



**GRAY PLANNING**  
AND DEVELOPMENT

## **GROVE RETAIL LTD**

### **PLANNING STATEMENT**

**REDEVELOPMENT OF CAR WASH TO FORM PETROL FILLING STATION (PFS) WITH ANCILLARY SHOP (CLASS 1A) AND TAKEAWAY COUNTER (SUI GENERIS), ELECTRIC VEHICLE CHARGING POINTS, LAUNDRY AND JET WASH (SUI GENERIS) AND PARKING BAYS**

**GRANGE SERVICE STATION  
56-58 IRVINE ROAD  
KILMARNOCK  
EAST AYRSHIRE  
KA1 2JW**

**DECEMBER 2023**

Our Ref: 2023\_87

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## 1 INTRODUCTION

- 1.1 This Planning Statement has been prepared by Gray Planning & Development Ltd, on behalf of the applicant Grove Retail Ltd. It supports the drawings prepared by AMCA Architects to justify the context for the proposals and demonstrate compliance with the Development Plan and other material considerations.
- 1.2 This Planning Statement provides a clear description of the proposal being submitted for the approval of East Ayrshire Council. It sets out the facts relating to location; content of the proposals; planning history, and an assessment of the relevant development plan policies considered pertinent to the determination of the planning application; and any other material considerations relevant to the application.
- 1.3 A detailed planning application has been submitted to East Ayrshire Council for:  
*“Redevelopment of car wash to form petrol filling station (PFS) with ancillary shop (class 1a) and takeaway counter (sui generis), electric vehicle charging points, laundry and jet wash (sui generis) and parking bays”*  
*At 56-58 Irvine Road, Kilmarnock, East Ayrshire KA1 2JW.*
- 1.4 The concept of the proposed development is to regenerate a prominent vacant commercial site and bring new commercial use with ancillary shop / take away and roadside convenience facilities to the area.
- 1.5 Grove Retail Ltd has successfully redeveloped several prominent roadside sites within Scotland and across the UK. Its model marries an offer combining petrol station facilities along with convenience shop / hot food take away and other service needs such as (in this case) electric vehicle charging facilities and a laundry. This opportunity at Irvine Road, Kilmarnock is one such case where the business is seeking planning permission to enable it to deliver this successful model to the local community in Kilmarnock.
- 1.6 This Statement is set out in the following order:
- Section 2 describes the background and existing situation.
  - Section 3 sets out the proposed development.
  - Section 4 outlines the development plan position
  - Section 5 assesses the key issues associated with the planning application.
  - Section 6 sets out conclusions.

## **2 BACKGROUND AND SITE DESCRIPTION**

### **LAND BOUNDARY AND SURROUNDING CONTEXT**

- 2.1 The proposed development site is a vacant former cash wash located on the southern side of Irvine Road, with its junction with Grange Terrace. The site occupies number 56 – 58 Irvine Road, Kilmarnock. The planning history, coupled with historic Google map views show that the site was previously a petrol filling station which was subsequently altered to become a car wash. Over the years, the site has remained largely the same, resulting in a worn and tired appearance which is visually unattractive and detracts from the surrounding streetscape.
- 2.2 The site measures 0.0975Ha (975sqm). It is rectangular in form with its main frontage facing Irvine Road. The rear boundary of the site is defined by a brick wall, fencing and soft landscaping (including 6 trees) with residential properties beyond this boundary.
- 2.3 Access to the site exists from both Irvine Road (2 points) and Grange Terrace (single access). The site is located within the settlement boundary of Kilmarnock. The wider surrounding area is predominantly residential in nature. Irvine Road is a B-class road, which leads to University Hospital Crosshouse to the west, and Kilmarnock Town Centre to the east.
- 2.4 Kilmarnock Town Centre is 1.1km east of the site. The nearest comparable services to the proposal is found at Morrisons Petrol Station 0.5 miles north northeast (W Langlands St), and Shell/Asda/Tesco 2.25km from the site (Queens Drive/ W Shaw Street). There are also small convenience stores located near to the site, but it would be expected the proposed ancillary shop will perform as a convenience for PFS visitors and the local neighbourhood located around Grange Academy where there are fewer convenience options.

