

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 02 SEPTEMBER 2011

11/0012/PPP: REDEVELOPMENT OF GLAISNOCK SHOPPING CENTRE AND SURROUNDING LAND TO FORM RETAIL UNITS FRONTING ONTO TOWNHEAD STREET AND GLAISNOCK STREET AS PART OF THE LARGER TOWN CENTRE REGENERATION PROPOSALS

AT GLAISNOCK SHOPPING CENTRE AND SURROUNDING LAND TOWNHEAD STREET CUMNOCK

BY CUMNOCK REGENERATION (RETAIL) LTD

Report by Head of Planning and Economic Development

Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/caseFile.do?category=application&caseNo=11/0012/PPP>

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Planning Permission in Principle is proposed for the re-development of the Glaisnock Shopping Centre creating a high street arrangement of shop units facing the street and creating a more formal streetscape and retail presence along Townhead Street and onto Glaisnock Street of similar scale and proportions to those existing buildings. The proposal includes the demolition of the existing Glaisnock Shopping Centre being replaced by 12 new shop units ranging in size from 1,200sqft to 9,000sqft offering flexibility of space requirements to suit a wide range of goods and operators. The proposed supermarket is located to the rear of the shop units fronting onto the enlarged surface car park

1.2 In terms of existing and proposed retail floor space the existing Glaisnock Shopping Centre occupies a retail area of 51,960sqft (4,827m²) with the proposed total gross floor area of the new retail area divided between a proposed supermarket of some 61,000sqft (5,667sqm) and proposed shop units 45,100sqft (4,190 m²). In terms of associated car parking the proposal seeks to increase the provision from 120 spaces at present to a total of 320 spaces.

1.3 The application proposes the re-development of much of the surrounding area around the shopping centre including part of the Glaisnock watercourse and a section of open space located within the meander of the Glaisnock Water

which was formally occupied by a row of residential units. This links the application to the wider Cumnock Master Plan area including the current Cumnock Council Office development located on Greenholm Road.

1.4 In general the proposal will:

- Provide larger retail units to attract retailers
- Restores the historic streetscape of Townhead and Glaisnock Street
- Produces outward facing buildings fronting the town
- Provides continuous and active ground floor uses and frontages
- Unit frontages are at pavement and street level
- Creates public space at Gorbals Bridge
- Creates additional modern car parking
- Diversion of Glaisnock Water (as approved in Planning Application 09/0075/OL)

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As is 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.

3.2 The proposal shows full compliance with the relevant policies set out within the East Ayrshire Local Plan in terms of the principle of the re-development of the shopping centre and the surrounding land. The information received during the consultation process indicates support for the proposal based on the information submitted at this Planning Permission in Principle stage. The various representations received have been reviewed and adequately addressed and it is therefore considered that the representations cannot be viewed as carrying sufficient weight to merit the refusal of the application.

3.3 The redevelopment of the Glaisnock Shopping Centre could be argued as the most important aspect in Cumnock's regeneration Masterplan as the site occupies such a key prominent and large part of the town centre. The report has outlined many of the failings of the exiting shopping centre which not only impacts significantly on the visual amenity of the town centre but also impinges the economic viability of the town centre. The proposed redevelopment scheme

has considered the existing aspects of the shopping centre that currently fail and have developed a layout and design acknowledging the rich historic heritage of the town with a contemporary edge, reinstating the streetscape, creating useable public space, opening up the natural features of the Glaisnock Water, improving the current traffic and parking system whilst creating a more inclusive and attractive town centre.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development based on the principle of the development, then the application would require to be referred to Council because a decision on that basis would represent 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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1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for planning permission in principle which is to be considered by the Southern Local Planning Committee under the scheme of delegation as the application represents a major development under The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and one in which the Council has an ownership interest.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site occupies an extremely prominent and key central position within the Cumnock Town Centre, including the existing Glaisnock Shopping Centre and the adjacent car park. The existing shopping centre is a significant sized two storey building covering an area of some 51,960sqft (4,827 m²) positioned within the main 'street vista' when following the one way system along Lugar Street. The shopping centre is in need of significant investment both externally and internally showing visual signs of disrepair with dated and dull finishing materials.

2.2 The application site boundary extends to cover an area of 2.6 hectares bounding with Townhead Street to the north and to the south with the Glaisnock Water which divides the site diagonally in a south east direction to meet with the pedestrian bridge crossing adjacent to Asda supermarket. To the east the site boundary runs along the length of the bank of the Glaisnock Water following the access to the Asda car park then cutting diagonally in a north-west direction following the line of the rear boundaries of those properties on Townhead Street.

To the west the site boundary is enclosed by the Gorbals Bridge at the intersection with Glaisnock Street and Townhead Street.

2.3 The existing shopping centre is 2 storey in height with retail units occupying the ground floor area and the associated services located above on the upper level. The shopping centre takes main pedestrian access from the intersection with Townhead Street and Glaisnock Street with the retail units positioned in a row on an east/west axis with a secondary access located to the rear providing direct link to the car park area. All the retail units front into the shopping centre and not the town with Townhead Street divided with a pedestrian barrier and positioned at a slightly higher level than the retail units of the shopping centre.

2.4 Externally the Glaisnock Shopping Centre is in a poor condition and visually detracts from the amenity of the Town Centre and adjacent conservation area with poor layout, position, scale and use of materials.

2.5 In terms of the immediate environment surrounding the shopping centre the existing river is a major attribute but in its current form is in a very poor visual condition with sections hidden from view and areas of heavy overgrown planting with large litter deposits. The northern most banking shows signs of stabilisation works with gabion baskets installed to reduce banking erosion. The river in its current form does not act as a focal point or positive attribute to the town centre.

2.6 **Proposed Development:** Planning Permission in Principle is proposed for the re-development of the Glaisnock Shopping Centre creating a high street arrangement of shop units facing the street and creating a more formal streetscape and retail presence along Townhead Street and onto Glaisnock Street of similar scale and proportions to those existing buildings. The proposal includes the demolition of the existing Glaisnock Shopping Centre being replaced by 12 new shop units ranging in size from 1,200sqft to 9,000sqft offering flexibility of space requirements to suit a wide range of goods and operators. The proposed supermarket is located to the rear of the shop units fronting onto the enlarged surface car park

2.7 In terms of existing and proposed retail floor space the existing Glaisnock Shopping Centre occupies a retail area of 51,960sqft (4,827m²) with the proposed total gross floor area of the new retail area divided between a proposed supermarket of some 61,000sqft (5,667sqm) and proposed shop units 45,100sqft (4,190 m²). In terms of associated car parking the proposal seeks to increase the provision from 120 spaces at present to a total of 320 spaces.

