

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 10 NOVEMBER 2000

**00/0602/FL: EXTENSION TO PROPERTY AT NORTH SIDE AT FORMER B&Q BUILDING AT 4
UMBERLEY ROAD LORENY INDUSTRIAL ESTATE KILMARNOCK
BY BELGRAVE LAND LIMITED**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The applicant proposes to extend the building in the North East Corner and reconfigure the car parking arrangements as a second phase to an already approved extension to the building (see Section 6.2)

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 The proposal is compliant with the Adopted Local Plan in terms of Policy 4.3.3 (2). The building is located within an industrial area, has an existing retail consent, and has been lying empty for approximately 3 years. The proposed development will bring the building back into use and result in an improvement to the amenity of the area.

**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 the subject of an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises the former B & Q building (currently vacant) and yard which extends to 0.68 hectares in area. The site located within Loreny Industrial Estate is bounded to the North by open space owned by East Ayrshire Council and Caprington Avenue; to the South East by industrial properties owned by Smith and Wallace and William Young (Kilmarnock) Ltd, to the East by an open space/swingpark owned by East Ayrshire Council; and to the South East by industrial properties owned by TNC Window Company, Wilson Homes and Tom Palmer. The existing building is a single storey unit.

2.2 **Proposed Development:** The applicant proposes to extend the existing building in the North East corner and reconfigure the car parking arrangements. Previous planning consent (00/0432/FL) was granted on 22 August 2000 for the extensions to the building and change of use of industrial ground to car park/retail use. This extension will provide an additional 120 square metres of retail accommodation. The design of the extension will follow the same roof line of the existing building, with the use of a brick base course, metal sheet walls and grey metal coated ribbed sheet roofing.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have no objection to the application provided a road construction consent is obtained to form the new turning head prior to the facility being operated. The footway adjacent to the development site (outwith the application boundary) requires to be included in the road construction consent as it will require to be altered.

If members choose to grant consent the requirements of the Roads and Transportation Division regarding the turning head could be met by attaching a condition to the planning consent. A note could be attached to the planning consent if granted regarding Road Construction Consent.

3.2 West of Scotland Water have advised that

(a) There is a public sewerage system to which a connection may be made. 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.

(b) The proposed development is served by both foul and surface water sewers and the owner should ensure that any new internal or external pipework is connected to the correct drain or sewer.

(c) Sustainable Urban Drainage Systems should be employed on the surface water draining system.

Noted. If members choose to grant consent, advisory notes can be attached to the planning consent advising the applicant to contact West of Scotland Water.

3.3 Shortlees Community Council have not responded to their consultation letter.

Noted.

4. REPRESENTATIONS

There is one letter of objection received.

4.1 The suitability of this location for additional retailing is questioned and the objector has assumed that the sequential test approach be adopted in support of the proposal. It is the objector's view that in terms of sustainable development Queen's Drive as an acknowledged retailing destination provides a more attractive and, indeed in terms of NPPG8 an acceptable location. In planning terms there must be little support for an extension to retailing floorspace at a location which nowadays would not be seen as appropriate for this purpose.

The property has been vacant for approximately 3 years, in which time there has been little interest from potential tenants. The property has previously been used in the sequential test, however due to the size and location of the premises, its future use is considered to be limited. The Council has been informed by the agent that a tenant has been found for the property. Government guidance (NPPG8: Town Centres and Retailing) highlights that "the principles underlying the sequential approach apply also to proposals to expand, or change the use of existing out-of-centre developments, where the proposals are of such size or type that they would result in a change to their character as determined by the development plan." The Council also advocates the sequential text in determining applications of this nature, however it is not considered that a small extension of 120m² will result in a change to the character of this property nor is it considered that by approving the application, there would be an affect on the vitality and viability of Kilmarnock Town Centre.

5. DEVELOPMENT PLAN STATUS

5.1 The East Ayrshire Local Plan Finalised Version is the development plan which the Council has resolved to base its day to day decisions against. Policy RTC 1 of the plan states that the Council will adopt a sequential approach in assessing retail developments with developers required to direct all such development firstly to town centres, as identified on the local plan maps and secondly in the edge of centre locations – preference to out of town centre locations.