### **EXISTING SITE LAYOUT AND FEATURES**

- 2.5 The most recent use for the application site has been a car wash, following conversion from a petrol filling station in 2018. At present, the site is vacant and has been since 2021.
- 2.6 The existing buildings and layout comprise a small office building, a repurposed forecourt (for car wash use), a large, paved area and customer parking. There is a large freestanding sign located at the junction of Irvine Road and Grange Terrace. The existing building is re-useable however its visual appearance is poor. The hardstanding areas are also re-useable but will require modernization and renovation.
- 2.7 The existing separate site entrance and site exits will be retained in the proposed development.
- 2.8 The six existing trees on the north boundary will be reduced to four trees, to accommodate proposed allocated parking bays.

### **PLANNING HISTORY**

- 2.9 The planning application site has a lengthy planning history given the long-term commercial use of the site. The full extent of known planning history is outlined in the below overleaf. It is not known from East Ayrshire Public Access when the original use of the site as a Petrol Station was introduced (earliest record online is 1999) however other written sources claim the

commercial use at this site has existed for more than 40 years. In the most recent case the proposal site received planning consent for a part retrospective erection of a lean to, and metal boundary fencing. Details is shown below.

99/0795/AD	Proposed Freestanding Sign Displaying Fuel Prices	Approved
01/0526/FL	Proposed Alterations to Grange Service Station Forecourt & Small Extension to Service Station Shop	Approved with Conditions
04/0575/AD	Proposed 1 No Doubled Sided Free Standing Advertising Unit	Refused
05/1136/FL	Proposed Installation of ATM Cash Machine In Secure Pod	Approved with Conditions
05/1144/AD	Proposed Erection of Illuminated Sign	Approved
18/0239/PP	Change of use of petrol filling station to car wash	Approved with Conditions
18/0931/AMCPP	Discharge of Conditions 5 (Waste Management) and 9 (Drainage Strategy) of Planning Application 18/0293 (Car Wash)	Approved
19/0084/AD	Installation of 2 no. fascia signs, 1 wall sign and 1 fence sign	Approved
19/0085/PP	Proposed erection of a lean to steel framed building and the erection of a metal boundary fence (part retrospective)	Approved

2.10 We will return to planning history later in the Statement as these offer strong material considerations which support the proposed use as a petrol filling station with ancillary retail shop and other services.

### 3 PROPOSED DEVELOPMENT

- 3.1 The proposal is to regenerate a prominent vacant commercial site and bring new commercial use and business to the existing commercial site and provide an improved neighbourhood convenience services for fuel, electric vehicle charging, laundry and jet washing.
- 3.2 The proposed development will retain the existing office building, to be extended to form a new improved customer entrance and a hot food take away counter. The new additional floorspace of 71 sq m will enable the repurposed building to set out a shop sales area and a hot food take away counter.
- 3.3 In the forecourt area, the proposal is to erect a new PFS canopy, and form fuel pumps, parking bays and re-circulation of the vehicle movement through the premises.
- 3.4 Further details of the proposed use and building works involved are outlined below and detailed in the accompanying drawings prepared by AMCA Architects.

