

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 18 MARCH 2005**

**04/0863/RM: ERECTION OF A MOTORWAY SERVICE AREA COMPRISING RESTAURANTS, SHOPS, TOILETS, TOURIST INFORMATION COUNTER, BUSINESS FACILITIES, OVERNIGHT ACCOMMODATION, PARKING, RE-FUELING FACILITY, PICNIC AND PLAY AREAS, NATURE CONSERVATION AND LANDSCAPING AT KINGSWELL SERVICE AREA, FENWICK, KA3 6AG BY ASHLEY BELL/KINGSWELL DEVELOPMENTS**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Reserved Matters Consent is sought for the erection of a motorway service area. Outline planning consent was granted on 03 September 2001 for a Motorway Service Area and the main purpose of this application is to consider the detailed elements of the proposal. A comprehensive Environmental Assessment was accompanied and was approved as part of the outline permission. The principal elements of the development are detailed below.

- The buildings comprise the main amenity building, the residential lodge and the petrol filling station.
- The amenity building is 1678m<sup>2</sup> on the ground floor and comprises entrance hall, retail outlets, toilets, indoor play area, games area with additional conservatory space for two restaurants of 100m<sup>2</sup>. The roof space is utilised in the south wing to provide site management offices and business accommodation of 474m<sup>2</sup> with meeting rooms and a truckers lounge.
- The lodge contains 39 bedrooms comprising of 36 twin rooms and 3 family rooms all with ensuite bathrooms.
- Both buildings have been designed to fit into the moorland landscape with steep pitched roofs and 3 dimensional form characteristic of farm buildings and barns.
- The overall mass of the amenity building is broken down by creating an extended H format with central access and clear circulation within. The maximum height of the building is 7.7 metres, but this is varied by the width of the building at the entrance to give reduced heights of 6.3 to 7 metres.

- The two-storey lodge has a maximum height of 9.3 metres, with the use of dormer windows at first floor to reduce the visible wall and make a feature of the pitched roof.
- A varying use of materials is proposed to break down the bulk of the buildings. The two buildings are wet dash roughcast with an off white finish. Natural stone walls are proposed at the main entrance with glazed screens to create a light and airy welcome. The entrance roof is clad in interlocking slate to contrast with the adjacent restaurant and service wings where the roofs will be colour coated steel profile sheeting representing the ancillary farm buildings. The wing containing the toilets will be finished in Scottish Larch vertical boarding. The roof and dormer windows of the lodge will be covered in interlocking slate.
- The third building is the petrol filling station and it is sited adjacent to the entrance to the motorway service area. Its design is of a standard format with a forecourt building comprising of rectangular form with a very shallow pitched roof of profile metal sheeting and cladding panels for the walls. The forecourt will provide 6 petrol pump islands and 3 HGV pump islands with canopies to provide protection for customers. It will function 24 hours per day with toilets, shop and catering facilities. The maximum height of the canopies will be 6.2 metres for the lorries and 5.7 metres for the cars.

1.2 Access to the Motorway Service Area will be from the Kingswell Junction from the M77 via a slip road on the southbound carriageway of the M77. In addition a slip road would be formed to afford access, for those heading north, to the A77 and hence to the MSA. The applicants would be responsible for the cost of provision of the two slip roads formed to the south of the line of the existing A77. When the motorway opens the A77 will be de-trunked and retained as an all-purpose road. A T-junction will be the means of access to the motorway service area from the A77. A total of 221 car parking spaces are proposed in front of the amenity buildings of which 12 spaces are designed for disabled users. A further car park of 38 spaces is proposed in front of the lodge building with an area adjacent to this proposed car park identified for further car parking if required. The forecourt of the petrol filling station has 15 car parking spaces. To the north west of the amenities building a parking area for 21 HGV vehicles and 4 coach spaces has been proposed.

1.3 The landscaping scheme has been developed to provide the function of screening as well as to create an attractive environment for the relaxation of the travelling public. A 20 metre width landscape bund of approximately 6 metres in height is proposed between the slip road and the lorry parking and other car parks. It will help screen the motorway service area from cars travelling south on the M 77. Landscaping is also proposed within the car park areas and adjacent to the buildings. Tree and shrub planting in and around the car park areas is more formal in design due to the linear characteristics of the parking

areas. A play area and picnic area are proposed to the rear of the amenity buildings. In terms of fencing details, post and wire stock proof fencing to adjacent farmland and post and rail fencing around parts of the SUDS ponds and Sewage Treatment Works are proposed. Dry and mortared stone walling will be used to screen service yards and to provide shelter walls and seating within the courtyards. Courtyards will be surfaced in natural stone paving slabs and resin bonded gravel. The main circulation paths will be surfaced in bitmac with more remote paths into the wetland paths and viewpoints surfaced in compacted crushed stone.