2.8 The application proposes the re-development of much of the surrounding area around the shopping centre including part of the Glaisnock watercourse and a section of open space located within the meander of the Glaisnock Water which was formally occupied by a row of residential units. This links the

application to the wider Cumnock Master Plan area including the current Cumnock Council Office development located on Greenholm Road.

2.9 In general the proposal will:

- Provide larger retail units to attract retailers
- Restores the historic streetscape of Townhead and Glaisnock Street
- Produces outward facing buildings fronting the town
- Provides continuous and active ground floor uses and frontages
- Unit frontages are at pavement and street level
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3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objections in principle to the proposal based on the information contained within the road layout drawing and those details included within the Transport Assessment. The proposed development would be considered acceptable on traffic and accessibility grounds subject to the agreement of conditions requiring the developer to provide the appropriate traffic infrastructure and control measures as detailed below:

- (i) The provision of a Traffic Signal controlled junction at the proposed site access from Townhead Street, incorporating full pedestrian facilities.
- (ii) The implementation of control measures within the proposed retail car park to discourage long-stay parking and encourage parking turnover.
- (iii) The provision of a minimum number of 15 covered cycle parking spaces within the retail car park.
- (iv) The provision of bus access to the proposed retail car park. The position of this will require to be agreed with the Roads service.

Detailed design of the above features will be required prior to the issue of any Road Construction Consent.

The requirements of the Roads and Transportation Service can be secured through the imposition of appropriate conditions in any consent granted for the proposed development.

3.2 East Ayrshire Council's Roads and Transportation Service (Flooding Section) has no objection to the proposed development and offer the following comments.

- (i) The compensatory storage basin and the diversion works shall require to be completed and operational prior to commencement of any works on the Shopping Centre Development
- (ii) The details of the Sustainable Urban Drainage scheme requires to be submitted and agreed prior to the development commencing
- (iii) The flood route from the development to the new river course requires to be established and proven not to put any property at risk along its course

The above comments can be attached as suspensive planning conditions on any consent granted.

3.3 Scottish Power has no objection in principle to the proposal but states that apparatus is within/adjacent to the site which may require alteration or protection depending on the extent of the development.

An advisory note can be attached to any consent granted for the proposed development advising the applicant to make early contact with Scottish Power.

3.4 Scotland Gas Networks has no objection to the proposed development provided that no mechanical excavations take place above or within 0.5m of any low pressure system, 2m of any medium pressure system and 3m of any intermediate pressure system.

An advisory note can be attached to any consent granted for the proposed development advising the applicant to make early contact with Scotland Gas Networks.

3.5 The Scottish Environment Protection Agency has no objection to the proposed development on flood risk grounds provided that, should the planning authority be minded to approve this application, the following planning conditions are imposed:

- Compensatory storage proposals should be formally confirmed and modelled adopting design considerations outlined in the Halcrow 2008 report.
- Compensatory storage are to be maintained in perpetuity and subject to regular inspection/maintenance by an agreed party.
- Further information to be provided on the watercourse diversion to ensure it complies with SPP to ensure the development does not detrimentally affect flood risk at the site or elsewhere

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk the application must be notified to the Scottish Ministers as per the Notification of Applications Direction 2007.

The above comments can be attached as suspensive planning conditions to any consent granted. It should be noted that the 2007 Direction has now been superseded and replaced by the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 (although the principle of notification remains in the event the planning authority disregards the advice of SEPA).

3.6 Scottish Natural Heritage originally raised concerns relating to the natural heritage interests on the site, notably linked to the river Glaisnock Water, which was noted as potentially capable of holding otters and water voles. As otters are afforded European Protection status, SNH requested a survey of otters and water voles. A revised Follow Up Survey from the 2008 Ecological Appraisal of Cumnock Town Centre has been undertaken. The survey was undertaken and passed to SNH for further comments. SNH has now revised its response and advice regarding the potential impacts of this development on bats, otter, birds and water vole is that mitigation as detailed below should be incorporated into any approval in order to avoid an offence which may occur under Regulation 39/43 of the Habitats Regulations 1994 as amended and or Wildlife Countryside Act 1981 (as amended). It should be noted that even with the additional measures the development could still result in an offence under Regulation 39/43. A license from SNH will therefore be required by the applicant before proceeding. If the application should be approved despite the possible offence it should be assured that prior to any approval that all tests for a license (under regulation 44) are likely to be met. If the tests are not likely to be met there is a risk that the developer would be unable to make practical use of the planning permission if a license is not forthcoming. With reference to the third test SNH advises that the development will not be detrimental to the maintenance of the population of Natterer's bats at a favourable conservation status in their natural range.

The necessary tests are considered in section 6.4 of the report.

The June 2011 Follow Up Survey Report (EACS) confirms the importance of the area proposed for development for a range of protected species including bats, otter, water vole and birds. In order to minimise the impacts of this development and to avoid any offences SNH advise that the planning consent be approved subject to the following conditions:

1. EPS/protected species licenses will be required from SNH in order for development to proceed legally.

Reason: On account of the presence of European Protected Species a license will be required from SNH in order that work can proceed without any offences under the Habitats Regulations 1994 (as amended) being committed.

2. The applicant be required to produce a detailed and comprehensive Species Protection Plan (which presumably would be a condition of any EPS Licences) which should be agreed with SNG and as minimum should include the following measures:

(i) Pre Construction: Surveys for all species be repeated throughout the development stages of these proposals and immediately prior to the commencement of construction/demolition works and should include all potential habitat for each species as identified in the EACS report e.g. river banks, bridges, walls, trees and any other structures affected by development with potential to support bats or other protected species.

(ii) During Construction: Safe methods of working – EcoW present on site, Construction Method Statements incorporating safe methods of working and seasonal considerations, tool box talks to inform contractors of timing of works etc.

(iii) Post Development: Mitigation measures – provision of alternative habitats, roost opportunities (not just bat boxes), tree planting, design of post development landscaping, bat lofts incorporated into building design, post construction monitoring etc.