#### Proposed Use

- 3.5 The proposed use will be a petrol filling station PFS (with 6no. fuel pumps, forecourt canopy, and associated jet wash bay and the provision for 2no. electric vehicle charging (EV) points. These roadside uses are classified in the Town and Country Planning (Use Classes) (Scotland) Order 1997 (UCO) as a Sui Generis use (i.e in no defined classification). The proposed site layout shows the arrangements for siting these structures and below-ground works necessary for the installation of fuel tanks, drains, services and other infrastructure associated with the proposed use.
- 3.6 The existing office building of floorspace is 33 sqm it to be extended by 72 sq m to form an ancillary shop and counter hot food takeaway. The total sales area would be 105 sq m. The shop use is classified in the UCO as a Class 1A use, which includes “for the retail sale of goods other than hot food” and “for the sale of cold food for consumption off the premises” and the hot food takeaway counter is to be a sui generis use. There will be no seating indoors and goods will be presented in-store, heated where required and sold over the counter to visiting members of the public for consumption off-premises. The shop will be located on the ground floor of the site of the existing office space.
- 3.7 A schedule of the total land use floor spaces is found in the Proposed Site Layout drawing ref 3965\_DP\_004\_G\_PROPOSED SITE PLAN as follows:
- Existing Sales Area = 33m<sup>2</sup> (355 Sqft)
  - Proposed Sales Area = 71m<sup>2</sup> (762 Sqft)
  - Gross Shop Floor Area = 140m<sup>2</sup> (1506 Sqft)
- 3.8 In terms of operations, the following details are proposed:
- The business is planning to create up to 4 full time and 4 part time new jobs (within the Petrol Filling Station / shop).
  - The business is planning to open the petrol filling station with shop 24hours Monday to Sunday. Existing hours of operation have been 0700-2200 for the car wash. The applicants are willing to consider matching these hours, subject to discussion with the planning authority.
  - In relation to goods deliveries associated with the shop, the business is planning one delivery per day, at 0600hrs.

- In relation to fuel deliveries this will be by tanker and provision is shown to enable tracking of vehicle into and through the forecourt area.
- For waste management, the business will collect empty cardboards/bin bags once per day for recycling by a private commercial waste collector.
- The EV charging upstands will be 150kW rated, capable of fully charging a vehicle in an average time of around 40 minutes. A substation to provide power to the chargers will also be placed here.

#### **Proposed Buildings / Works**

- 3.9 To support these proposed uses, the engineering works required will include:
- Downtaking of existing structures (canopy, part of office building)
  - Removal of existing totem sign
  - Retention of the shell of the existing office space
  - Retention of all existing trees and landscaping, except removal of one tree
  - Erection of a 4.5m over canopy, abandonment of existing fuel tanks, and installation of new fuel tanks
  - Erection of a 4m retaining wall to support an existing retaining wall to the north boundary
  - Installation of plant associated with the electric vehicle chargers and laundry
  - Provision of 4no. car parking spaces plus one disabled
  - Provision of 2no. electric vehicle charging spaces.
  - Provision of one air and vacuum car spaces.
- 3.10 Note that a separate advertisement consent application would be submitted to erect a totem sign to the front of the property.
- 3.11 In relation to building materials, finishes and style, these are described in the submitted drawings accompanying this planning application.
- 3.12 Full details of the above are found in the submitted drawings.

## **4 DEVELOPMENT PLANNING POLICY**

### **DEVELOPMENT PLAN**

- 4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 and as amended by the Planning etc. (Scotland) Act 2006 (updated 2019) requires the determination of a planning application must be made in accordance with the Development Plan, unless material considerations indicate otherwise.
- 4.2 By February 2023 the Scottish Government adopted the National Planning Framework 4 (NPF4). The NPF4 has an increased status over previous NPFs and now comprises an equal part of the statutory development plan with the Local Development Plan.
- 4.3 The following planning policy documents are considered to be relevant to the proposals:
- National Planning Framework 4 (2023) (NPF4)
  - East Ayrshire Local Development Plan (2017) (LDP)
- 4.4 The adopted LDP is likely to be replaced by LDP2 in the coming months ahead. LDP2 reached a Proposed Plan stage, following preparation and early public consultation, in 2022, and progressed to an Examination in Public, conducted by Scottish Ministers, in May 2023. The Examination is progressing and may complete with an Examination Report during 2024 at which time, East Ayrshire Council will be asked to adopt LDP2 and its new policies will apply to the development plan. In the meantime, the policies of LDP2 carry significant weight given that they have been consulted on and are under consideration by Scottish Ministers presently. We take the LDP2 policies into account after presentation of the adopted policies below.

