

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 18 SEPTEMBER 2003

**03/0676/FL: PROPOSED CHANGE OF USE FROM BEAUTY SALON TO
TAXI OFFICE PREMISES
AT 6/8 BONNYTON ROAD, KILMARNOCK
BY MR ALEX GORMAN**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought to change the use of a former beauty salon to taxi office premises. This is a retrospective application as the use is already operating on site. No other external or internal alterations form part of this application. The applicant has advised that the unit will be used as a control room for 50-60 taxis which are owned individually and subscribe to the central control system. In total there are a maximum of 4 employees working from the office at any one time. The office is in operation 24 hours per day. A maximum of 6-10 taxis will visit the taxi office per day. Members of the public can drop into the office for a taxi however its primary function is to operate the central control system for taxis owned by people other than the applicant.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reason indicated on the attached sheet.

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the report the application is considered to be contrary to 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 refused unless material considerations indicate otherwise.

3.2 As indicated in Section 6 there are material considerations relevant to this application and they are not supportive of the proposal. The Roads Division believe that the taxi operation is likely to lead to an increase in on-street parking which would lead to road safety issues at the new traffic control system at the junction of Bonnyton Road and North Hamilton Street.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control it would require to be referred to the Development Services Committee, as there would be significant breach of Council Policy.

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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 recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a single storey detached unit and its curtilage; located to the south of Bonnyton Road. The site is bounded by the Morrisons Superstore and petrol filling station presently under construction to the north, and to the west by the Kadikoi and Memory Lane Public House. To the east of the application site there are single storey terraced houses and to the south there is a car park and garage site and two storey terraced houses.

2.2 **Proposed Development:** Full planning consent is sought to change the use of a former beauty salon to taxi office premises. This is a retrospective application as the use is already operating on site. No other external or internal alterations form part of this application. The applicant has advised that the unit will be used as a control room for 50-60 taxis which are owned individually and subscribe to the central control system. In total there are a maximum of 4 employees working from the office at any one time. The office is in operation 24 hours per day. A maximum of 6-10 taxis will visit the taxi office per day. Members of the public can drop into the office for a taxi however its primary function is to operate the central control system for taxis owned by people other than the applicant.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have objected as the change of use was likely to lead to an increase in on-street parking resulting from the taxi operation. The proximity of the proposed taxi office to the new traffic controls at the junction of Bonnyton Road/ North Hamilton Street and the proposed entry/exit to the new

superstore and petrol station would be hazardous to road safety at this location.

The Roads Division's comments are material in the determination of this application. The applicant has 4 car parking spaces at the rear for 4 office workers. The nature of a taxi business is that taxis and members of the public will wait at the front for business. Following further consultation with the applicant he has advised that no taxis will be parked on Bonnyton Road as this is a control room for taxis which are owned individually and not by the applicant. A maximum of 6-10 cars are likely to visit the office per day and the applicant insists that the taxis are parked on the designated spaces to the rear of the property.

The Roads Division have been furnished with this additional information and have maintained their objection and believe that if planning consent was granted for a taxi office it would be unenforceable to ensure taxi drivers did not stop in front of the unit at the traffic control junction. This would have a detrimental impact on road safety.

3.2 Bonnyton Community Council have not responded to their consultation letter at the time of writing this report.

Noted.

3.3 East Ayrshire Council Environmental Health and Waste Management have no adverse comments to offer on the proposals.

Noted.

4. REPRESENTATIONS

4.1 There is an objection from the Roads Division detailed in Section 3.1 of the report.

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 East Ayrshire Local Plan (EALP).

5.2 East Ayrshire Local Plan Policy RTC 5 is relevant and states:

“In assessing all out-of-centre retail and other Schedule 5 development proposals, the Council should have regard to:

- 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;
- 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;
- iii whether the proposal is accessible to a choice of means of transport;
- iv the effect of the proposal on travel patterns, infrastructure and road works;
- v whether the proposal would be compatible with other uses in the surrounding area;
- vi whether the design of the proposed building would be acceptable;
- vii the effect of the proposal on the environmental character and amenity of the area; and
- viii whether the proposal would be compatible with local plan policy objectives.”

It is not considered that the development of a taxi office would necessarily need a town centre location. Therefore in this instance it is not considered that justification against the sequential test is required. The proposed use will not adversely affect the vitality and viability of the Kilmarnock Town Centre and is considered compatible with adjacent uses. In terms of criteria (iv) the Roads Division have advised that the proposed use cannot be accommodated on site without detriment to road safety and this is discussed in Section 3-1 of the report.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses received which are addressed in Section 3 of this report and the planning history of the site.

Consultation Replies

6.2 The concerns of the Roads Division are material in the determination of this application and would warrant a recommendation of refusal as the proposed development would have a detrimental effect on road safety.

Planning History

6.3 01/0560/OL: Proposed Erection of 85,000 sq ft Food Superstore and Petrol Filling Station with Environmental Improvements and Flatted Residential Development with Heritage Centre at West Langlands Street, West George Street, North Hamilton Street, Park Street, Langlands Street and Brae, Garden Street, Portland Street and John Finnie Street was granted outline planning consent on 25 October 2002.

02/0967/RM: Proposed erection of 7897 square metre food superstore, petrol filling station and associated works at West Langlands Street by William Morrison Supermarkets PLC was granted planning consent on 21 February 2003. This proposal is directly opposite the application site. This proposal is presently under construction.

02/0647/FL: Proposed Change of use from beauty salon to hot food carry out premises including extract duct and ramp at 6-8 Bonnyton Road by Mr J Chau was refused planning consent on 8 October 2002.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application.

7.2 Legal implications would arise if the application is refused as enforcement action would be instigated to seek removal of the use.

8. CONCLUSIONS

8.1 As is indicated in Section 5 of the report the application is considered to be contrary to 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 refused unless material considerations indicate otherwise.

8.2 As indicated in Section 6 there are material considerations relevant to this application and they are not supportive of the proposal. The Roads Division believe that the taxi operation is likely to lead to an increase in on-street parking which would lead to road safety issues at the new traffic control system at the junction of Bonnyton Road and North Hamilton Street.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reason indicated 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 it would require to be referred to the Development Services Committee, as there would be significant breach of Council Policy.

Alan Neish
Head of Planning and Building Control

9 September 2003
(BD/MMM/SA)
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Adopted East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan.
6. Planning Application Nos: 01/0560/OL; 02/0647/FL; 02/0967/RM.

Anyone wishing to inspect the above papers please contact Barry Douglas on 01563 576770.

Implementation Officer: Dave Morris

030676FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0676/FL

Site of Proposal:	6/8 Bonnyton Road KILMARNOCK KA1 2QS
Nature of Proposal:	Proposed Change of Use from Beauty Salon to Taxi Office
Name & Address of Applicant:	BC Property Ltd 6/8 Bonnyton Road KILMARNOCK KA1 2QS
Name & Address of Agent:	Mr Alex Gorman 6/8 Bonnyton Road KILMARNOCK KA1 2QS

DPOs Reference: BD/MMM/SA

The above FULL application should be refused for the following reason:

1. The proposed development would have a detrimental impact on road and pedestrian safety as a result of on-street parking from the taxi operation being in close proximity to the future traffic control system at the junction of Bonnyton Road/North Hamilton Street.

**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.**