SNH is also keen to see that developments recognise and support the Central Scotland Green Network, a national priority in the National Planning Framework.

The above comments can be attached as suspensive planning conditions to any consent granted.

3.7 The Ayrshire Rivers Trust (ART) has not objected to the proposal and wish to make the following comments detailed below:

(i) ART completed an invasive weeds survey of the River Ayr catchments in 2008 including the Glaisnock Water. Extensive strands of Japanese Knotweed were recorded on the banks of the Glaisnock water within the area proposed for diversion. It is essential that the Japanese knotweed is controlled and eradicated prior to any construction work.

(ii) The Glaisnock Water supports an abundance of fish including brown trout, eels, minnows, stone loach and stickleback. None of the documents provided with the planning application refer to the fish population of the Glaisnock Water. ART have a routine electro-fishing survey site located approximately 250m upstream of the development site. This site has been surveyed annually for the

last five years providing a good fish population data sheet. If the Glaisnock Water is diverted then ART consider it essential that a fish rescue is organised. It would be unacceptable to simply switch the water the water from one channel to another without implementing a fish rescue. This could involve electro-fishing and relocation of fish from the existing river course into the Glaisnock Water out with the development site.

The issues noted above would be addressed at the detailed planning application stage. As this application is simply establishing the principle of the proposal, the above level of detail is not required at this time. However appropriate conditions can be attached to any consent granted to meet the requirements of ART.

3.8 Cumnock Community Council has no objection to the proposal

3.9 The Scottish Civic Trust (SCT) has not formally objected to the proposal and is pleased to note that the sensitivity of the site being at the edge of the conservation area has been acknowledged. SCT recommends that the scale and massing on this street edge development is in keeping with the traditional buildings in Cumnock and that the height is limited to 2-2.5 storeys accordingly. It will also be essential to consider how the individual units sit together in one larger block to avoid another new monolithic shopping centre. The Trust feels that a new public space in the location proposed could be an enhancement to this part of Cumnock town centre. However the materials and landscaping of the space must be well considered to ensure that it adds to the character and distinctiveness of Cumnock Town Centre and isn't just a left over spot with no real purpose or character. The existing car park appears to be well landscaped and so minimal impact on the street and river edge. The new car park would be much larger and we would recommend that the landscaping is considered very carefully to ensure that an appropriate edge to the street is provided and any negative impact is well screened.

The above comments can be included as conditions where appropriate.

3.10 Cumnock and Doon Access Valley Access Panel is pleased that the shopping centre will benefit from being regenerated but offers the following comments:

- (i) Members are concerned about that the distance some disabled people will have to travel to get from the car park to the individual shop units
- (ii) Consideration should be given to the provision of at least one additional enlarged accessible car parking bay
- (iii) Any accessible car parking together with parent and child parking should be located adjacent to the building or a safe route is provided from the bays to the main entrance.

- (iv) The Gorbals Bridge area should be fully accessible.

The current application is in principle only but the above comments can be included as conditions where appropriate.

3.11 The West of Scotland Archaeology Service states that an archaeological field evaluation would be required to take place prior to the determination of the planning application. However in the case of this development proposal modern development on the site is likely to have disturbed to an unknown degree any sensitive deposits laid down in the past means that such an approach may not be appropriate in this instance. It remains possible however those highly significant archaeological deposits may survive within the current site in isolated pockets or islands of survival. Because of this WOSAS would recommend that the potential archaeological issue could best be addressed by the attachment of a suitable condition to any consent the Council is minded to grant where any significant remains within the site could be preserved by record through archaeological excavation. The most appropriate form of condition to use in these circumstances would be a negative suspensive condition such as that suggested for the outline application. WOSAS recommends the following wording, which reflects recent experience and current best practice:

“No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.”

The use of such a condition will allow the Council to ensure that if significant archaeological remains are present within the current application site, their excavation and recording can be achieved to an acceptable standard, along with the dissemination of the results of the work in the public domain if this is considered necessary.

A condition can be attached to any consent granted for the proposed development to meet with the requirements of WOSAS.

3.12 East Ayrshire Council Environmental Health Service has no objections in principle to the proposed development but has the following comments to offer:

- (i) Noisy work on the site during construction should be restricted to 0700 and 1900 hours Monday to Friday, 0800 and 1300 hours on Saturdays, with no noisy work on Sundays.

- (ii) Noise from the works during construction should at no time cause the underlying background noise level LA90(1 hour) to rise by more than 3 dB(A), measured at the nearest noise sensitive locations.
- (iii) Suitable dust suppression measures should be introduced where appropriate during the construction phase.
- (iv) All waste arising from the works during construction should be disposed of to the satisfaction of the Waste Management Authority, and otherwise by burning.
- (v) All drainage should be completed to the satisfaction of SEPA and/or Scottish Water.

Where appropriate, conditions can be attached to any consent granted for the proposed development to meet the requirements of the Environmental Health Service.

4. REPRESENTATIONS

4.1 The application has attracted five individual letters of representations four of which are objecting to the proposed development with one letter indicating support for the proposal. The points of objection can be summarised as follows:

4.2 We object to the design of the above development which provides that only the superstore has direct access to the car park. This will prejudice all other retailers whose customers would wish to take trolley directly to their car.

The proposed car park is not solely proposed for use by those customers using the supermarket and will also provide parking for those using the proposed shopping centre. However a supermarket will be required to provide a sufficient parking provision in terms of meeting the parking standards required by the Roads and Transportation Service. Many layouts have been considered and the layout indicated provides the most effective use of the site and allows for a formal street frontage to be reintroduced with car park provision positioned to the rear of the site.

4.3 Bringing a superstore to the town centre is a good thing if it helps the town centre as a whole. That is not achieved if the design puts only the superstore in pole position and everyone else is round the corner.

The layout proposes the supermarket positioned to the rear of the new street frontage of retail units along Townhead Street and Glaisnock Street. This therefore allows for the re-introduction of a streetscape physically linking both Townhead Street and Glaisnock Street. The supermarket, although positioned within a central town

centre location, is to be located to the rear of the retail units and is therefore not considered to be a 'pole position'.

4.4 It will also cause inconvenience to members of the public who would prefer to have a choice of shops directly facing the car park and could restrict their choice of shops when shopping by trolley.

