

EAST AYRSHIRE COUNCIL

SPECIAL SOUTHERN LOCAL PLANNING COMMITTEE: 14 DECEMBER 2007

**07/0731/OL: PROPOSED MIXED USE COMMERCIAL DEVELOPMENT AT
TEMPLETON ROUNDABOUT, AUCHINLECK**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for a mixed use commercial development of the site. Although the proposal is in outline a Development Statement has been submitted which gives a description of the proposed uses. Four distinct land uses are proposed which include a Business Park for office use (Class 4), manufacturing for light industry (Class 4), a garden centre development (Class1) and a commercial leisure development (Class 11). The proposed mixed use concept is noted as important to the viability of the scheme aiming to attract a range of users throughout the day and into the evening. The applicant has stated the intention to utilise an area of the development for the location and operation of their own business.

1.2 The applicant has provided a supporting indicative site layout plan in 3-D form to assist in demonstrating how the development would be orientated and how the site is divided into various specific zones. The plan proposes that all vehicular access is taken from the Templeton roundabout (A76 Trunk Road) with a proposed separate pedestrian underpass shown linking this site with the approved housing development site on Pennylands Road (Dalsalloch Wood proposed residential development).

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application however these are considered either to be supportive of the proposed development or they are not of such weight as to indicate that the application should be refused.

3.2 The proposed outline application is on land currently allocated as a strategic industrial and business site located just outwith the settlement boundary of Auchinleck. The application is proposing the mixed use commercial development of the site comprising of four distinct uses, including a Business Park, manufacturing floorspace, a garden centre and commercial leisure facilities. When assessing the proposal in terms of the East Ayrshire Local Plan the proposal shows compliance with the relevant policies and during the consultation process no adverse issues have been raised.

3.3 The information presented in support of the application indicates that the proposal should be approved in line with the Adopted East Ayrshire Local Plan 2003. However as the site is visually prominent and could be considered to feature as a gateway development when entering the settlement of Auchinleck from the western approach, a high level of importance should be placed on design. Therefore it is considered pertinent to attach a condition to any consent granted in order to ensure that a detailed design concept and master plan for the site as a whole, is submitted for the approval of the Planning Authority prior to the submission of any reserved matters application. This design concept should include the ideology of design style and use of materials with the master plan providing a vision and layout for the site as a whole.

3.4 Members should note that the Finalised Version of the Alteration to the East Ayrshire Local Plan was approved by the full Council on 06 December 2007. However, that document is not at this point a material consideration in the determination of planning applications.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development on the basis alone of the principle of the proposed development, the application will require to be referred to the Principal Planning Committee because it would be a significant departure from the development plan.

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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SPECIAL SOUTHERN LOCAL PLANNING COMMITTEE: 14 DECEMBER 2007

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TEMPLETON ROUNDABOUT, AUCHINLECK

APPLICATION BY AZURE INVESTMENTS

Report by the Head of Planning and Economic Development

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 due to the scale of the proposed development.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located on the western edge of the settlement of Auchinleck on land adjoining the A76 trunk road and the Templeton roundabout. The application site is bounded to the west by agricultural land which is generally level and to the south with the embankment of the railway line, which rises in height to the west. The land to the east and north of the site is contained by the A76 Trunk Road between Mauchline and Cumnock.

2.2 The site extends to an approximate area of 15 acres (6.1 hecatres) comprising of agricultural land in pastoral use. The application site is noted within the adopted East Ayrshire Local Plan as one of three strategic industrial and business sites within East Ayrshire (ref: 06B/PROP20).

2.3 **Proposed Development:** Outline planning permission is sought for a mixed use commercial development of the site. Although the proposal is in outline a Development Statement has been submitted which gives a description of the proposed uses. Four distinct land uses are proposed which include a Business Park for office use (Class 4), manufacturing for light industry (Class 4), a garden centre development (Class1) and a commercial leisure development (Class 11). The proposed mixed use concept is noted as important to the viability of the scheme aiming to attract a range of users throughout the day and into the evening. The applicant has stated the intention to utilise an area of the development for the location and operation of their own business.

2.4 The applicant has provided a supporting indicative site layout plan in 3-D form to assist in demonstrating how the development would be orientated and how the site is divided into various specific zones. The plan proposes that all vehicular access is taken from the Templeton roundabout (A76 Trunk Road) with

a proposed separate pedestrian underpass shown linking this site with the approved housing development site on Pennylands Road (Dalsalloch Wood proposed residential development).