1.4 All surface runoff waters will be directed to a Sustainable Urban Drainage System. It is proposed that a retention pond and reed bed are formed adjacent to the entrance to the Motorway Service Area. The perimeter of the pond will be planted with a variety of native and ornamental aquatic plants and the area landscaped. The water from the Retention Pond outlet and bypass will lead directly to the discharge point via solid pipe. The final discharge point shall be to the Kingswell Burn via an existing culvert under the existing A77 road.

1.5 The remaining area of the application site, not occupied by the formal Motorway Service Area can be split into two distinct areas which will be developed for nature conservation. The western area has been planted with predominately Sitka Spruce around 1999/2000 and has no identifiable pedestrian access nor scope for visitor parking. It is intended to change this area from timber production as at present to predominately a nature refuge for flora and fauna with limited pedestrian access. The eastern side beyond the Motorway Service Area has frontage onto the A77. It was also planted with predominately Sitka Spruce in 1999/2000 although small areas of Larch trees provide a contrast. This area provides an excellent opportunity for public access to leisure and environmental interpretation facilities providing informal education to the public on nature conservation, biodiversity and environmental issues. Footpaths and seating areas are intended to be provided in this area. The precise details and workings of these areas will be developed with Scottish Natural Heritage, Scottish Wildlife Trust, the Forestry Commission and the Planning Division to agreed works in the form of a management programme for the first 5 years after the Motorway Service Area has opened. A native woodland area is proposed along the eastern boundary of the lodge.

1.6 A 15 metre exclusion zone is proposed around the Rowallan Memorial which does not form part of this application. The development has been designed on site to maintain the open view to south and east from the monument, by planting and the contours of the land.

## **2. RECOMMENDATION**

**2.1 It is recommended that the application should be approved subject to the conditions indicated on the enclosed sheets.**

### **3. CONCLUSIONS**

3.1 As indicated in Section 5 of the report the application is in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 of the report there are material considerations relevant to this application. The principle of the use of this site for Motorway Service Area has been established through the granting of the outline consent. The details submitted at reserved matters stage are satisfactory and will not adversely affect the rural landscape. No negative comments have been received from the consultation process. The concerns of the objectors are noted, however they are not considered to be of sufficient weight to justify a recommendation of refusal. Their concerns regarding road safety have not been echoed by the Scottish Executive or by East Ayrshire Council's Roads and Transportation Division.

3.3 The proposed Motorway Service Area accords with the principles of NPPG 9 as it has been designed and sited to fit into the rural landscape, will be constructed of materials in keeping with the local environment and exhibits high standards of landscaping. Nature conservation interests in the area will be enhanced by the provision of two areas to fulfil this role. One area will have limited public access and allow the development of flora and fauna and wildlife interests. The second area immediately adjacent to the service area will be where public access will be encouraged and developed. Landscaping of the Service Area is fundamental and it has been developed to ensure that the development complements its rural landscape. The provision of the motorway services will cater for increased volumes of traffic whilst contributing to the rural area.

### **CONTRARY DECISION NOTE**

Should Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards the application will not require to be referred to the Development Services Committee because there would be no significant breach of Council policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

**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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AT KINGSWELL SERVICE AREA, FENWICK, KA3 6AG  
BY ASHLEY BELL/KINGSWELL DEVELOPMENTS**

**Report by Head of Planning, Development and Building Standards**

### **1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present for determination a reserved matters application which is to be considered by the Local Planning Committee under the scheme of delegation as it is of area significance and subject to objections.

### **2. APPLICATION DETAILS**

2.1 **Site Description:** The application site is 5.41 hectares in area and is located at the Kingswell junction on the new M77, to the north of Kilmarnock and Fenwick. The application site is presently moorland, and it is bisected by the new M77. The site has two distinct areas, the Motorway Service Area lies on the east side of the motorway in the south-east quadrant of the site. The area west of the motorway is also moorland but has no public access. Both sites have a large area covered by Sitka Spruce planted by the Forestry Commission approximately 5 years ago. The Rowallan Memorial is also sited in close proximity but it is excluded from the application site, being proposed as separated from the lodge building by new planting.