### **NPF4**

- 4.5 The following NPF4 policy areas are relevant to the determination of this planning application, and expanded upon later in the planning assessment discussion. Those relevant to the planning application are:
- 4.6 Policy 1 Climate and Nature Crisis- When considering all development proposals significant weight will be given to the global climate and nature crises. The weight applied to it should be relative to the scale and type of development. In this case, the proposed development is not considered to have a significant impact on the climate or nature crises given the proposal is to re-open a petrol filling station which had previously been established on site for 40 years.
- 4.7 Policy 2: Climate mitigation and adaptation requires development proposals to be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible; to be sited and designed to adapt to current and future risks from climate change; and to retrofit measures to existing developments that reduce emissions or support adaptation to climate. The proposal to re-open a petrol filling station, reuse buildings, services and infrastructure is a positive response to Policy 2.
- 4.8 Policy 3: Biodiversity requires development proposals to contribute to the enhancement of biodiversity. Although this policy is intended to apply to all development proposals, the weight applied to it should be relative to the scale and type of development. In this case the application



does propose the removal of two trees (6 reduced to 4) in order to make way for the installation of the EV charging bays.

4.9 Policy 13: Sustainable transport states that Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multimodal hubs will be supported. This includes proposals:

i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy.

ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery.

iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).

4.10 The proposal is for the erection of 2no. EV charging bays. With the addition of jet wash bays the proposal is considered to enhance transport infrastructure at this site. As such the principle of the development is supported by Policy 13.

4.11 Policy 14 Design, Quality and Place Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported

4.12 Policy 28 Retail-

c) Proposals for new small scale neighbourhood retail development will be supported where the proposed development: i. contributes to local living, including where relevant 20 minute neighbourhoods and/or ii. can be demonstrated to contribute to the health and wellbeing of the local community.

4.13 The proposed development includes the re-purposing of an existing office kiosk, extended to provide a new shop ancillary to the PFS. The application site is not situated within a town centre area however as the proposal is for a relatively small scale shop with a small hot food take away counter it is considered to be acceptable.

#### **EAST AYRSHIRE LOCAL DEVELOPMENT PLAN (2017)**

4.14 The site is located within the settlement of Kilmarnock, and outside any designated area such as town centre, conservation area or other control areas. Notwithstanding, the proposal must be considered against other relevant Local Development Plan (LDP) Policy as outlined below.

4.15 Policy OP1 is an over-arching policy applicable to all development:

Comply with the provisions and principles of the LDP vision and spatial strategy, all relevant LDP policies and associated supplementary guidance and non-statutory guidance;

(ii) Be fully compatible with surrounding established uses and have no unacceptable impacts on the environmental quality of the area;

(iii) Ensure that the size, scale, layout, and design enhances the character and amenity of the area and creates a clear sense of place;

(iv) Where possible, reuse vacant previously developed land in preference to greenfield land;

(v) Be of the highest quality design by meeting with the provisions of SPP, the Scottish Government's policy statement Designing Streets, the Council's Design Guidance and any master plan/design brief prepared for the site;

(vi) Prepare Master Plans/Design Statements in line with Planning Advice Notes 83 and 68 respectively where requested by the Council and/or where this is set out as a requirement in Volume 2 of the LDP;

(vii) Be compatible with, and where possible implement, projects shown on the LDP placemaking maps;

(viii) Ensure that there is no unacceptable loss of safeguarded areas of open space/green infrastructure and prime quality agricultural land;

(ix) Protect and enhance natural and built heritage designations and link to and integrate with green infrastructure where possible;

(x) Ensure that there are no unacceptable impacts on the landscape character or tourism offer of the area; (xi) Meet with the requirements of all relevant service providers and the Ayrshire Roads Alliance; and

(xii) Be accessible to all.

4.16 Policy T1: Transport requirements for new development -The Council will require developers to ensure that their proposals meet with all the requisite standards of the Ayrshire Roads Alliance and align with the Regional and Local Transport Strategies. Developments which do not meet these standards will not be considered acceptable and will not receive Council support.

All new development will require to fully embrace active travel by incorporating new, and providing links to existing footpaths, cycle routes and public transport routes.

4.17 Policy TC2: Footfall generating uses outside of town centres - (iii)The development would not unacceptably adversely affect, either individually or cumulatively, the vitality and viability of any town centre.