The design workshops which have taken place have focused the future redevelopment of this area as a re-introduction of the streetscape along Townhead Street and Glaisnock Street. This will encourage pedestrian movement along the street frontages again and would therefore not restrict the choice/location of shops.

4.5 The proposed building will completely restrict the view from my apartment.

This is not a valid planning ground of objection and not material to the determination of this application.

4.6 It will also restrict the light

It is unlikely that loss of light would be felt by adjacent residential units as a result of the development; however, as the application is in principle only, at this stage it is not possible to investigate this. However it should be noted that this is a town centre location and the proposal would be of a scale and proportion compatible with the surrounding buildings and in this regard should not adversely impact on the existing levels of light.

4.7 Dependant on when the retail units close and to what use they are put there could be a noise nuisance and litter problems.

The proposal is located within the town centre of Cumnock and the uses proposed all of which are for retail would not exacerbate any noise nuisance other than potentially during the demolition /construction stage which can be controlled via working time conditions. In terms of increased litter refuse bins can be incorporated within the development proposal at the next planning stage.

4.8 Why is public money being wasted on the submission of Planning Permission in Principle (outline consent) when the principle of this development is already established within both the Cumnock Town Centre Masterplan and the newly adopted East Ayrshire Local Plan 2010. Surely this is unnecessary and a waste of £8,000 plus the associated desk top reports as no work on such a development can start on site until planning permission in full is applied for paid and approved (a further £15,000).

The benefit of submitting an application for Planning Permission in Principle allows certain aspects of the development to be considered at an early stage and also allows for consultation with statutory bodies where any significant issues regarding the development can be explored and addressed as necessary, also giving certainty for any future development of this site.

4.9 The site has been allocated within the Masterplan document and the Local Plan for some 3 years and over this time there would appear to be no formal interest in a large retail facility from any supermarket which is supported with the submission of this application for planning permission in principle.

Please refer to the response to section 4.8 of this report.

4.10 Whilst I am 100% behind the regeneration of the Cumnock Town Centre and have a genuine interest in the success I do have serious concerns about the realistic nature of the proposed supermarket. The existing shopping centre is a terrible scar on Cumnock Town Centre but the development of a supermarket on this site should not be the catalyst or a solution to drive change.

Please refer to the response to section 4.8 of this report.

4.11 Should this application be approved there will be a jeopardy that this will impinge on the further future economic regeneration of the area through development of retail facilities.

Please refer to the response to section 4.8 of this report.

4.12 Safety of clients and their families and pets when entering and leaving the veterinary clinic as the road is very busy.

A detailed Transport Assessment has been submitted accompanying the application. The Roads and Transportation Service has assessed the proposal and raised no adverse road safety issues as a result.

4.13 The distance clients using the veterinary clinic will have to travel from the car park including the welfare of emergency patients.

Although this is important for the operation of the veterinary clinic, a public car park is proposed directly adjacent to the existing veterinary clinic and therefore not considered to be un-reasonable.

4.14 The possibility that the road may regularly become blocked at busy times such as every Friday afternoon as there appears to be only a single access road for both deliveries and cars. It would impede Fire and Ambulance services. This

could also result in emergency cases being unable to reach my surgery quickly enough.

The Roads and Transportation Service has assessed the proposal and raised no adverse road safety issues as a result.

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).

Ayrshire Joint Structure Plan

5.2 Policy COMM1 (Regeneration) states that the three Ayrshire Councils shall,

A) give priority to proposals that regenerate existing communities including the Coalfield Communities Initiative Area and Kilmarnock Town Centre.

The proposal forms part of the Cumnock Town Centre Regeneration scheme and therefore would, in principle, accord with Policy COMM1

5.3 Policy STRAT2 (Development Framework) states that the three Councils working in conjunction with public and private sector agencies will seek to increase the attraction of Ayrshire as a place to live, work, visit and invest by:

C) supporting the service centres as the primary focus for development in the Investment Corridors.

Cumnock is noted as a Service Centre within Schedule 3 of the Structure Plan and therefore the proposal is considered to comply with Policy STRAT2.

5.4 Policy COMM6 (Town Centres) states that the three Councils shall promote the viability and vitality of town centres by policies and proposals that:

B) provide development of a size and scale appropriate to the function of the centre as indicated in Schedule 3 and serve the needs of its catchments.

The application site size, scale and location is considered to be appropriate to the town centre of Cumnock.

5.5 Policy ENV 8 (Flooding) states that:

A) In accordance with the Scottish Planning Policy, development proposals which would be at significant risk of flooding or which would increase the probability of flooding elsewhere will not be permitted. Local Plans will apply the policy in the light of SEPA's flood risk maps. There will be a presumption against land raising except in exceptional circumstances and in situations where this would not increase the risk of flooding within the area.

B) The three Ayrshire Councils shall take into account the need to preserve, enhance and create water storage areas, such as flood meadows, to reduce the risk of flooding in built up areas.

The Council's Flooding Section and SEPA have confirmed the principle of the proposed river diversion is acceptable provided that the detailed planning submission shows full compliance with the principles and requirements set out in Scottish Planning Policy.

East Ayrshire Local Plan

5.6 Development Opportunity Site (024M) – The Council will encourage and support the comprehensive regeneration and redevelopment of the following area for new offices, a new supermarket and new refurbished retail units appropriate to its location within Cumnock Town Centre.

The proposal is clearly in accordance with this site designation.

5.7 Strategic Policy RTC1 states that the Council will adopt a sequential approach in assessing development proposals for retail, commercial leisure developments and other uses appropriate to town centres as described in Schedule 6(i) of the Plan. Developers will be required to locate all such development firstly, in town centres as identified on the Local Plan maps; secondly, in edge of centre locations where no such town centre sites are available; and thirdly, in identified commercial centres as identified on the local plan maps, in preference to out of centre locations. Applicants proposing such developments in out of centre locations will be required to demonstrate to the satisfaction of the Council:

(i) that no suitable alternative site can be found or assembled within town centres, in an edge of centre location or in an identified commercial centre: and

(ii) that the chosen location is, or can be made, easily accessible by a choice of modes of transport.

As the application involves increasing the retail floor space of Cumnock Town Centre, the application is in accordance with this policy.