3. CONSULTATIONS AND ISSUES RAISED

3.1 National Air Traffic Services (NATS) has no objections to the proposed development stating that the proposal does not conflict with safeguarding criteria.

Noted.

3.2 Scottish Power has no objections to the proposed development.

Noted.

3.3 Auchinleck Community Council has not formally responded at the time of writing this report.

Noted.

3.4 Transco has no objection in principle to the proposed development.

Noted.

3.5 East Ayrshire Environmental Health Division has no objection in principle to the development and offers comments which can be addressed by the imposition of appropriate conditions or advisory notes in any consent granted for the proposed development.

Noted.

3.6 East Ayrshire Council's Business Development and Tourism Division has raised no objections to the proposal but states that although the application site is currently allocated as a development opportunity, caution has been expressed about whether or not there is any evidence of sufficient market demand in the area to make such a development commercially viable.

Noted.

3.7 Transport Scotland (Trunk Roads Network Management Division) has provided detailed comments on this application following the submission of the development proposal and the production of a subsequent Transport Assessment. From this information Transport Scotland has raised no objection to the proposed development subject to the imposition of the following conditions:

(i) The development hereby permitted shall not exceed a maximum parking provision of 393 spaces.

(ii) The buildings hereby permitted shall not commence until a travel plan aimed at promoting sustainable travel modes and reducing the reliance on the private car is submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. In particular the travel plan will identify measures to be implemented, the system of management, monitoring, review, reporting and duration of the plan.

(iii) The buildings hereby permitted shall not commence until the new access to the development, generally in accordance with JMP Drawing A083021/SK001 Rev A, is constructed in accordance with the approved plans. The detailed plans shall be submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland.

(iv) The buildings hereby permitted shall not commence until the new underpass to the development, generally in accordance with Azure Investments Drawing AUC02(P)000, is constructed in accordance with the approved plans. The detailed plans shall be submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland.

(v) The development hereby permitted shall not commence until lighting details within the site have been submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland.

(vi) The development hereby permitted shall not commence until fencing has been provided along the boundary of the site with the trunk road; in a manner and position to be agreed with the Planning Authority in consultation with Transport Scotland.

Conditions can be attached to any consent granted for the proposed development to meet the requirements of Transport Scotland.

4. REPRESENTATIONS

4.1 No third party representations have been received with respect to the proposed development.

Noted.

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 2007 and the Adopted East Ayrshire Local Plan (EALP).

Ayrshire Joint Structure Plan 2007

5.2 There are no specific policies relevant to the proposed development.

Noted.

East Ayrshire Local Plan

5.3 Policy IND1 states that the development of strategic industrial and business sites, as defined in the Local Plan, will be restricted to the key access points on the public and private transport network within the Kilmarnock and Cumnock/Auchinleck areas in accordance with the Business and Industry Development Strategy.

The proposed location is listed as one of three strategic industrial and business sites within East Ayrshire, and is therefore safeguarded for industrial and business purposes only.

5.4 Policy IND4 reserves, encourages and supports the development of those Category 1 and 2 sites forming the effective business and industrial land supply, as identified on the Local Plan maps, for business, industrial and storage and distribution uses falling within classes 4,5 and 6 of the Use Classes Order.

The proposed site is identified as development opportunity site 006B within the Local Plan, wherein the Council will support and encourage new industrial development. The business element of the application comprising Class 4 office and Class 5 manufacturing is clearly in accordance with this policy. However, as the site is designated for industrial/business use the development of a garden centre and commercial leisure facility is contrary to this Local Plan policy.

5.5 Policy RTC5 states that in assessing all out-of centre retail and other Schedule 5 development proposals, the Council will have regard to a number of stated criteria.

As the garden centre element of the scheme is considered to be a retail development, it must be assessed against RTC5. In addition, the plans submitted by the applicant show that the commercial leisure element appears to have both an indoor and an outdoor element. It therefore falls into Class 11, which is a Schedule 5 use, so should also be assessed in line with this policy.

The stated criteria comprise:

(i) whether applicants have adopted a sequential approach and can demonstrate that no suitable alternative sites are available within or on the edge of town centres;

No evidence has been presented to suggest a sequential test has been carried out as part of the planning application however site selection details have been given within the Transport Assessment. In addition this site is noted as a development opportunity site.