4.18 Policy TC3 - Small scale retail development in out of centre locations - The Council will support small scale Class 1A retail development outside of the network of centres, where such proposals will serve a particular rural, residential or tourist market and have a specific need to be located outside of a town centre. Specifically, the Council will support: (i) Small scale convenience shops, to meet the day to day needs of a residential neighbourhood or rural community.

4.19 Policy RES 11: Residential Amenity - The Council will, at all times, seek to protect, preserve and enhance the residential character and amenity of existing residential areas. In this regard, there will be a general presumption against:

(i) the establishment of non-residential uses within, or in close proximity to, residential areas which potentially have detrimental effects on local amenity or which cause unacceptable disturbance to local residents;

(ii) the development for other uses, of locally important areas of recreational or amenity open space which contribute significantly to the character and appearance of the residential area concerned, or which offer opportunities for outdoor sport and recreation;

(iii) the removal of play equipment from areas of recreational open space;

(iv) the closure or disruption of existing footpaths which provide important links between housing areas and areas of public open space, local shops and other community facilities, transportation nodes etc.;

(v) With regard to the establishment of new residential areas, new housing developments will not be permitted in locations where existing, established adjacent uses are likely to have an unacceptable impact on the amenity of future residents.

#### 4.20 Policy ENV12: Water, air and light and noise pollution

##### *Water*

Development will be required to connect to the public sewerage system, where possible, and manage surface water through sustainable drainage systems (SuDS).

##### *Air*

All developers will be required to ensure that their proposals have minimal adverse impact on air quality. Air quality assessments will be required for any proposed development which the Council considers may significantly impact upon air quality, either on its own or cumulatively. Development that will have a significant adverse impact on air quality will not be supported.

##### *Light*

All development proposals must incorporate design measures which minimise or reduce light pollution. Developers will require to demonstrate that consideration has been given to reducing light pollution, by minimising unnecessary lighting and using the most appropriate forms of lighting to carry out specific tasks. Within the Dark Sky Park and surrounding area, particular priority is given to minimising light pollution, to maintain the integrity of the designation.

##### *Noise*

All new development must take full account of any Noise Action Plan and Noise Management Areas that are in operation in the area and ensure that significant adverse noise impacts on surrounding properties and uses are avoided. A noise impact assessment may be required in this regard and noise

Where considered appropriate, developers will be requested to enter into Section 75 Obligations with the Council with regard to making financial contributions towards the provision of transportation infrastructure improvements and or public transport services which may be required as a result of their development.

#### **EMERGING LDP2 – EAST AYRSHIRE LOCAL DEVELOPMENT PLAN 2 (PROPOSED PLAN MARCH 2022)**

- 4.21 Whilst not formally adopted, the emerging LDP2 reached Proposed Plan stage in March 2022. This represents the settled position of East Ayrshire Council in so far as future development planning policy matters. Subject to completion of the Examination in Public conducted by Scottish Ministers, as of May 2023, it is expected that the Report of Examination may be completed by 2024. At which time East Ayrshire Council will progress onto adoption and replacement of the existing LDP. As such, this LDP2 carries some material weight in the planning assessment. Relevant policies are outlined below:

## **Policy SS2: Overarching Policy**

Development proposals are required to meet the following criteria in so far as they are relevant, or otherwise demonstrate how their contribution to sustainable development would outweigh any departure from the following criteria:

- (i) Contribute to the delivery of the Vision and Aims of the Plan, by being in accord with its Spatial Strategy, relevant LDP2 policies, and associated supplementary guidance, and taking account of any relevant non-statutory guidance;
- (ii) Be fully compatible with surrounding established uses and have no unacceptable impacts on the environmental quality of the area;
- (iii) Be located in accessible locations that reduce the need to travel;
- (iv) Be efficient in the use of land by reusing vacant buildings and previously used land where possible;
- (v) Meet with the requirements of all statutory consultees and the Ayrshire Roads Alliance

4.22 The LDP2 Spatial Strategy concerning Place and Environment looks to “*Encourage and incentivise the take up of vacant and derelict land*” and under the Economy and Employment of the Spatial Strategy, the Plan looks to “*Retain existing businesses and attract new ones*”. This also states the Council will encourage “*Prioritise brownfield sites within settlements for business and industrial development*”. Under LDP2 Spatial Strategy for Energy and Climate Resilience the Plan aims to “*Enable the transition to a low carbon energy system*”. This includes to “*Support a full range of renewable energy technologies across all scales*”.