As the property currently has a Class I Use and as the proposed extension is considered insignificant in terms of additional floorspace, the proposed extension is not considered to be of a size or type that would result in a change to the retail

warehouse character of the premises. In addition it is not considered that the extension would adversely affect the vitality or viability of the Kilmarnock town centre, is compatible with surrounding land uses and would have no implications for existing infrastructure or the local road network.

5.2 Although considerably out of date the adopted Kilmarnock Local Plan allows for an extension of less than 200 square metres in area and would involve goods which are of a type not normally sold in the town centre in terms of Policy 4.3.3.

The proposed extension is 120 square metres in area and will involve selling goods sold in the town centre. However, the existing building is 2,234 square metres in area and it has a Class 1 Use. Therefore, this additional extension is considered acceptable in this instance as it would not result in a change to the character of the area nor it will not have an adverse affect on the viability and vitality of Kilmarnock Town Centre.

6. PLANNING HISTORY

6.1 00/0281/FL Planning permission was granted on 5 May 2000 for a Change of Use of the Class 1 Retail Warehouse to an Industrial Unit (Class 5) of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

This consent has never been implemented on site.

6.2 00/0432/FL: The property currently has a Class 1 retail use although it has been lying vacant for approximately 3 years. Planning consent was granted on 22 August 2000 for proposed extensions and change of use of industrial ground to car park/retail use.

The present application provides an additional extension of 120 square metres to the existing building and the extensions approved under the above.

7. OTHER PLANNING CONSIDERATIONS

7.1 There are no other planning considerations.

8. FINANCIAL AND LEGAL IMPLICATIONS

8.1 There are no financial or legal implications for the Council in determining this application.

9. CONCLUSION

9.1 The proposed development can be accommodated under the Policy 4.3.3 of the Adopted Kilmarnock Local Plan due to the size of the proposal and it would not change the character of the area. The proposal is also consistent with the policies of the East Ayrshire Local Plan Finalised Version. The building is located within an industrial area, has an existing retail consent, and has been lying empty for approximately 3 years. It is not considered that the guiding principles of NPPG8 (Town Centres and Retailing) will be compromised by granting consent for this small extension of retail floorspace to an existing retail unit. The proposed development will bring the building back into use and result in an improvement to the amenity of the area.

The design and materials of the proposed extension will be compatible with the design and materials of the existing building and the previous extensions approved on 22 August 2000. The proposed changes to the car park are acceptable to the Roads Division.

10. RECOMMENDATION

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

Alan Neish
Head of Planning and Building Control

1 November 2000 (SMcA/SA)

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Letter of objection.
4. Consultation replies.
5. Planning Application Ref: 00/0181/FL.
6. Planning Application Ref. 00/0432/FL

Anyone wishing to inspect the above papers please contact Stuart McAdam on (01563) 576639.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

00/0602/FL

Site of Proposal: North Side Former B&Q Building
4 UMBERLEY ROAD LORENY INDUSTRIAL ESTATE
KILMARNOCK

Natural of Proposal: Proposed Extension to Property at North Side

Name & Address of Applicant: Belgrave Land Ltd
Belgrave House
PO Box 26
WELWYN HERTS AL6 9ZY

Name & Address of Agent: Robert G Lang RIBA ARIAS
Chartered Architect
25 Bellevue Crescent
AYR KA7 2DP

DPOs Reference: SMcA/SA

The above FULL application should be approved on the following grounds:

1. The proposed development shall be carried out in accordance with the application form and plans received on 2 August 2000 and plan received by the Planning Authority on 6 September 2000.

REASON To ensure that development is carried out in accordance with the approved details.

2. The building shall be utilised for the retailing of non-food articles only.

REASON To safeguard the interests of existing commercial development and to maintain the viability the vitality of the town centre.

3. The landscaping/open space associated with the site shall be maintained in accordance with a maintenance scheme to be submitted to and approved by the Planning Authority within two months of this consent.

REASON In the interests of visual amenity.

4. Details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on site.

REASON In the interests of visual amenity.

5. Notwithstanding the plans hereby approved details/samples of the material to be used shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON In the interests of visual amenity.

6. The new turning head shall be provided prior to the use of the building as a retail unit by members of the public.

REASON In the interests of road safety.

Notes:

1. A road opening permit is required for all work on public roads and footways.
2. The applicant shall contact West of Scotland Water, 35 Glenburn Road, Prestwick KA9 2NS regarding sewerage provision and employing a sustainable Urban Drainage System

**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