2.2 **Proposed Development:** Reserved Matters Consent is sought for the erection of a motorway service area. Outline planning consent was granted on 03 September 2001 for a Motorway Service Area and the main purpose of this application is to consider the detailed elements of the proposal. A comprehensive Environmental Assessment was accompanied and was approved as part of the outline permission. The principal elements of the development are detailed below.

- The buildings comprise the main amenity building, the residential lodge and the petrol filling station.
- The amenity building is 1678m<sup>2</sup> on the ground floor and comprises entrance hall, retail outlets, toilets, indoor play area, games area with additional conservatory space for two restaurants of 100m<sup>2</sup>. The roof space is utilised in the south wing to provide site management offices and business accommodation of 474m<sup>2</sup> with meeting rooms and a truckers lounge.
- The lodge contains 39 bedrooms comprising of 36 twin rooms and 3 family rooms all with ensuite bathrooms.
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- A varying use of materials is proposed to break down the bulk of the buildings. The two buildings are wet dash roughcast with an off white finish. Natural stone walls are proposed at the main entrance with glazed screens to create a light and airy welcome. The entrance roof is clad in interlocking slate to contrast with the adjacent restaurant and service wings where the roofs will be colour coated steel profile sheeting representing the ancillary farm buildings. The wing containing the toilets will be finished in Scottish Larch vertical boarding. The roof and dormer windows of the lodge will be covered in interlocking slate.
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2.3 Access to the Motorway Service Area will be from the Kingswell Junction from the M77 via a slip road on the southbound carriageway of the M77. In

addition a slip road would be formed to afford access, for those heading north, to the A77 and hence to the MSA. The applicants would be responsible for the cost of provision of the two slip roads formed to the south of the line of the existing A77. When the motorway opens the A77 will be de-trunked and retained as an all-purpose road. A T-junction will be the means of access to the motorway service area from the A77. A total of 221 car parking spaces are proposed in front of the amenity buildings of which 12 spaces are designed for disabled users. A further car park of 38 spaces is proposed in front of the lodge building with an area adjacent to this proposed car park identified for further car parking if required. The forecourt of the petrol filling station has 15 car parking spaces. To the north west of the amenities building a parking area for 21 HGV vehicles and 4 coach spaces has been proposed.

2.4 The landscaping scheme has been developed to provide the function of screening as well as to create an attractive environment for the relaxation of the travelling public. A 20 metre width landscape bund of approximately 6 metres in height is proposed between the slip road and the lorry parking and other car parks. It will help screen the motorway service area from cars travelling south on the M 77. Landscaping is also proposed within the car park areas and adjacent to the buildings. Tree and shrub planting in and around the car park areas is more formal in design due to the linear characteristics of the parking areas. A play area and picnic area are proposed to the rear of the amenity buildings. In terms of fencing details, post and wire stock proof fencing to adjacent farmland and post and rail fencing around parts of the SUDS ponds and Sewage Treatment Works are proposed. Dry and mortared stone walling will be used to screen service yards and to provide shelter walls and seating within the courtyards. Courtyards will be surfaced in natural stone paving slabs and resin bonded gravel. The main circulation paths will be surfaced in bitmac with more remote paths into the wetland paths and viewpoints surfaced in compacted crushed stone.

2.5 All surface runoff waters will be directed to a Sustainable Urban Drainage System. It is proposed that a retention pond and reed bed are formed adjacent to the entrance to the Motorway Service Area. The perimeter of the pond will be planted with a variety of native and ornamental aquatic plants and the area landscaped. The water from the Retention Pond outlet and bypass will lead directly to the discharge point via solid pipe. The final discharge point shall be to the Kingswell Burn via an existing culvert under the existing A77 road.

2.6 The remaining area of the application site, not occupied by the formal Motorway Service Area can be split into two distinct areas which will be developed for nature conservation. The western area has been planted with predominately Sitka Spruce around 1999/2000 and has no identifiable pedestrian access nor scope for visitor parking. It is intended to change this area from timber production as at present to predominately a nature refuge for flora and fauna with limited pedestrian access. The eastern side beyond the Motorway

Service Area has frontage onto the A77. It was also planted with predominately Sitka Spruce in 1999/2000 although small areas of Larch trees provide a contrast. This area provides an excellent opportunity for public access to leisure and environmental interpretation facilities providing informal education to the public on nature conservation, biodiversity and environmental issues. Footpaths and seating areas are intended to be provided in this area. The precise details and workings of these areas will be developed with Scottish Natural Heritage, Scottish Wildlife Trust, the Forestry Commission and the Planning Division to agreed works in the form of a management programme for the first 5 years after the Motorway Service Area has opened. A native woodland area is proposed along the eastern boundary of the lodge.