## **Policy DES1: Development Design**

*The Council will at all times seek to achieve excellence in design outcomes. Development proposals should demonstrate the Six Qualities of Successful Places as defined in Scottish Planning Policy, by meeting the following principles where relevant to the proposal:*

### *1. Distinctive*

*1.1. Ensure that the siting, layout, scale, massing, materials and design enhance the quality of the place and contribute to the creation of a structure of buildings, spaces and streets that is coherent, attractive, and with a sense of identity.*

*1.2. Reflect the characteristics of the site and its context, safeguarding and enhancing features that contribute to the heritage, character, local distinctiveness and amenity, including the natural and built environment, vistas, landscape and streetscape.*

*1.3. When new landscaping and green infrastructure are delivered as part of a proposal, ensure that they integrate with and expand any existing green infrastructure in a cohesive manner, maximising the extent to which green infrastructure elements are connected to one another and to the wider green and blue network. Further guidance on ‘Green and Blue Infrastructure’ requirements is set out within Design Supplementary Guidance.*

## **Policy RES3: Residential Amenity**

*The Council will protect and enhance the residential character and amenity of existing residential areas. In this regard, there will be a general presumption against:*

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*(i) the establishment of non-residential uses within, or in close proximity to, residential areas which are likely to have detrimental effects on local amenity and cause unacceptable disturbance to local residents;*

**Policy TC3: Small scale retail development in out-of-centre locations**

*The Council will support small scale Class 1 retail development outside of the network of centres, where such proposals will serve a particular rural, residential or tourist market and have a specific need to be located outside of a town centre. Including:*

*(v) the development of shops linked to petrol/service/charging stations*

**Policy T4: Charging Infrastructure for electric vehicles**

*All new developments will be required to provide EV charging infrastructure*

4.23 In the planning assessment Section 5 to follow it is argued that these specific development planning policy and criteria and requirements can be met.

## 5 PLANNING ASSESSMENT

- 5.1 This section provides an assessment of the proposed development and considers the key issues associated with the applicant in the context of the Local Development Plan policies and material considerations.
- 5.2 The key planning issues are:
- Principle of Development
  - Impact on Network of Centres Strategy
  - Amenity
  - Transport
  - Design and Layout
- 5.3 Each of these issues are considered in turn below.

### PRINCIPLE OF DEVELOPMENT

- 5.4 The principle of development has been proven through the site's planning history. LDP policy OP1 is complied with as the proposal is compatible with its surrounding area, re-introducing a petrol filling station function which had been established for 40 years. The size and scale of the new proposal is slightly larger in terms of existing shop sales floor space, to reflect modern chilling cabinetry, hot food facilities, sales shelving and to offer a hot food take away service for people to walk-in and access local convenience as well as fuel sales. The addition of a laundry, jet wash and EV chargers is also to encourage more neighbourhood and wider walk-in use of the services.
- 5.5 The proposal will reuse an existing site, it will intensify the use of the site, without the need to extend into other land, and without need to relocate to an alternative possibly green field site. There is limited change to boundaries with two trees to be removed to make for EV charging infrastructure, whilst structures such as canopy are to be replaced and re positioned. These matters will not cause detrimental impact on the surrounding residential amenity.
- 5.6 The site will be accessible to all. The existing access points will remain and the road frontage with footway and accessible paths will enable on foot visits as well as vehicle visits.
- 5.7 The proposals will result in a visual improvement to the area and poses no environmental risks.
- 5.8 The scale of the proposals is suitable for the site, and the improvements proposals will result in a cleaner sense of place, meeting the 6 principles of successful places, in line with NPF4 policy 14. The proposals will be accessible to passing road traffic, and local residents via methods of active transport.
- 5.9 The principle of development is supported by LDP policy IND5 which states "*alternative uses of land or premises currently or formerly used for business, industrial or commercial purposes will be considered acceptable where it can be demonstrated that:*
- 5.10 (i) *The proposed use is not detrimental to any surrounding established uses;*
- 5.11 The return back to a petrol filling station use will not result in a detrimental impact to the surrounding residential area. This is further discussed in the section on amenity.

