EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 29 JANUARY 2010

09/0635/PP: CHANGE OF USE OF PART OF BUILDING FROM EXISTING AMUSEMENT/BINGO CENTRE AND CLASS 3 COFFEE SHOP TO INCLUDE NEW LICENSED BOOKMAKERS

AND

09/0613/PP: ALTERATIONS TO SHOP FRONT TO CREATE ENTRANCE INTO NEW LICENSED BETTING OFFICE AT THE COFFEE TRADER 3 FOREGATE SQUARE, KILMARNOCK, EAST AYRSHIRE KA1 1LN
BY THE NOBLE ORGANISATION

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposals comprise a change of use of part of the property from an existing amusement centre and coffee shop to form a Bookmakers and alterations to create a pedestrian entrance on the elevation facing onto The Foregate.

2. RECOMMENDATION

2.1 It is recommended that both applications be approved.

3. CONCLUSIONS

3.1 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.

3.2 The applications are considered to be compliant with the Development Plan and there are no material considerations which indicate otherwise. The proposed use as a Bookmakers falls within Class 2 and is an acceptable town centre use which will compliment the existing range of uses in Kilmarnock’s Town Centre. The alterations to the shopfront are consistent with the town centre location.

CONTRARY DECISION NOTE

Should the Committee agree that either one or both of the applications be refused contrary to the recommendation of the Head of Planning and Economic Development then the application(s) will not require to be referred
to Full Council as that would not be a significant departure from Council Policy.

Alan Neish
Head of Planning and Economic Development

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 Economic Development

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination two applications for planning permission which are to be considered by the Northern Local Planning Committee under the scheme of delegation as the Council owns the land.

2. APPLICATION DETAILS

2.1 Site Description: The application site comprises an existing coffee shop (Coffee Trader) within the Foregate, Kilmarnock. To the front (West) is the Foregate shopping complex within the designated core shopping area of Kilmarnock Town Centre; to the side (North and South) is the continuation of the Foregate; and to the rear (East) is the Burns Mall.

2.2 Proposed Development: The proposals comprise a change of use of part of the property from an existing amusement centre and coffee shop to form a Bookmakers and alterations to create a pedestrian entrance on the elevation facing onto The Foregate.

3. CONSULTATIONS RECEIVED

3.1 East Ayrshire Council Roads and Transportation Division and Environmental Health Sections have no objections.

3.2 East Ayrshire Council Licensing Section have no comments.

3.3 East Ayrshire Council Estates Management have indicated that the property is located upon land owned by the Council and leased to Zurich
Assurance Ltd. As landlord, Estates Management have no objection to the proposal.

3.4 Bonnyton Community Council did not wish to be consulted on the applications.

   Noted.

4. REPRESENTATIONS

4.1 No letters of representations have been received.

   Noted.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 For the purposes of these applications, the Development Plan comprises the Adopted East Ayrshire Local Plan (2003) (EALP).

   Adopted East Ayrshire Local Plan

5.2 Policy RTC2 is relevant to the proposed change of use and states that the classes of development as detailed in Schedule 5 of the Local Plan will be considered acceptable, in principle, within town centres and on those development opportunity sites identified as being suitable for such purposes on the Local Plan maps.

   The proposed use of the property falls within Class 2 (Financial Professional and Other Services) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 which includes a bookmakers. A bookmakers is a Schedule 5 use within the Local Plan and is therefore acceptable in principle within town centres. The application therefore complies with Policy RTC2.

5.3 Policy RTC4 is relevant to the proposed change of use which states that within the Kilmarnock Core Shopping Area, the Council will encourage and support the continuing use of existing ground floor retail floorspace for retail purposes; or where properties become vacant encourage and support the use of any vacant ground floor or upper floorspace, or existing ground floor or upper floor floorspace in non-retail use, for retail purposes.

   The proposed change of use is within the Kilmarnock core area, but the premises are not vacant. However, as the property is currently used for a mixture of Class 3, Class 11 and Sui Generis, it is considered that the change of use to include an element of Class 2 is generally acceptable within the core area.
5.4 Policy ENV7 is relevant to the proposed shopfront alterations to form the pedestrian entrance and states that all developers will be expected to comply fully with the Council’s existing and emerging Design Guidance and Policy documents relating to and advising on the particular type of development proposed. Developments which do not meet the required design standards will require to be fully justified and may not be supported by the Council.