2.7 A 15 metre exclusion zone is proposed around the Rowallan Memorial which does not form part of this application. The development has been designed on site to maintain the open view to south and east from the monument, by planting and the contours of the land.

### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 East Ayrshire Council's Roads and Transportation Division have advised that the A 77 will be de-trunked at this section and will be passed to the Roads Division when the new motorway is operational. They have recommended that the proposed junction onto the A77 should incorporate a right turning lane and acceleration and deceleration lanes should be provided. A drainage impact assessment should be provided demonstrating the post development run off can be accommodated by the existing road culvert crossing the A77.

***The requirements of the Roads Division can be met by attaching conditions to any grant of planning permission.***

3.2 Scottish Executive Enterprise Transport and Lifelong Learning Department, for their trunk road interests, have advised that the following matters be attached to any grant of planning permission:-

- (a) The proposed M77 between Fenwick and Floak must be completed prior to the opening of the development.
- (b) The development access junction be designed to the satisfaction of LPA in consultation with the SE - ETLLD - TRNMD and will allow access to the facilities for pedestrians and cyclists.
- (c) The provision of roadside facilities including parking provision to be in accordance with NPPG 9 "Provision of Roadside Facilities on Motorways and Trunk Roads in Scotland".

***In terms of point (a) this is addressed by a condition attached to the Outline approval (KL/W/OL/89/143B). The Council's Roads Division have offered no objection to the proposed access and the development fully complies with the advice contained within NPPG 9 The Provision of Roadside Facilities.***

3.3 Scottish Water, East Renfrewshire Council, West of Scotland Archaeology Service and East Ayrshire Council's Petroleum Officer have no adverse comments to make regarding the proposed development.

***Noted.***

3.4 Scottish Environment Protection Agency have no objection in principle to this development. They have advised that foul drainage from the development will require a full biological treatment prior to discharge and their formal consent will be required in terms of the Control of Pollution Act 1974 (as amended). They have recommended that a condition is attached to treat surface water from the site in accordance with the principles of Sustainable Urban Drainage Systems. Due to the heavy nature of the soils in the area, filtration techniques (not infiltration) would be a more appropriate form of SUDS at this location. Surface water arising from the filling station area should be connected to SUDS features via a petrol interceptor. They also advise that suitable provision should be made with regard to space for waste storage for the development and should be in line with the Council's collection plans to address re-cycling, composting, recovery and disposal targets contained within the Area Waste Plan and the Council's implementation plan. They understand that access roads to and from the site will have to cross the Kingswell Burn. SEPA have a presumption against the culverting of watercourse and would request alternative means of crossing the burn to be considered.

***All surface runoff waters shall be directed to a Sustainable Urban Drainage System (SUDS). It is proposed that a Retention Pond is created where all water from the roofs, pavements, courtyards, car parks and access roads will be drained to the SUDS. The water from the Retention Pond outlet and bypass will lead directly to the discharge point via solid pipe. The Retention Pond outlet shall be designed to allow for the outlet to be closed in the event of an accidental petrol/oil spill within the Motorway Service Area. This will offer a secondary safety mechanism downstream of the petrol/oil interceptor helping to protect the Kingswell Burn. The final discharge point will be the Kingswell Burn via an existing culvert under the existing A77 road. The SUD System should be designed in full accordance with SEPA requirements and guidelines. A condition and notes can be attached to any grant of planning consent requiring the final approval and implementation of the SUD***

***system. The provision for waste disposal can be addressed by attaching a condition to any grant of planning consent requiring these details to be submitted for approval. The Kingswell Burn is not part of the application site. There is a ditch within the application site and part of it will be culverted to allow the landscaping mounding to be formed. The remainder of the ditch will be diverted.***

3.5 East Ayrshire Council's Environmental Health Section have no objections and have advised that any waste arising from the works should be disposed of to the satisfaction of the Waste Management Authority and otherwise than by burning and suitable provision for the collection of waste should be made. Noisy work on the site should be restricted to 08:00 am to 6:00 pm Monday to Friday, 08:00 am to 1:00 pm on a Saturday and no noisy work on a Sunday.

***The comments of Environmental Health with regard to refuse provision can be addressed by attaching a condition to any grant of planning consent. With regard to restricting the hours of construction, it is not considered appropriate in this instance due to its remote location.***

3.6 Scottish Natural Heritage have no objections and have offered the following comments. They have recommended that the guidance 'Lowland path Construction - A Guide to Good Practice' should be followed with regard to path construction. This guidance recommends that timber edging should not be used as it can lead to problems with drainage and a potential trip hazard as the path wears. They have recommended that further details are sought with regards to the proposed management of the nature reserve.