- 5.12 NPF4 Policy 1 (Climate and Nature Crises) looks to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. The small-scale nature of the proposals, and the need to facilitate a “*fair and just transition*”, means that petrol filling stations are still a required and valuable community resource. The applicant seeks to futureproof this development and considered the crises by introduction of EV charging points and by providing a local neighbourhood convenience for walk and wheel in needs.
- 5.13 The proposals will result in the creation of new jobs in the petrol filling station/shop – 4 full and 4 part time equivalents.

### **IMPACT ON NETWORK OF CENTRES STRATEGY**

- 5.14 The site is identified in the LDP lying within the Kilmarnock Settlement. It is located outside of the town centre area, but the local development plan supports small scale retail development in Policy TC3 which supports development that serves a local residential need. This is further supported in NPF4 Policy 28, part c. As outlined previously, the shop is ancillary to the petrol station, and is there to supplement the main use. It is anticipated that the local residential population will walk or wheel to the shop when necessary to grab essentials, avoiding unnecessary additional trips to shops located outwith a reasonable walking distance. Whilst the ancillary shop will encourage footfall outwith the town centre, it is not expected to be at a level or scale that would challenge the viability and vitality of the town centre.

### **AMENITY**

- 5.15 The amenity issues are concerned with protecting occupiers of the residential properties (from detrimental noise, smells, dusts, traffic generation and visual impacts). The amenity issues are also concerned with compatible uses within the site itself, along with surrounding uses and their compatibility relating to the same factors of noise, smells, dusts, traffic generation. The proposals comply with LDP Policy ENV12.
- 5.16 The proposals include the use of surface water drainage systems. Further details can be found in the supplementary documents.
- 5.17 The proposals will not result in a significant adverse impact on the air quality of the area.
- 5.18 The proposals have been carefully considered to introduce light for safety and security but have considered the siting of these to negate any negative impact on residential amenity. These can be controlled by appropriate planning conditions.
- 5.19 For noise, the applicants are not aware the site will generate any new or change of noise to existing conditions, e.g. movement of motor vehicles, operation of jet wash, which have been associated with the site in the past. The planning authority can apply appropriate planning conditions to manage the incidence of noise which might have an impact on residential amenity.
- 5.20 LDP Policy RES11 seeks to protect residential amenity by restricting the establishment of non-residential uses within, or in close proximity to, residential areas which potentially have detrimental effects. As outlined previously, the site has an established history of commercial uses and was notably a petrol filling station for a number of decades. The use of this site is established, and the proposals will pose no harm to residential amenity. The site offers benefits

to residential amenity for neighbourhood convenience by inclusion of laundry facilities, EV charging and jet wash, air, vacuum and fuel. This is a valuable community resource that does not currently exist within the area.

- 5.21 Emerging LDP2 Policy TC3 supports small scale shopping for convenience needs in local neighbourhoods, specifically for shops linked to petrol/service station/charging stations.

## **TRANSPORT AND CONNECTIVITY**

- 5.22 Policy T1 states that “*All new development will require to fully embrace active travel by incorporating new, and providing links to existing footpaths, cycle routes and public transport routes*”. The site benefits from existing access from both Irvine Road and Grange Terrace. This will accommodate and promote active methods of transport from nearby residential properties, seeking to purchase their daily need within a reasonable walking distance.
- 5.23 Emerging LDP2 Policy T4 specifically supports provision of electric vehicle charging infrastructure in new developments.

