

Report

Report to: **Planning Committee**

Date of Meeting: 17 May 2005

Executive Director (Enterprise Resources) Report by:

Application No EK/05/0174

Change of use of industrial unit to children's multi-driving and building Planning Proposal:

experience facility

1 **Summary Application Information**

Application Type: **Detailed Planning Application**

Applicant: Mr M Cassidy 52 Wilson Place Location: East Kilbride

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

(1) Grant Detailed Planning (subject to Conditions – see attached)

2.2 Other Actions/Notes

The Planning Committee has delegated powers to determine this application

3 Other Information

Applicant's Agent: Anderson Anderson Council Area/Ward: 19 East Mains

Policy Reference(s): SLP5 – Non conforming uses in Industrial Areas

Representation(s): None

Consultations:

Environmental Services

Roads and Transportation Services (East Kilbride)

Planning Application Report

1 Application Site

- 1.1 Lying on the northern edge of East Kilbride, Wilson Place forms part of the Nerston Industrial Area.
- 1.2 More specifically the application site is a vacant industrial unit which forms part of a terraced row of units accessed off of Wilson Place. To the north adjoined to the unit is a similarly sized unit which stores prams and nursery equipment with an ancillary retail element. To the south is another adjoined unit operating as a car repairs workshop. To the west lies Wilson Place and to the east lies a shrubbed embankment with the Kingsway located at the top of the embankment.
- 1.3 It should be noted that although the OS plan addresses the property as No 54 Wilson Place, the applicant's agent has stated that the leasing agents have detailed the address as No 52 Wilson Place.
- 1.4 As stated above the unit is currently vacant having previously been occupied by a tool and equipment hire company.

2 Proposals

- 2.1 The proposal entails a change of use of the unit to operate a novel multi-driving and building experience facility for children under 10 years of age.
- 2.2 This would include the conversion of the building, internally, to enable :
 - 1) the driving of 12 volt cars on an internal road layout
 - 2) A "formula 1" track with 12 volt cars
 - 3) the formation of a smaller track with 6 volt vehicles for toddlers
 - 4) A road layout to teach cycle proficiency to children
 - 5) A section for structured play involving construction kits
 - 6) A variety of other non-mechanical construction kits etc

In addition, a fenced-off external area to the rear of the unit would be formed for the use of 12 volt jeeps in the open air. All vehicles would be battery operated.

2.3 In terms of proposed external changes to the building, none are proposed other than the erection of perimeter fencing to enclose the outdoor jeep track.

3 Background

3.1 As stated above the unit was previously occupied by a tool and equipment hire firm but has been vacant for some time.

3.2 Local Plan Status

The application site is zoned Industrial in the Adopted East Kilbride and District Local Plan. The relevant policy covering the site is SLP5 – Non Conforming Uses in Industrial Areas.

3.2 Relevant Government Advice/Policy

None relevant

4 Consultations

4.1 <u>Roads and Transportation Services</u>: No objections subject to a standard condition relating to car parking (Condition 5).

Response: Noted

4.2 **Environmental Services** No adverse comments

Response: Noted.

- 5 Representation(s)
- 5.1 None

6 Assessment and Conclusions

- 6.1 Due to the non-industrial nature of the proposal the application was advertised as Development Contrary to the Development Plan in the local newspaper (dated 30 May 2005).
- 6.2 In terms of the adopted East Kilbride and District Local Plan, the site is identified as being within an industrial area and subject to Policy SLP5 Non Conforming Uses in Industrial Areas.
- 6.3 Policy SLP5 states that proposals for uses which do not conform with the general industrial policy will only be appropriate if all of the following criteria are met -
 - 1. The loss of the site from the industrial land supply will not affect the continuity of the long term supply of industrial land in terms of quantity, range and quality.
 - 2. The development of the premises would not adversely affect the industrial character and function of the area
 - 3. The site has been unsuccessfully marketed for an appropriate use
 - 4. The premises are located at the edge of an industrial area and can easily be accessed from main roads and can be accessed by walking, cycling and public transport
 - 5. The premises are or can be served by public transport
 - 6. The development will not adversely affect public or traffic safety
 - 7. The infrastructure implications of the development are acceptable
 - 8. The development makes provision for cycling, walking and public transport as appropriate
- 6.4 The issue for consideration in this instance is therefore whether the principle of the loss of the unit to a non-industrial use can be considered acceptable in terms of the eight criteria set out above and if so, whether the proposed use is likely to be acceptable in terms of the specifics of the use and its impact on the amenity of the surrounding area, traffic, parking etc.
- 6.5 Due to the small scale nature of the proposal the loss of the unit to a non-industrial use would not affect the long term supply of industrial land and a 10 year supply can be retained.
- 6.6 This particular unit is located on the edge of the industrial area and is surrounded by a mix of industrial, storage, distribution and retail uses. The unit can be easily accessed from main road routes and has satisfactory access by an existing access road and footpaths.