***The comments of SNH are noted and can be addressed by attaching suitably worded conditions to any grant of planning permission. It is recommended that a working group is set up to devise a programme of nature conservation works and management agreement for the two areas to the west and east of the M77. Both areas it is intended will fulfil a different role in terms of nature conservation.***

3.7 Ayrshire Joint Structure Plan and Transportation Committee have no objections in principle but given the significance of the development as a 'Gateway' to Ayrshire particular attention should be given in this development to the quality of building materials and the environmental impact this development may have on upland landscape and environment.

***See Section 5.4 of the report.***

3.8 Fenwick Community Council, Transco, Scottish Wildlife Trust and Royal Society for the Protection of Birds have not responded to their consultation letter at the time of writing this report.

***Noted.***

3.9 Scottish Wildlife Trust have indicated that the plans are in line with on-site discussions with the developer some time ago. They have decided not to object to the development provided the remaining area was managed as heath and the blanket bog across the road was also protected. The use of mature trees and the creation of wildlife areas within the service area are praiseworthy. They are more interested in what is happening to the area 'proposed nature reserve'. They would recommend that the nature reserve is confirmed as a long-term land use and that there is a conservation management plan prepared for it.

***It is recommended that Scottish Wildlife Trust should form part of a working group which would devise a programme of works and a management/implementation agreement for the nature refuge area and the wetland area and environmental interpretation area. This can be achieved by attaching a condition to any grant of planning consent.***

#### **4. REPRESENTATIONS**

There are 4 objectors to the proposed development and their grounds of objection are as follows:-

4.1 Road Safety - The proposed development would create an excessive amount of turning traffic on a very busy road.

***East Ayrshire Council's Roads and Transportation Division and the Scottish Executive Transport Authority have no objections to the proposed development and this is detailed in Sections 3.1 and 3.2.***

4.2 Adverse visual impact and habitat damage, the development would be incompatible with the landscape of the moor and would prejudice nature conservation interests.

***Always bearing in mind that Outline Planning Consent has been issued already, the development has been sited and designed to safeguard and enhance the nature conservation interests of the area. Two nature conservation areas are proposed, one on the west side of the site which will have limited public access to provide limited disturbance for birds, flora and fauna. The east side of the site adjacent to the built form of the Motorway Service Area has excellent***

**potential for public access for public leisure and environmental interpretation on nature conservation biodiversity and environmental issues.**

4.3 The application is not near Kingswell and it will only be a rubbish dump.

**The proposed Motorway Service Area is to take access from a slip road at the Kingswell junction. The development has been properly designed for the rural landscape and, by conditions, would be provided with refuse storage facilities.**

4.4 The application fails to meet conditions which require the development to provide south facing slip roads and therefore is contrary to the operating requirements of the Trunk Road Authority. The proposal therefore is not considered 'effective' and cannot be properly accessed to the satisfaction of the Trunk Roads Authority.

**The Scottish Executive Trunk Roads Directorate have not raised any objections to the proposed development and this is detailed in Section 3.2 above.**

4.5 National Planning Policy Guidelines require planning applications to be considered in terms of the Development Plan as well as planning guidance with particular reference to effective development.

**The principle of a Motorway Service Area has been approved by the outline planning consent no. KL/W/OL/89/143B and therefore it is not necessary to assess the principle of the Motorway Service Area against the policies of the EALP. The proposed development has been assessed against NPPG 9 Roadside facilities in Section 6.3.**

4.6 This proposal remains undeveloped despite being initiated in 1995. Assessments of Motorway Service Area operators and developers suggests that there is no demand for a Motorway Service Area at this location and therefore the whole viability of this scheme should be questioned in particular as to whether the proposal will ever be developed.

**Policy T7 of the EALP encourages and supports the development of a motorway service area at Kingswell. The approval of the outline planning permission for a Motorway Service Area further strengthens the acceptability of a MSA at this location.**

4.7 The planning application lodged requires a Hazardous Substances consent due to the flammable materials for the petrol filling station. The present planning application is inaccurate as it is understood that the hazardous substance requirement is not correctly addressed. It is requested that this false

declaration in terms of the relevance of the COMAH Regulations is amended and the application re-advertised and further neighbour notification undertaken.