5.8 Strategic Policy RTC2 aims to ensure that retail proposals are appropriate in terms of scale and function to the town in which they are proposed. In this regard all major retail and other Schedule 6(i) uses of significant importance to a range of local communities within the investment corridors are directed to the service centres of Cumnock, Auchinleck, Stewarton, Galston and Dalmellington.

As the proposal will involve a significant increase in retail provision that will serve a wider community than just Cumnock itself, Cumnock Town Centre is considered an appropriate location for the development of this scale.

5.9 Strategic Policy RTC3 states that within town centres and elsewhere throughout the area settlements the Council will positively encourage owners and developers to retain and improve all existing retail facilities.

The current application will help retain retail facilities and activity within Cumnock Town Centre and indeed improve on the facilities that are currently in situ. The proposal is therefore in accordance with this policy.

5.10 Policy ENV7 states that development and demolition within a conservation area or affecting its setting shall preserve or enhance its character and be consistent with any relevant conservation area appraisal or management plan that may have been prepared for the area.

The design, materials, scale and siting of any development shall be appropriate to the character of the conservation area and its setting. Trees which are considered by the planning authority to have amenity value shall be preserved. Given the importance of assessing design matters, outline applications will not normally be considered appropriate in conservation areas.

Where an existing building, listed or not, contributes positively to the character of the conservation area, policy ENV5 on demolition shall apply. Where it does not, proposals for demolition will not be considered in the absence of a detailed planning application for a replacement development that enhances or preserves that character. Demolition will not begin until evidence is given of contracts let for the approved development.

The Council will seek to ensure that all development within or affecting the setting of a Conservation Area or affecting the appearance or setting of a listed building complies with the Council's appropriate Design Guidance. In particular, the Council will not be supportive of any development that is unsympathetic to

the area or building concerned in terms of its layout, size, scale, design, siting, materials and colour of finish. Wherever possible, all proposals should seek to preserve, enhance or incorporate features, which contribute positively to the character or appearance of the area and have due regard to the architectural and historic qualities of the area or building concerned.

Whilst the proposal is not within the Conservation Area it is directly adjacent to it and has the potential to impact on the conservation area. Therefore importance should be placed on the proposal being in keeping with the conservation area in terms of scale, design and use of materials. The indicative plans and streetscapes proposed are of a suitable scale and design for the location.

5.11 Policy ENV9 states the Council will actively encourage and demand the highest possible standards of design from applicants in the formulation of their development proposals. All developers will be expected to comply fully with the Council's existing design guidance documents relating to, and advising on, the particular type of development proposed. Developments which do not meet the required design standards detailed in these documents will require to be fully justified and may not be supported by the Council.

As part of the submission a detailed design statement has been submitted highlighting the design theory. The retail design evolution followed a design workshop held in February 2009 to look at the opportunities for the Glaisnock Shopping Centre. This workshop was attended by the Prince's Foundation for the Built Environment, East Ayrshire Council and the Development Team.

5.12 Policy ENV10 requires developers to accompany their planning applications with formal design statements in line with the provisions of PAN 68: Design Statements. Design statements may be required particularly in the case of:

- (i) major developments;
- (ii) developments affecting listed buildings; and
- (iii) minor or small scale developments on sensitive sites, such as developments in conservation areas and in the Sensitive Landscape Areas as identified on the local plan maps.

If an applicant fails to produce a design statement on request, or if a submitted statement is considered below standard, the Council may determine to refuse the application it relates to on design grounds.

A detailed Design Statement has been submitted as part of the submission in accordance with those provisions of PAN68.

5.13 Policy ENV11 states that the Council will require developers, in formulating their development proposals, to ensure that:

- (i) adequate opportunities are taken to secure a more accessible environment for all, including those with mobility and sensory impairments, elderly people and those with young children;

Comments have been received from the Access Panel and will require to be incorporated into the finalised proposal.

- (ii) appropriate traffic safety measures are introduced to minimise vehicular and pedestrian conflict;

A detailed Traffic Assessment accompanies the application and justifies the proposed vehicular and pedestrian movements relating to the proposal.

- (iii) appropriate community safety measures are incorporated to maximise security and improve natural surveillance of the development;

It is not possible at the Planning Permission in Principle stage to determine effective security measures; however the overall design and layout has incorporated natural surveillance.

- (iv) the design of their developments demonstrates a commitment to sustainable development through the use of recyclable and renewable materials;

As this application is for Planning Permission in Principle it is not possible to comment on the use of materials at this stage.

- (v) the principles of energy efficiency are applied within the layout and design of all new development proposals and that on-site renewable energy sources and equipment are utilised, wherever possible and feasible, to reduce annual CO2 emissions from the developments concerned that may normally be expected, by a minimum 15%.

As this application is for Planning Permission in Principle it is not possible to comment on the use of materials at this stage.

- (vi) their designs are sensitive to the character of the area in which they are proposed;

Although only an indicative layout has been submitted as part of this submission the layout and design has been developed to recreate the streetscape along Townhead Street and Glaisnock Street. The

design statement and massing propose a high quality re-development appropriate and in keeping with the context of the town centre.

- (vii) their developments are landscaped to reflect and compliment their surroundings; and

At this Planning Permission in Principle stage there are no submitted details regarding the future landscaping; however this will entail works linked to the re-diversion of the Glaisnock Water with green space along the banking.

- (viii) proposed areas of open space are integrated wherever possible with existing areas to form a linked network throughout the area.

The main public area of open space is proposed at the front of the site adjacent to the Gorbals Bridge and the Glaisnock water. This is shown in a central location on the corner of Glaisnock Street and Townhead Street.

5.14 Policy ENV12 states that the Council will strongly encourage developers to include elements of public art as an integral part of their development proposals, especially with regard to proposals within the central areas of settlements and in association with rural development proposals related to tourism, leisure and recreational activities.

At this stage the proposal does not include details of any public art however any public art could be directed to the main area public space. The Council will generally be supportive of sensitive and architecturally innovative designs for new developments where these can be demonstrated to blend in with existing surrounding development and with the landscape setting of the area in which they are proposed. The proposals design focuses on re-creating a physical built form link along Glaisnock Street and Townhead Street and will dramatically improve the visual amenity of the core town centre and quality of the conservation area.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representations received, the Conservation (Natural Habitats &C) Regulations 1994, the surrounding planning history, the impact on the amenity of the Town Centre and the Cumnock Town Centre Masterplan.