- (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 setting;

It is considered that the development would not have an adverse impact on nearby Auchinleck town centre, or indeed any other town centres.

- (iii) whether the proposal is accessible to a choice of means of transport;

The proposed site lies directly adjacent to roundabout where the A76 trunk road meets with the B7083 which provides local access to Auchinleck. The site also falls on a major bus route.

- (iv) the effect of the proposal on travel patterns, infrastructure and road works;

The application details have been passed to Transport Scotland who have raised no adverse issues so long as the scheme delivers the benefits associated with the application. Any change in development content would trigger a reappraisal by Transport Scotland.

- (v) whether the proposal would be compatible with other uses in the surrounding area;

The proposed location is a Greenfield site on the edge of Auchinleck, but separated by a main road. It is considered that the development would not have significant adverse impacts on any other uses in the area.

- (vi) whether the design of the proposed building would be acceptable

As the application is currently in outline, it is not possible to comment on the design of the proposal however prior to any further application submission a detailed masterplan outlining a design concept for the development of the site should be submitted to the Planning Authority for consideration. The reasons for this are expanded below.

- (vii) the effect of the proposal on the environmental quality, character and amenity of the area;

Although currently a Greenfield site, it is considered that the proposed development would not significantly impact on the

environmental quality or amenity of the area given its location at a major roundabout adjacent to a trunk road. However, as the site holds a very prominent position at the entrance to Auchinleck, the design of any proposal would need to be of an especially high standard.

(viii) whether the proposal would be compatible with other local plan policy objectives;

See response to policies IND1 and IND4 above.

5.6 Policy RTC7 states that retail development proposals in out-of-town centre locations will be supported in four circumstances, one of which is pertinent to this application:

(iv) the proposal is for a farm shop, falling within Class 1 of the Use Classes Order, related specifically to local agricultural or horticultural activities and where the goods sold are limited exclusively to those produced or grown on site

Although the proposed garden centre cannot strictly speaking be described as a farm shop, this policy criterion is relevant to the proposal as it relates to horticultural activities where goods are grown on site. It is accepted that an out of town centre location, is generally appropriate for the development of a garden centre.

The principle of the development at this location is therefore considered to be acceptable in terms of the Development Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and the supporting statement prepared by the applicant.

Consultation Responses

6.2 None of the consultation responses have raised any issues which would indicate that the application should be refused although issues would require to be resolved. These could be addressed either through conditions or appropriate notes attached to any consent granted for the proposed development.

Supporting Statement

6.3 Employment – In terms of employment it is anticipated that the scheme can deliver the following job numbers:

- Business Park – 150
- Manufacturing – 100

- Garden centre – 25
- Leisure – 15

6.4 It is recognised that as a prominent site located on the western approach to town the design quality of the development is critical. It is the intention of the developer to create a gateway to the town from this approach and the design will reflect this.

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 application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application however these are considered either to be supportive of the proposed development or they are not of such weight as to indicate that the application should be refused.

8.2 The proposed outline application is on land currently allocated as a strategic industrial and business site located just outwith the settlement boundary of Auchinleck. The application is proposing the mixed use commercial development of the site comprising of four distinct uses, including a Business Park, manufacturing floorspace, a garden centre and commercial leisure facilities. When assessing the proposal in terms of the East Ayrshire Local Plan the proposal shows compliance with the relevant policies and during the consultation process no adverse issues have been raised.

8.3 The information presented in support of the application indicates that the proposal should be approved in line with the Adopted East Ayrshire Local Plan 2003. However as the site is visually prominent and could be considered to feature as a gateway development when entering the settlement of Auchinleck from the western approach, a high level of importance should be placed on design. Therefore it is considered pertinent to attach a condition to any consent granted in order to ensure that a detailed design concept and master plan for the site as a whole, is submitted for the approval of the Planning Authority prior to the submission of any reserved matters application. This design concept should include the ideology of design style and use of materials with the master plan providing a vision and layout for the site as a whole.

8.4 Members should note that the Finalised Version of the Alteration to the East Ayrshire Local Plan was approved by the full Council on 06 December

2007. However, that document is not at this point a material consideration in the determination of planning applications.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development on the basis alone of the principle of the proposed development, the application will require to be referred to the Principal Planning Committee because it would be a significant departure from the development plan.