***The requirement for Hazardous Substances Consent will depend on the tonnage of flammable materials. The requirement for this consent does not prevent the determination of this planning application. Should the need to comply with an aspect of any wider legislation trigger a revision to a planning consent, then that would be a matter to be assessed in the context of future planning submissions.***

4.8 One letter of support has been received which indicates that a Motorway Service Area is greatly required as, for drivers who have broken down on the A77 or B764, the nearest service area is 8.5 miles away and is in their opinion too far. A new service area would provide a safer environment for drivers at Kingswell.

## **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 (AJSP) and the Adopted East Ayrshire Local Plan (EALP).

### Approved Ayrshire Joint Structure Plan

5.2 There are no strategic issues in terms of the AJSP as the principle of a Motorway Services Area has been encouraged by the Local Plan, is consistent with Structure Plan Policy G1 and has been agreed with the approval of the outline planning consent no. KL/W/OL/89/143B.

### Adopted East Ayrshire Local Plan

5.3 The principle of a Motorway Service Area on this site has been established with the approval of the outline planning consent no. KL/W/OL/89/143B and therefore it is not necessary to assess the principle of the motorway service area against the policies of the EALP. This is further strengthened by Policy T7 of EALP which encourages and supports the development of a motorway service area at this location.

5.4 Policy ENV 13 ensures, through the development process within the rural area, that:-

- i) Any authorised development is in keeping with, has minimal visual impact and reflects the nature of the rural area in which it is located, in terms of layout, materials used, design, size, scale, finish and colour. The design and material finish of any ancillary features will also require to be sympathetic to the character and appearance of the area.

***The development has been designed and sited to minimise its impact on the surrounding rural area. The principle buildings have been designed to fit into the moorland landscape with steep pitched roofs and three dimensional form characteristic of farm buildings and barn. The height of the proposed buildings have been varied to minimise their visual impact on the surrounding landscape. Materials proposed also reflect the rural landscape.***

- ii) Any authorised development is sensitively sited, landscaped and screened so as to blend into, respect and complement the landscape characteristics of the particular area in which it is to be located.

***The proposed development has been sensitively landscaped with a 20 metres wide landscape bund proposed of approximately 6 metres in height to screen the development from the proposed motorway. Other landscaping is also proposed within the service area to complement the rural area.***

- iii) The landscape setting of a particular area affected by a proposed development is safeguarded from adverse or irreversible change by the use of appropriate planning conditions, management agreements, preparation and promotion of environmental improvement schemes, development and design briefs etc.

***Suitably worded conditions can be attached to any grant of planning consent to ensure that nature conservation interests are safeguarded and achieved and extensive landscaping proposals are implemented on site. In this context the nature refuge and Environmental Interpretation Area are noted.***

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and representations detailed in Sections 3 and 4 of the report, planning history and NPPG 9, The Provision of Roadside Facilities on Motorways and Other Trunk Roads in Scotland.

Consultations and Representations Received

6.2 The consultations and representations received have been fully addressed in Sections 3 and 4 of the report. It is not considered that these highlight issues of such weight as to merit refusal of the application; rather where there are concerns these have been satisfactorily dealt with by condition.

### Planning History

6.3 KL/W/OL/89/143B - Outline planning permission was granted on 03 September 2001 for erection of a motorway service area consisting of restaurant, shop, tourist information area, overnight accommodation, business facilities, picnic and lay area, nature conservation area, parking and re-fuelling facilities and landscaping at Kerelaw. This application was accompanied by a comprehensive Environment Assessment.

6.4 The outline consent was issued by East Ayrshire Council after the Scottish Executive revoked their earlier "call in" of the MSA outline application at Kingswell. This detailed application complies with the outline planning approval and the approved details of the Environment Assessment .

### NPPG 9 - The Provision of Roadside Facilities on Motorways and Other Trunk Roads in Scotland.

6.5 NPPG 9 sets out government policy for the siting and design of roadside facilities on motorways. All new development in rural areas including service areas and other roadside facilities should be sensitively related to existing settlement patterns, to the historic, wildlife and landscape resources and to the landscape quality of the area. All development should be designed to fit in to the landscape, be constructed of materials in keeping with the local environment and exhibit high standards of landscaping. Intervals between existing Motorway Service Areas vary but are generally not more than about 50 kms which remains a desirable maximum. The view of the Government is that road users should not be required to travel on motorways for long distances at any time of day without finding an Motorway Service Area. Motorway Service Areas contribute to road safety by allowing drivers regular opportunities to rest in the course of their journeys. A new Motorway Service Area should not be less than 24 kms from the nearest existing Motorway Service Area (or approved proposal for a new Motorway Service Area). Particular justification will be required for any proposal with spacing below 24 kms.