Consultation Responses

6.2 There has been detailed engagement with consultees particularly the Roads and Transportation Service. There are no significant adverse issues raised by consultees that cannot be addressed by use of appropriate conditions.

Representations

6.3 The representations have been carefully assessed and noted within this report but it is considered that the points of objection are either not of sufficient weight to justify refusal of the application or are not material to the determination of this application.

The Conservation (Natural Habitats, &c.) Regulations 1994

6.4 The Ecology Report submitted with the planning application indicates that this site includes habitat being used by European Protected Species (EPS), i.e. bats. The Ecology Report states, in summary, that Natterer's bats were found within and around the application site. SNH has provided mitigation measures that should be included within the conditions of any planning approval. It is considered that such measures would avoid the potential for disturbance of any roosts which may be present under the Glaisnock Bridge and along the banks of the Glaisnock Water as noted within the Ecology Report.

The application of mitigation conditions as suggested in the Ecology Report and as endorsed by SNH should ensure that disturbance to bats and associated habitats is minimised.

Nonetheless, Scottish Government interim guidance to planning authorities states that no planning decision may be made until the planning authority can assure itself that a licence may be forthcoming. An application for a licence will fail unless all of 3 tests on acceptability for a licence are satisfied. In summary these tests are:

Test 1: The licence application must demonstrably relate to ... the purpose of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.

It is considered that the licence (and the disturbance of the protected species that it would authorise) is necessary in order to allow work to proceed that is of overriding public interest of a social and economic nature. At the local level, the proposed development would make a direct contribution to the East Ayrshire economy and assist in the wider regeneration proposals for Cumnock Town Centre. The

retention and creation of employment opportunities is considered to be of overriding public interest in the current economic climate. It is considered that that there is clear overriding public interest in permitting the development to proceed and that Test 1 can be clearly met.

Test 2: “that there is no satisfactory alternative”

With regard to Test 2, it is considered that there is no satisfactory alternative to the granting of a licence and to the consequent disturbance to protected species. The ability to consider alternative locations for the development would run contrary to the principles of regeneration of the town centre as envisaged in the Cumnock Town Centre Masterplan.

Test 3: A licence cannot be issued unless Scottish Government is satisfied that the action proposed “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range” (Scottish Government will, however, seek the expert advice of Scottish Natural Heritage on this matter).

The interim guidance issued to planning authorities indicates that SNH is the main body to advise on whether the granting of a licence would be “detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range” and so be capable of meeting Test 3. In its consultation response SNH has formally advised that the development will not be detrimental to the maintenance of the population of Natterer’s bats at a favourable conservation status in their natural range and thus Test 3 is considered to be met.

Consequently the Planning Authority has reasonably considered the general requirement established under Regulation 3(4) to have regard to the provisions of the Habitats Directive, and in particular to the provisions of Articles 12 and 13 of the Directive and Regulations 39 and 43 of the 1994 Regulations.

Planning History

6.5 Planning permission Ref. 09/0076/FL for Erection of 2990 sq. m. Office plus Associated Car Parking and Compensatory Flood as part of the Cumnock Town Centre Master Plan on land at Greenholm Road was granted on 5 May 2009 by the Southern Local Planning Committee.

6.6 Planning Application Ref. 09/0075/OL for the Re-routing of Glaisnock Water and Infilling of Existing Water Course Route as part of the Cumnock Town

Centre Master Plan on land at Greenholm Road, Cumnock was granted outline planning approval on 5 May 2009 by the Southern Local Planning Committee.

Impact on Amenity

6.7 The development proposes a dramatic change to the landscape characteristics of this area of Cumnock Town Centre. Currently the Glaisnock Shopping centre which occupies an extremely prominent location detracts greatly from the visual amenity of the town centre. In addition to the impact on the visual amenity of the shopping centre the poor street presence, the break in the natural streetscape and the fact that the shopping centre turns its back on the town does not encourage integration with the rest of the town nor pedestrian movement and in fact draws pedestrian flow from Townhead Street through the shopping centre. The proposal seeks to reinstate the frontage along Townhead Street reinstating a more traditional High Street arrangement with all shop frontages facing the street and the Town Centre. The increased pedestrian flow across frontages gives vitality to Townhead Street with the continuous street line relating and reflecting more with the Towns form, scale and proportions. Part of the proposal involves a significant change to the amenity of the area arising from the re-routing of the Glaisnock Water. The proposal has the potential to improve the interaction with the watercourse as at present the river and banks do not promote integration. The proposed re-routing therefore has the potential to allow for the Glaisnock Water to become a focal point rather than a hidden feature within Cumnock creating a natural positive attribute to Cumnock's regeneration.

Cumnock Town Centre Masterplan

6.8 The purpose of the Masterplan is to provide a development framework for the regeneration of Cumnock Town Centre. To meet the key objectives for the regeneration of Cumnock Town Centre, the masterplan will provide the following:

- Provision of a new supermarket
- Modernise and extend Glaisnock shopping centre
- Development of town centre offices for EAC and other agencies to deliver services locally
- Improve town centre access, traffic flows, parking and pedestrian movements
- Enhance the public realm and appearance of the town centre.

The main objective of the Cumnock Town Centre Masterplan is to provide social and economic regeneration while making public realm and environmental improvements to a Brownfield site within the Town Centre. The Masterplan and Environmental Report were adopted by East Ayrshire Council as Supplementary Planning Guidance on 04 March 2009.

The proposal shows compliance with the Cumnock Town Centre Masterplan.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 The Council has a financial interest in the application site in that the proposal has been submitted by its joint venture partners, Cumnock Regeneration (Retail) Ltd. The Council also has an ownership interest in the site.

7.2 The Council has a legal interest in the development through its joint venture partnership and its ownership interest in the site.

7.3 The application will not require to be referred to the Scottish Ministers in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

8. CONCLUSIONS

8.1 As is 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.

8.2 The proposal shows full compliance with the relevant policies set out within the East Ayrshire Local Plan in terms of the principle of the re-development of the shopping centre and the surrounding land. The information received during the consultation process indicates support for the proposal based on the information submitted at this Planning Permission in Principle stage. The various representations received have been reviewed and adequately addressed and it is therefore considered that the representations cannot be viewed as carrying sufficient weight to merit the refusal of the application.