Alan Neish
Head of Planning and Economic Development

RG/HM/RG
06 December 2007
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Adopted East Ayrshire Local Plan (2003).
5. Approved Ayrshire Joint Structure Plan (1999).
6. Finalised Draft of the Alteration to the East Ayrshire Local Plan (2007).
7. Transport Assessment

Anyone wishing to inspect the above background papers should contact Mr. Robin Ghosh on 01563 555483.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 07/0731/OL

Location	SLOANS TEMPLETON ROUNDABOUT, AUCHINLECK
Nature of Proposal:	PROPOSED MIXED USE COMMERCIAL DEVELOPMENT
Name and Address of Applicant:	AZURE INVESTMENTS 24 GREAT KING STREET EDINBURGH EH3 6QN
Name and Address of Agent	N/A

DPO's Ref: Robin Ghosh
PPO's Ref: Hugh Melvin

The above **OUTLINE** application should be approved subject to the following conditions:-

1. Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the under mentioned matters hereby reserved.
 - (a) The layout of the site including phasing proposals;
 - (b) The size, height, design and external appearance of the proposed buildings;
 - (c) The means of drainage and sewage disposal including the provision of a Sustainable Urban Drainage System;
 - (d) Details of the access arrangements;
 - (e) The provision for car parking;
 - (f) The boundary walls/fences to be erected;
 - (g) The landscaping of the site;
 - (h) Finished floor levels.

REASON – The approval is in outline only.

2. Notwithstanding the plans hereby approved, prior to the submission of any Reserved Matters application, a design brief and master plan for the future development of the site shall be submitted to and approved by the Planning Authority. This should include the design and style of the proposed developments, the use of materials, the overall layout and the proposed land use (including specific uses of the various zones within the site).

REASON: To ensure this highly prominent site is developed to a high standard in terms of design character and use of materials and the hereby approved uses are considered appropriate and located within suitable areas (zones) within the application site.

3. The uses on the site shall be limited only to those falling within the following use classes as detailed in the Town and Country Planning (Use Classes) (Scotland) Order 1997. The approved use classes are:

- Class 1 Retail Use solely for the purposes of a garden centre
- Class 4 Business Use in terms of office and light industrial manufacturing
- Class 11 Assembly and Leisure uses still to be specified.

REASON: In order to retain effective control over the land use of the site.

4. The development hereby permitted shall, in terms of car parking, not exceed a maximum parking provision of 393 spaces.

REASON: To be consistent with the requirements of SPP 17: Planning for Transport and Planning Advice Note 75: Planning for Transport.

5. The proposed development works hereby permitted shall not commence until a travel plan aimed at promoting sustainable travel modes and reducing the reliance on the private car is submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. In particular the travel plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and duration of the plan.

REASON: To be consistent with the requirements of SPP 17: Planning for Transport and Planning Advice Note 75: Planning for Transport.

6. The proposed development works hereby permitted shall not commence until the proposed new access to the development, generally in accordance with JMP Drawing A083021/SK001 Rev A submitted as part of the Transport Assessment, is completed in accordance with plans to be submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland.

REASON: To be consistent with the requirements of SPP 17: Planning for Transport and Planning Advice Note 75: Planning for Transport.

7. The proposed development works hereby permitted shall not commence until the new underpass to the development, generally in accordance with Azure Investments Drawing AUC02(P)000, is completed in accordance with plans to be submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland.

REASON: To ensure that the movement of traffic is confined to the permitted means of access thereby lessening the danger to and interference with the free flow of traffic on the trunk road.

8. The proposed development works hereby permitted shall not commence until lighting details within the site have been submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland. The uses hereby approved shall not commence prior to the lighting details having been fully provided as approved.

REASON: To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

9. The development works hereby permitted shall not commence until fencing has been provided along the boundary of the site with the trunk road; in a manner and position to be agreed with the Planning Authority in consultation with Transport Scotland.

REASON: To minimise interference with the safety and free flow of traffic on the trunk road.

Notes to Applicant

1. This planning consent does not carry with it the right to carry out works within the trunk road boundary and the applicant must consult with Transport Scotland, Trunk Roads Network Management Directorate through its Management Organisation (see below) on the terms and conditions, under Roads legislation, that require to be agreed to enable works within the trunk road boundary to be approved
2. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency regarding drainage of the site and to confirm the request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.
3. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
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