***The proposed Motorway Service Area accords with the advice detailed within NPPG 9. It has been designed and sited to be in harmony and complementary to the rural area. Landscaping is proposed within the overall development of the site to improve and complement the appearance of the buildings. Substantial landscaping bunds are proposed to screen the development from the Motorway and provide an attractive environment for the travelling***

***public. Nature conservation interests in the area will be developed with the development of a nature refuge, wetland garden and native woodland planting. It remains the case that the minimum separation distance between MSA's is 24 kms and that the Scottish Executive, though their grant of consent for signing of any MSA, will still have this to take account of.***

## **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 in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6 of the report there are material considerations relevant to this application. The principle of the use of this site for Motorway Service Area has been established through the granting of the outline consent. The details submitted at reserved matters stage are satisfactory and will not adversely affect the rural landscape. No negative comments have been received from the consultation process. The concerns of the objectors are noted, however they are not considered to be of sufficient weight to justify a recommendation of refusal. Their concerns regarding road safety have not been echoed by the the Scottish Executive or by East Ayrshire Council's Roads and Transportation Division.

8.3 The proposed Motorway Service Area accords with the principles of NPPG 9 as it has been designed and sited to fit into the rural landscape, will be constructed of materials in keeping with the local environment and exhibits high standards of landscaping. Nature conservation interests in the area will be enhanced by the provision of two areas to fulfil this role. One area will have limited public access and allow the development of flora and fauna and wildlife interests. The second area immediately adjacent to the service area will be where public access will be encouraged and developed. Landscaping of the Service Area is fundamental and it has been developed to ensure that the development complements its rural landscape. The provision of the motorway services will cater for increased volumes of traffic whilst contributing to the rural area.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application should be approved subject to the conditions indicated on the enclosed sheets.**

### **CONTRARY DECISION NOTE**

Should Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards the application will not require to be referred to the Development Services Committee because there would be no significant breach of Council policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

14 March 2005  
(PC/MMM)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Forms and Plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Letters of Representation.
5. Letter of Support.
6. Approved Ayrshire Joint Structure Plan.
7. Adopted East Ayrshire Local Plan.
8. NPPG 9 - the Provision of Roadside Facilities on Motorways and Other Trunk Roads in Scotland.
9. Planning Application No: KL/W/OL/89/143B

Anyone wishing to inspect the above papers please contact Pamela Clifford on 01563 576798.

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

04/0863/RM

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Site of Proposal:	Kingswell Service Area FENWICK Kilmarnock
Nature of Proposal:	Proposed Erection of a Motorway Service Area Comprising Restaurants Shops Toilets Tourist Information Counter Business Facilities Overnight Accommodation Parking Refuelling Facilities Picnic and Play Areas Nature Conservation Area and Landscaping
Name & Address of Applicant:	Ashley Bell Kingswell Developments Ltd The Old Dairy Townhead of Gree Farm FENWICK Kilmarnock KA3 6BA
Name & Address of Agent:	Michael & Sue Thornley Architects 51 St Vincent Crescent GLASGOW G3 8NQ

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DPOs Reference: PC/MMM

The above RESERVED MATTERS application should be granted subject to the following conditions:-

1. The proposed development shall be carried out in accordance with the application form and submitted plans dated 26 August 2004 and the following submitted plans - drawing no. L(20)-001, 020, 023, 025, 030, 040, 045, 050, 053, 055; C434/002, 003, 005, 007; 058-01, Job No. Ay2821 drawing no. 05.

REASON To ensure that the development is carried out in accordance with the approved details.

2. Notwithstanding the plans hereby approved, details and samples of all external materials to be used for the proposed buildings/structures shall be submitted to and approved by the Planning Authority before the development commences on site and thereafter be implemented on site as approved.

REASON In the interests of achieving a quality development and to the benefit of visual amenity.

3. Notwithstanding the submitted details, the proposed steel profile cladding panels are not hereby approved on the amenity building and alternative roofing materials which are more compatible with the rural landscape and confirmation of the use of slate on the other roofs shall be submitted to and approved by the Planning Authority and implemented as approved.

REASON The use of cladding panels is not considered to be an appropriate roofing material for the proposed development.

4. Notwithstanding the approved plans, details and samples of the materials of all external ground surfaces and boundary treatments shall be submitted to and approved by the Planning Authority before the development commences on site and shall be thereafter implemented as approved.

REASON In the interests of achieving a quality development and to the benefit of visual amenity.