8.3 The redevelopment of the Glaisnock Shopping Centre could be argued as the most important aspect in Cumnock's regeneration Masterplan as the site occupies such a key prominent and large part of the town centre. The report has outlined many of the failings of the existing shopping centre which not only impacts significantly on the visual amenity of the town centre but also impinges the economic viability of the town centre. The proposed redevelopment scheme has considered the existing aspects of the shopping centre that currently fail and have developed a layout and design acknowledging the rich historic heritage of the town with a contemporary edge, reinstating the streetscape, creating useable public space, opening up the natural features of the Glaisnock Water, improving

the current traffic and parking system whilst creating a more inclusive and attractive town centre.

9. RECOMMENDATION

9.1 It is recommended that this application be approved subject to the conditions listed 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 based on the principle of the development, then the application would require to be referred to Council because a decision on that basis would represent a significant departure from the development plan.

Alan Neish
Head of Planning and Economic Development

23 August 2011

RG/HM

FV/HM

LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Letters of Objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan 2010
7. Cumnock Town Centre Masterplan
8. Planning Applications – 09/0075/OL, 09/0076/FL

Anyone wishing to inspect the above papers please contact Robin Ghosh Planning Officer, on 01563 553505.

Implementation Officer: Hugh Melvin

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 11/0012/PPP

Site of Proposal: Townhead Street/Glaisnock Street Cumnock

Nature of Proposal: Redevelopment of Glaisnock Shopping Centre and surrounding land to form retail units frontage onto Townhead Street and Glaisnock Street as part of the larger town centre regeneration proposals

Name & Address of Applicant: Cumnock Regeneration (Retail) Ltd
c/o CDA
West George Street
Glasgow
G2 4LF

Officer's Ref: Robin Ghosh
(01563) 553505

The above Planning Permission in Principle application should be granted subject to the following conditions:-

1. The development hereby permitted shall be carried out in general accordance with the following documents unless otherwise agreed in writing with the Planning Authority:
 - a. Design and Access Statement (CDA)
 - b. Transport Assessment (AECOM)
 - c. Ecological Appraisal Extended Phase 1 Habitat Survey 2011 (EAC)
 - d. Pre Application Consultation Report (Streets UK)
 - e. The approved site plan reference SITE RESPONSE dated 05/01/2011

REASON: To ensure compliance with the approved documents.

2. Prior to the commencement of any development works on site EPS/protected species licenses will be required from SNH in order for the

development to proceed legally. Details of such licenses shall be submitted to the Planning Authority for the written approval prior to any development operations commencing on site.

Reason: On account of the presence of European Protected Species a license will be required from SNH in order that work can proceed without any offences under the Habitats Regulations 1994 (as amended) being committed.

3. Prior to the commencement of any development works on site a detailed and comprehensive Species Protection Plan shall be submitted to and approved in writing by the Planning Authority in conjunction with SNH.

REASON: On account of the presence of European Protected Species a Species Protection Plan will be required from SNH in order that work can proceed without any offences under the Habitats Regulations 1994 (as amended) being committed.

4. Prior to the commencement of any development works on site, full details of the following matters shall be submitted to and approved by the planning authority and thereafter implemented as approved.

- (a) Measures to remove and control any future spread of invasive weeds such as Japanese Knotweed;
- (b) Measures to allow for the continuing passage of fish along the Glaisnock Water during the river diversion works including the rescue / relocation of fish impacted by the closure of the existing river channel;
- (c) The arrangements for the monitoring of fish activity and passage through the Glaisnock Water during the period of river diversion
- (d) The provision of offset mitigation elsewhere in the catchment area to mitigate any loss of existing habitat within the river meander.

REASON: To ensure that the development proceeds having due regard to the ongoing functioning of the Glaisnock Water.

5. The compensatory storage basin and the diversion works shall be completed and operational prior to commencement of any works on site.

REASON: In the interests of flood prevention.

6. The details of the Sustainable Urban Drainage scheme shall be submitted and agreed prior to development works commencing on site.

REASON: In the interests of flood prevention.

7. The flood route from the development to the new river course shall be established and proven not to put any property at risk along its course the details

of which shall be submitted to and approved in writing by the Planning Authority prior to any works commencing on site.

REASON: In the interests of flood prevention.

8. Prior to any development works commencing on site the details of the compensatory storage proposals shall be submitted to the Planning Authority for approval in conjunction with SEPA and shall include confirmed and modelled design considerations outlined in the Halcrow 2008 report.

REASON: In the interests of flood prevention.

9. Prior to any development works commencing on site further information shall be submitted to and approved in writing by the Planning Authority in conjunction with SEPA on the watercourse diversion to ensure it complies with Scottish Planning Policy to ensure the development does not detrimentally affect flood risk at the site or elsewhere

REASON: In the interests of flood prevention.

10. Prior to the commencement of any development works, a site development traffic plan shall be submitted to and approved by the Planning Authority in consultation with the Roads Authority and thereafter implemented as approved.

REASON: In the interests of road and pedestrian safety.

11. Notwithstanding the submitted plans the provision of a traffic signal controlled junction at the proposed site access from Townhead Street incorporating full pedestrian facilities shall be implemented prior to the retail use commencing.

REASON: In the interests of road safety.

12. The implementation of control measures within the proposed retail car park to discourage long stay parking and encourage parking turnover.

REASON: In the interests of road safety.

13. Notwithstanding the submitted plans the provision of a minimum of 15 covered cycle parking spaces within the retail car park shall be formed prior to the retail use commencing.

REASON: In the interest of road safety.

14. Notwithstanding the submitted plans details of the provision of a bus access to the proposed retail car park shall be submitted to and agreed in writing by the Planning Authority in consultation with the Roads Division prior to the retail use commencing.

REASON: In the interests of road safety.

15. Any accessible car parking together with parent and child parking should be located adjacent to the building or a safe route is provided from the bays to the main entrance.

REASON: In the interest of road safety and accessibility.

16. Construction works and any associated deliveries on site during the construction stage shall not be carried out prior to 0700 hours and after 1900 hours on Monday to Friday, prior to 0800 hours and after 1300 hours on a Saturday and not at any time on Sundays.

REASON: To prevent noise disturbance during the construction period extending into hours during which other sources of noise have subsided in the interest of residential amenity.