- 6.7 Given the character of the surrounding area and the relatively low levels of noise emitted from battery operated vehicles, I do not consider that the use will have any adverse impacts on the function of the surrounding area in terms of noise or amenity. In addition, I understand that the unit has been unsuccessfully marketed for sometime. It is located within an area which has witnessed a gradual introduction of mixed uses such as retail outlets, storage etc. Furthermore, the unit is served by an existing access and adequate car parking can be achieved within the application site. Thus the proposal would not adversely affect public or traffic safety.
- 6.8 In taking the above into account, I am of the opinion that the loss of the unit to a non-industrial use is acceptable in this particular case.
- 6.9 Given the above, the fact that the consultees have no adverse comments to make and no representations have been lodged, I consider that a departure from the Local Plan can be justified.
- 6.10 In conclusion, I would recommend that the proposal is granted contrary to development plan for the following reasons:
 - 1) Given the nature of the proposal with the operation of electric driven toy vehicles for under 10 year olds, the proposal will not have an adverse impact on the amenity and industrial function of the area.
 - 2) The unit is located on the edge of an industrial area and can be easily accessed by road, public transport and by walking.
 - 3) This area has witnessed a gradual transition from general industrial uses to other mixed uses including storage, distribution and retail uses.
 - 4) Such a use is more appropriate for an industrial area as it would not be suited within a residential area or some commercial areas.

lain Urquhart Executive Director (Enterprise Resources)

10 May 2005

Previous References

♦ Bullet point list

List of Background Papers

- Application Form dated 11.3.05
- Application Plans
- Consultations

Roads and Transportation Services

03/05/05

Environmental Services

08/04/05

Representations - None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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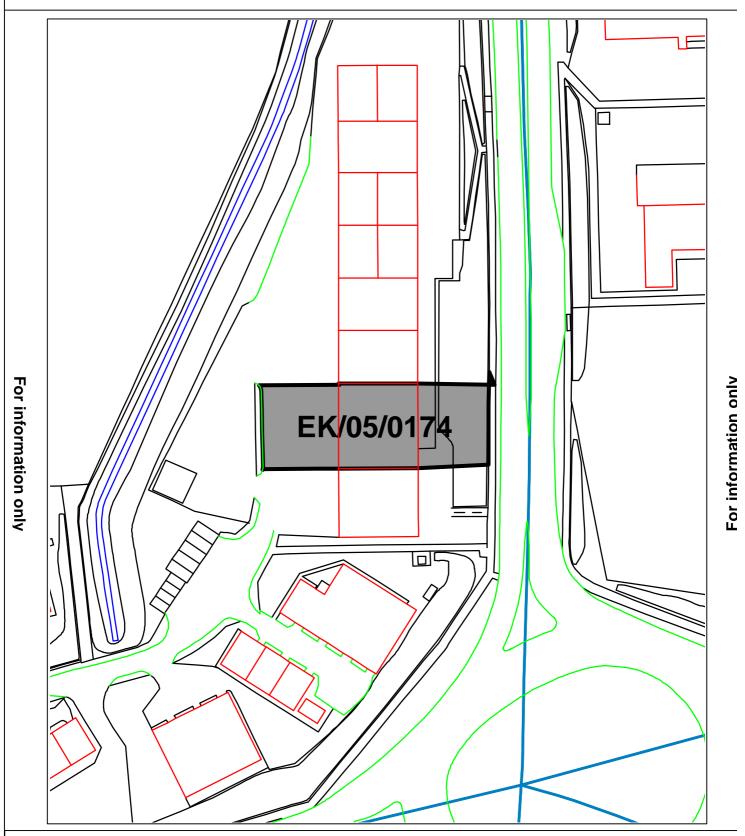
CONDITIONS

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- That before development starts, full details of the design and location of the rear fencing to be erected on the site shall be submitted to and approved by the Council as Planning Authority.
- That before the development hereby permitted is occupied or brought into use, all the fencing for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 3 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- That before the development hereby approved is completed or brought into use, 16 no. parking spaces (2.5m x 5m modules) shall be laid out, constructed and delineated within the site to the satisfaction of the Council as Roads and Planning Authority and thereafter shall be maintained to the entire satisfaction of the Council. 3 No spaces shaded blue on the approved plan shall be marked/reserved for staff use only.
- That notwithstanding the provisions of the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984, no fascia signs, adverts or projecting signs shall be erected on the premises without the prior written consent of the Council as Planning Authority.
- That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any such order revoking or reenacting that order), the use of the building hereby approved shall be restricted to use as a children's multi-driving play facility and for no other purpose within Class 11 as defined in the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997, without the prior written consent of the Council as Planning Authority.

REASONS

- To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.
- These details have not been submitted or approved.
- 4 To ensure the provision of adequate parking facilities within the site.
- 5 To safeguard the amenity of the area.
- 6 In the interests of amenity and to retain effective planning control
- 7 To safeguard the amenity of the area

Scale: 1: 1250



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