

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 09 NOVEMBER 2001

**01/0668/FL: PROPOSED CHANGE OF USE TO FORM TOOL HIRE CENTRE
INCLUDING ALTERATION TO EXISTING BUILDINGS
AT 208 WESTERN ROAD, KILMARNOCK
BY HEWDEN STUART PLC**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for a tool hire centre with alterations to the existing buildings. The proposed centre will provide tools for hire to the general public and local contractors. The tools for hire will include small generators, electrical and petrol/diesel drive hand tools, cement mixers and portable scaffolds, etc. Alterations to the buildings include double doors and a second ramp to the front entrance of the building adjacent to the entrance gates. The cladding of the other buildings will be painted in goosewing grey and saffron. The bulk material bays and one of the existing stores are to be demolished and replaced with tarmacadam to match existing. The existing concrete wash bay is to be lifted and the ground excavated to accommodate a new concrete wash bay.

2. RECOMMENDATION

2.1 The application should be approved subject to the conditions indicated on the enclosed sheet.

3. SUMMARY OF ANALYSIS

3.1 As indicated in Section 5 of the report the proposal does not comply with the policies of the Adopted Kilmarnock Local Plan and the proposed Ayrshire Joint Structure Plan. Given the terms therefore of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be refused unless material considerations indicate otherwise.

3.2 The Council has agreed that the East Ayrshire Local Plan Finalised Version with Modifications (EALP) is a pre material consideration. The proposal is contrary to Policies RTC1 and RTC3 of the EALP, which directs retail development to town centre. It is however considered that an exception to policy can be justified in this instance as the type of use proposed is not best

suited to for a town centre location. The proposal does not conflict with the main objective of Policy RTC1 and RTC3 of EALP, which is to protect the vitality and viability of the town centre. The development of a tool hire business would be compatible with the surrounding uses in the immediate area as the bulk of their business is hiring tools to local contractors. It is considered that approval of this change of use to a tool hire business will not have a detrimental effect on the vitality and viability of the town centre.

3.3 If the Committee was to agree to refuse this application and that decision is based on the view that the application is contrary to the policies of the EALP, then these would be no requirement for referral to the Development Services

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 as it is a minor departure from the East Ayrshire Local Plan Finalised Version with Modifications.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a former depot of West of Scotland Water Authority. There are four buildings within the site which were previously used as offices, canteen and stores. These buildings are surrounded by an open yard with a boiler room, wash bay and bulk material bays. The site is enclosed by a 2.0 metre high fence with barbed wire above and entrance gates. The site is surrounded to the north by McConechy's Tyre Depot and Western Road, to the south by overgrown land, to the east by a car garage, to the west by an industrial unit and industrial land.

2.2 **Proposed Development:** Full planning consent is sought for a tool hire centre with alterations to the existing buildings. The proposed centre will provide tools for hire to the general public and local contractors. The tools for hire will include small generators, electrical and petrol/diesel drive hand tools, cement mixers and portable scaffolds, etc. Alterations to the buildings include double doors and a second ramp to the front entrance of the building adjacent to the entrance gates. The cladding of the other buildings will be painted in goosewing grey and saffron. The bulk material bays and one of the existing stores are to be demolished and replaced with tarmac to match existing. The existing concrete wash bay is to be lifted and the ground excavated to accommodate a new concrete wash bay.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads Division and West of Scotland Water have no objections to make regarding the proposed development.

Noted.

3.2 Dean Community Council are not currently in existence.

Noted.

4. REPRESENTATIONS

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

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 Structure Plan and Adopted Kilmarnock Local Plan. The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Kilmarnock Local Plan the proposal would fall to be considered against Policies 4.3.3 and 4.3.4. Policy 4.3.4 states that any development involving new retail floorspace which does not accord with Policies 4.3.2 and 4.3.3 shall not be allowed. Policy 4.3.2 refers to convenience retail floorspace and therefore is not relevant. Policy 4.3.3 allows durable retail development where the development involves goods of a type not normally sold in the town centre and shall not generally exceed 200 square metres in floorspace.

The proposed use is contrary to the above policies of the Adopted Kilmarnock Local Plan as the proposal is significantly larger than 200 square metres. However, the Adopted Local Plan is significantly out of date and the hire of tools is a use which is considered best suited to out of town centre industrial locations as the majority of their business is to supply tools to local contractors.

5.3 The Ayrshire Joint Structure Plan was approved on 24 January 2000. The proposal would fall to be considered against Policy L8 which directs retail commercial, leisure facilities first to existing town centres then to edge of centres in preference to out of centre locations.