5. Notwithstanding the approved plans, detail of the design, height and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on site and shall thereafter be implemented as approved.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

6. No retail sales shall take place outwith the confines of the approved buildings.

REASON To allow the Planning Authority to control any future development of the site.

7. Notwithstanding the approved plans, details of the refuse storage areas for the proposed development, which shall include provision for the storage needs of the Council's re-cycling system, shall be submitted to and approved by the Planning Authority and implemented prior to the Motorway Service Area being brought into use.

REASON In order to ensure that adequate refuse storage provision exists.

8. No materials other than top soil shall be brought onto the site for purposes of infilling or upraising ground levels without the prior written consent of the Planning Authority.

REASON In order to control the development of the site and materials used in making up ground levels.

9. Notwithstanding the submitted plans a landscaping scheme for the car parking areas, boundary of the site, SUDS pond and reed bed and areas surrounding the buildings shall be submitted to and approved by the Planning Authority prior to the commencement of any development on site. The scheme shall be implemented not later than the next appropriate planting season after the development has been carried out.

REASON To ensure a high quality landscaping scheme in the interests of visual amenity.

10. Notwithstanding the approved plans and prior to the commencement of development, details of the final height, shape and landscaping of the proposed bunding around the western, northern and northern-eastern boundaries of the site shall be submitted to and approved by the Planning Authority and implemented thereafter prior to the Motorway Service Area being brought into use.

REASON To ensure that there is satisfactory landscape screening of the Motorway Service Area.

11. The Motorway Service Area shall not be brought into use until a working group has been set up comprising the Planning Authority and the developer and those others of the following that agree to be members of that group - SNH, Scottish Wildlife Trust and Forestry Commission. The working group shall devise a programme of works and a management/implementation agreement for the nature refuge area and the wetland garden and environmental interpretation area and native woodland. The programme of works and management agreement will reflect the principle that the area to the west of the M77 is primarily to be managed as a wildlife refuge and the area to the east of the M77 will be managed for public education, interpretation and developing appropriate environmental matters.

REASON In the interests of developing nature conservation interests.

12. Notwithstanding the submitted details, details of the play equipment and furniture to be erected in the play and picnic areas as identified on the approved plans shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented prior to the Motorway Service Area being brought into use.

REASON In order to control the development of the site in the interests of the amenity of the area.

13. No construction work, site clearance, preparation or other building works shall take place within 15 metres of the Rowallan monument on site.

REASON In order to safeguard the monument.

14. Before any work commences on site, full details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved by the Planning Authority in writing. The SUDS shall thereafter be installed on site prior to the Motorway Service Area being brought into use.

REASON To ensure that adequate drainage is provided.

15. Notwithstanding the submitted details, details of the treatment of the extended shop area and the area identified for future parking shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and thereafter shall be implemented as approved.

REASON In order to control the development of the site.

16. Notwithstanding the submitted details, the pairs of windows proposed on the lodge building shall be separated by a central mullion, which shall be rendered to match the surrounding walls.

REASON To improve the quality of the development in the interests of visual amenity.

17. Prior to the motorway service area being brought into use the proposed junction onto the A77 shall incorporate a right turning lane and acceleration and deceleration lanes with facilities for pedestrians and cyclists. Details of these features shall be submitted to and approved by the Planning Authority prior to the commencement of development on site.

REASON In the interests of road safety.

18. Prior to the commencement of development on site a Drainage Impact Assessment shall be submitted to and approved by the Planning Authority. This Assessment shall demonstrate that the post development run off can be accommodated by the existing or an improved road culvert crossing the A77. Any measures arising from the Drainage Impact Assessment shall be implemented prior to the motorway service area being brought into use.

REASON In the interests of public safety and the amenity of the area.

19. Notwithstanding the approved plans and prior to the commencement of development on site, details of a lighting scheme for the motorway service area shall be submitted to and approved by the Planning Authority. The lighting scheme shall be designed to minimise light spillage onto the new motorway in particular and to minimise the visual impact of the development in general and shall be implemented prior to the new motorway service area being brought into use.

REASON In the interests of public safety and the amenity of the area.

NOTES:-

1. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific arrangements which may require to involve the developer or other third parties will be considered with the overall framework recommended in the Design Manual for SUDS published by CIRIA.
2. The SUDS shall be drained in accordance with the recommendations contained in the CIRIA Manual on SUDS.
3. Early contact is advised with Transco on 0141 418 4093 or at 95 Kilbirnie Street, Glasgow G5 8JD.
4. Prior to the commencement of any works on site for the development hereby approved, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**