## **DESIGN AND LAYOUT**

- 5.24 National planning policy reflects the great importance which the Scottish Government attaches to the design of the built environment. NPF4 policy 14 sets out the quality of the development that is expected for the area.
- Healthy – development promotes uptake of active transport by ancillary shop meeting local residential daily needs within a reasonable walking distance.
  - Pleasant – the compatibility of the uses has previously been explained. There are no conflicts between this use and the previous car wash or petrol station. The proposals will result in a visual improvement to the prominent roadside location. This will improve the character of the area and result in a renewed sense of ownership of the site.
  - Connected - site has excellent connectivity fronting Irvine Road. Because of its location on this main route, all multi-modal opportunities can be used. There is likely to be no conflict between peak AM and PM movements owing to the passive nature of a petrol filling station and the proposed hours of opening. The proposal is compatible with its surrounding commercial uses and is largely vehicle driven but has provision to support walking and cycling if desired. The circulation within the site is laid out with the use of tracking software which indicates that services, delivery and customer movements are all safe.
  - Distinctive – the layout is compatible in terms of form of buildings, use of materials, lighting and boundary screening, retention of the kiosk to purpose as a Class 1A shop maintains the commercial distinctiveness with freshened finishes. The design mitigation measures include provision of additional improved screening (to residential property to north) which is supported by emerging policy RES3 and DES1. The layout of the shop building is also intended to provide a safe and pleasant environment.
  - Sustainable - the site is a previously used commercial premises. The re-use of the site for commercial uses compatible with the surrounding area is considered to be resource efficient. The sale of fuel includes the provision of electric vehicle charging which also complies with LDP



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Policy OP2 and NPF4 policy 1 which encourage green infrastructure and technologies promoting low and zero carbon. The proposals are also supported by emerging policy T4 supporting charging infrastructure for electric vehicles.

- Adaptable – the change of use from its current back to its previous, via the retention of the kiosk and repurposed as a shop. Shows the design has adapted existing building form and location. The proposals for accessibility including for disabled clients and to service deliveries. The petrol forecourt area is also adaptable in terms of the laying of fuel tanks to hold the fuel.

5.25 Full details of design and layout are found in the accompanying drawings and Design Statement. The comments provided above in the Amenity section are also relevant in terms of meeting the six successful qualities of making places.

## 6 CONCLUSIONS

6.1 We have demonstrated in this Supporting Statement, along with the accompanying plans and other detailed supporting documents, that the proposed development can be supported.

6.2 Having regard to the proposals, it can be concluded that the key benefits of this proposal include:

- Regenerates a vacant commercial premises on a prominent road frontage, which is future proofed for a fair and just transition.
- Will encourage uptake of active transport methods on foot or cycle by local residents using ancillary shop and convenience of related neighbourhood services.
- The proposals will provide 4 full time and 4 part time new jobs
- The proposed use is compatible with the surrounding area, and the commercial use of the site is already long-established.
- The proposed use will not harm the viability or vitality of the Kilmarnock town centre owing to the specific function and service on offer owing to the proportionately small scale shop offering and counter hot food takeaway proposed. The shop is intended to provide ancillary convenience to fuel customers and residents within a reasonable walking distance. There are no suitable locations within the town centre to accommodate the range of services and layout requirements planned, thus the proposals are compliant with the LDP Policy TC2, TC3 and NPF4 Policy 28 and emerging LDP2 Policy TC3.
- The layout of the site is designed to provide visual and amenity enhancement to improve the streetscene. The improvements planned and the use of boundary and other screening mitigation, proposals are compliant with LDP Policy OP1, OP2, RES11 and ENV12. The proposals are also compliant with NPF4 Policy 14.
- There are measures proposed for EV charging, resource reuse and efficiency, local sourcing of construction materials and means of managing the development, compliant with NPF4 Policy 1 and LDP Policy OP1 and emerging LDP2 Policy T4.
- The proposed design is compatible with the surrounding modern buildings and functions and will not have a visual impact on the neighbourhood meeting LDP Policy RES 11 and NPF4 Policy 14.

6.3 The proposals are also supported by and comply with the emerging LDP2, ensuring that the development is future proofed.

6.4 Through this Planning Statement and the other supporting documentation, we have demonstrated that there are no adverse impacts that outweigh the proposal's benefits and respectfully request that planning permission be granted.