17. All waste arising from construction works shall be disposed of in accordance with details to be agreed in writing with the Waste Management Authority and otherwise than by burning.

REASON: In the interests of surrounding amenity.

18. Prior to the commencement of any development works commencing on site a programme of archaeological works in accordance with a written scheme of investigation shall be submitted to and approved in writing by the Planning Authority and, agreed by the West of Scotland Archaeology Service. Thereafter the programme of archaeological works shall be fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

REASON: In the interests of preserving and recording any archaeological remains within the site.

19. Notwithstanding the submitted plans a shop frontage and signage design guide for the retail units shall be produced, submitted to and approved in writing by the Planning Authority as part of the submission(s) for Approval of Matters Specified in Conditions.

REASON: To ensure the high standard and consistent design approach to shop frontages.

20. Notwithstanding the submitted plans a detailed landscaping plan shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any construction works on site. This shall include key planting along the banks of the Glaisnock Water, the area of public open space (including wider pedestrian area on Glaisnock Street) and within the car park. Thereafter the plan shall be implemented at the next available planting season and maintained in perpetuity.

REASON: In the interests of the visual amenity of the area.

Notes to Applicant:

1. Scottish Power has noted the presence of apparatus within the application site and advise that prior to development works commencing on site contact should be made directly with Scottish Power. Scottish Power can be contacted on 0141 567 4155.

2. Scotland Gas Networks advises that no mechanical excavations take place above or within 0.5m of the low pressure system, 2m of the medium pressure system and 3m of the intermediate pressure system. Scotland Gas Networks can be contacted on 0141 418 4093.

Reason for the Decision

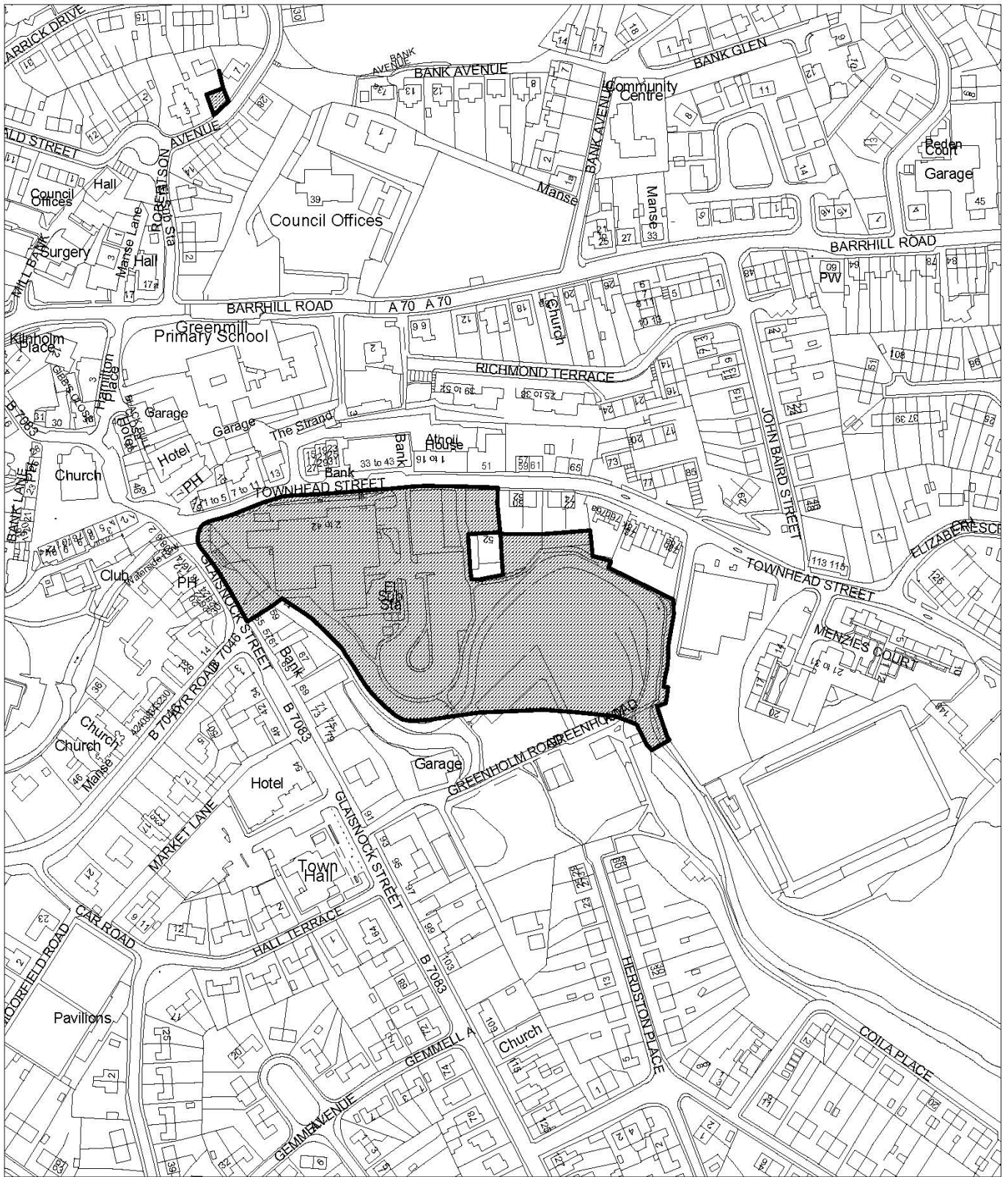
The proposal is compliant with the Development Plan and after careful consideration of representations, consultations responses and other relevant factors it is considered that the material considerations do not, on balance, indicate that the application should be refused contrary to the Development Plan.





CUMNOCK REGENERATION SITE AS PROPOSED

DEANWAY MUIR CDA
 CONSULTANTS

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<p>Title/Location</p>	<p>Glaisnock Shopping Centre, Townhead Street, CUMNOCK</p> <p>Application No. 11/0012/PPP</p>	<p>East Ayrshire Council Department of Neighbourhood Services Planning & Economic Development Service The Johnnie Walker Bond 15 Strand Street Kilmarnock KA1 1HU Tel: (01563) 576790 Fax: (01563) 554592 E-Mail : Planning@east-ayrshire.gov.uk Com Date: 2/9/2011</p>
<p>Key</p>	<p> Application Site</p>	<p></p>