It is considered that the proposed use is contrary to Policy L8 of the Approved Ayrshire Joint Structure Plan. However it is considered that the proposed use will not detrimentally affect the vitality or viability of the town centre as the proposed use is best suited to an industrial location.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principle material considerations comprise the East Ayrshire Local Plan Finalised Version with Modifications (EALP), the consultation responses and NPPG8 "Town Centre and Retailing".

6.2 The Adopted Local Plan is considerably out of date and it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that, where applicable to an application the policies of the EALP should be considered as a prime material consideration. Policies IND 8 and RTC1, 3 & 5 are relevant. Policy IND 8 relates to proposals for non-industrial use on land currently or formerly used for industrial purposes which shall be considered acceptable subject to the proposed use not being detrimental to surrounding established uses, meeting the requirements of all other relevant local plan policies and the existence of alternative industrial or business land or premises with potential for future employment use within the settlement concerned.

The proposed use would be compatible with the adjacent uses of a tyre depot, car showroom and repair garage. The proposed use largely meets the above policy.

6.3 Policies RTC1 and RTC3 adopt a sequential approach in assessing retail proposals directing such developments first to town centres, then to edge of centre locations in preference to out of town centre locations. Applicants proposing such developments in out-of-town centre locations shall require to demonstrate that no suitable alternative site can be found or assembled within town centres and thereafter in an edge of centre location.

The proposed use is contrary to the above policies. However an exception to policy can be justified in this instance as an industrial area is considered the most appropriate location for a tool hire business. It is considered that the proposal will not impact on the vitality and viability of the town centre.

6.4 NPPG 8 Town Centres and Retailing states Government policy guidance for certain retail proposals and the approach to town centres. It promotes the sequential test approach for new retail developments. First preference should be for town centre sites, followed by edge-of-centre sites and only then should out-of-centre sites be considered. Protecting and enhancing town centres is a key consideration of NPPG 8.

It is considered that the proposed use will not affect the vitality and viability of the town centre. It is most appropriate that a tool hire business be located in an industrial area as it is not a use suitable for a town centre location..

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 proposal does not comply with the policies of the Adopted Kilmarnock Local Plan and the proposed Ayrshire Joint Structure Plan. Given the terms therefore of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be refused unless material considerations indicate otherwise.

8.2 The Council has agreed that the East Ayrshire Local Plan Finalised Version with Modifications (EALP) is a prime material consideration. The proposal is contrary to Policies RTC1 and RTC3 of the EALP, which directs retail development to town centre. It is however considered that an exception to policy can be justified in this instance as the type of use proposed is not best suited to a town centre location. The proposal does not conflict with the main objective of Policy RTC1 and RTC3 of EALP, which is to protect the vitality and viability of the town centre. The development of a tool hire business would be compatible with the surrounding uses in the immediate area as the bulk of their business is hiring tools to local contractors. It is considered that approval of this change of use to a tool hire business will not have a detrimental effect on the vitality and viability of the town centre.

8.3 If the Committee agree to refuse this application and that decision is based on the view that the application is contrary to the policies of the EALP, then there would be no requirement for referral to the Development Services Committee.

9. RECOMMENDATION

9.1 The application should be approved subject to the conditions indicated on the enclosed sheet.

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

01 November 2001
(PCI/MMM/IMB)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Kilmarnock Adopted Local Plan.
5. Approved Ayrshire Joint Structure Plan.
6. East Ayrshire Local Plan Finalised Version with Modifications.
7. NPPG8: Town Centres and Retailing.
8. Approved Strathclyde Structure Plan

Anyone wishing to inspect the above papers please contact Pamela Clifford on 01563 576772.

Implementation Officer: Dave Morris

010668FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0668/FL

Site of Proposal:	208 Western Road KILMARNOCK
Nature of Proposal:	Proposed Change of Use to Tool Hire Centre, including Alterations to Existing Buildings
Name & Address of Applicant:	Hewden Stuart plc Durrans Hill Trading Estate Stevenson Road CARLISLE CA1 3NU
Name & Address of Agent:	John S Young Bluestane House 5 Marketgate North CRAIL Fife KY10 3TH

DPOs Reference: PC/MMM

The above FULL application should be granted 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, this permission relates to the use of the buildings and site as a tool hire centre and the further express permission of the Planning Authority shall be required in respect of any other use which falls within the same use class to the use hereby approved.

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

2. Notwithstanding the approved plans, details of the design and colour of the roller shutter and materials of the new double doors shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on site.

REASON In the interests of visual amenity.

AGENDA

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