger newly constructed development within the town centre. In respect of items (ii) and (iii) within Policy RTC5. The site is located within the town centre and accessible by a range of public and private transport and the use is considered to be one which will contribute to the range of uses in the town centre without detrimentally impacting on the vitality or viability of the town centre. In respect of (iv), (v) and (vi) the proposal is compatible with surrounding commercial and leisure uses and does not conflict with surrounding uses which are all essentially of a retail or leisure nature. Alterations to the design, finish of and any advertising on the property's elevations would be the subject to a further planning 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 The proposal complies with the policies of both the Adopted Kilmarnock Local Plan and the East Ayrshire Local Plan, Finalised Version. The use is an acceptable town centre use which will not adversely affect any neighbouring properties which are all of a commercial or leisure/recreational nature. There have been no objections from consultees or as a result of the neighbour notification or public advertisement processes. Any external changes to the building amounting to development would be the subject of a further planning application.

9. RECOMMENDATION

9.1 It is recommended that this application be approved subject to the conditions on the attached sheet.

Alan Neish
Head of Planning and Building Control

4 January 2001
(FF/SA)
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices and Certificates
3. Consultation Responses
4. Planning Application; 00/0073/FL
5. Adopted Kilmarnock Local Plan.
6. East Ayrshire Local Plan Finalised Version.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

00/0 775/FL

Site of Proposal:	Unit 8 Portland Gate Portland Street KILMARNOCK
Natural of Proposal:	Proposed change of use to Class 3 (Food and Drink)
Name & Address of Applicant:	The Noble Organisation Ltd 1A Dukesway Court Team Valley GATESHEAD NE11 0PJ
Name & Address of Agent:	Mr Michael Fox Address as Per Applicant

DPOs Reference: FF/SA

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

1. Formal application for planning permission in respect of detailed plans of any proposed alteration which are to be made to the external appearance of the building and amount to development, shall be submitted to and approved by the Planning Authority before any such development commences.

REASON

The approval relates to a change of use only.

2. The drainage from the development shall include a grease trap to West of Scotland Water's specification.

REASON In the interests of maintaining a satisfactory drainage system.

NOTE 1: The developer shall contact West of Scotland Water, 35 Glenburn Road, Prestwick, KA9 2NS, prior to commencing work on site regarding compliance with current water bylaws.

NOTE 2: The further separate consent under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 may be required for any

proposed external signage, and in this regard the applicant should contact the Planning Authority.

**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.**

AGENDA