*The proposed alterations comprise installation of a plate glass door with stainless steel ironmongery and black aluminium frames, formation of new window with black granite skirting and stall riser. They are considered to be appropriate in size, scale, materials and external finish for a town centre location.*

6. **ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of this application are the Alteration to the East Ayrshire Local Plan, consultation responses and amenity considerations in respect of the location of this site.

**Alteration to the East Ayrshire Local Plan**

6.2 Policy RTC6 is relevant in relation to the change of use. Policy RTC6 seeks to preserve the prime retail function of the core shopping area for shopping and general retail purposes and for other services which provide direct support to the retail function of the area. This policy echoes Policy RTC4 of the EALP as detailed in paragraph 5.3.

*It is noted that whilst the premises are not vacant, (the property is currently used as an amusement/bingo centre and Class 3 coffee shop), the change of use to include an element of Class 2 is generally acceptable within the core area.*

6.3 Policy ENV9 is relevant to the alterations to the shop front which echoes Policy ENV7 of the EALP as detailed in paragraph 5.4.

*It is noted that the proposed alterations are appropriate in size, scale, materials and external finish for a town centre location.*

**Consultation Responses**

6.4 It is considered that no issues have been raised in the consultation process which warrant refusal of the applications.

**Amenity**

6.5 The proposed change of use to incorporate a Bookmakers and shop front alterations would not have an adverse effect on amenity of the Kilmarnock Town Centre and the new entrance is equally acceptable.
7. **FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial implications for the Council relative to these applications. In terms of legal implications, the Council owns the land and there is no requirement to refer these applications to the Scottish Government under Circular 3/2009 “Notification of Planning Applications” should Members choose to grant consent.

8. **CONCLUSIONS**

8.1 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.

8.2 The applications are considered to be compliant with the Development Plan and there are no material considerations which indicate otherwise. The proposed use as a Bookmakers falls within Class 2 and is an acceptable town centre use which will compliment the existing range of uses in Kilmarnock’s Town Centre. The alterations to the shopfront are consistent with the town centre location.

9. **RECOMMENDATION**

9.1 It is recommended that both applications be approved.

**CONTRARY DECISION NOTE**

Should the Committee agree that either one or both of the applications be refused contrary to the recommendation of the Head of Planning and Economic Development then the application(s) will not require to be referred to Full Council as that would not be a significant departure from Council Policy.

Alan Neish  
Head of Planning and Economic Development

18 January 2010

RDB/KW  
FV/DVM
LIST OF BACKGROUND PAPERS

1. Application forms and plans
2. Statutory Notices and Certificates
3. Representations
4. Consultation Responses
5. Adopted East Ayrshire Local Plan
6. Finalised Draft with Modifications East Ayrshire Local Plan.

Anyone wishing to inspect the above papers should contact Robert Beaton, Planning Officer on 01563 576770.
Location: 3 Foregate Square Kilmarnock  East Ayrshire KA1 1LN

Nature of Proposal: Change of use of part of building from existing amusement/bingo centre and Class 3 coffee shop to include new licensed bookmakers

Name and Address of Applicant: The Noble Organisation
1A Dukesway Court
Team Valley
Gateshead
TYNE & WEAR
NE11 0PJ

Name and Address of Agent: Michael Fox
1A Dukesway Court
Team Valley
Gateshead
TYNE & WEAR
NE11 0PJ

DPOs Reference: RDB/KW

The above application for Planning Permission should be Approved.
Location
The Coffee Trader 3 Foregate Square  Kilmarnock East Ayrshire

Nature of Proposal:
Alterations to shop front to create entrance into new licensed betting office

Name and Address of Applicant:
Mr David Jeal  
1A Dukesway Court  
Team Valley  
Gateshead  
NE11 0PJ

Name and Address of Agent
Neil Fenwick  
4 Keelrow  
The Watermark  
Gateshead  
NE11 9SZ

DPOs Reference: RDB/KW

The above application for Planning Permission should be Approved.