

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 17 MAY 2002**

**01/0198/FL: PROPOSED CONSTRUCTION OF 1858 SQUARE METRES  
(20,000 SQUARE FEET) NON FOOD RETAIL UNIT WITHIN EXISTING RETAIL  
PARK AT UNITS 5/6 QUEENS DRIVE, KILMARNOCK  
BY DAWN DEVELOPMENTS LTD**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 The applicants propose to construct a retail unit of 20,000 square feet in floor area. The unit will internally comprise a sales area, goods receiving area, office accommodation and staff facilities. The external finish of the unit will be to match the visual appearance of the other retail units comprising red blockwork and silver profile elevation cladding. The roof will be formed from a goosewing grey roof cladding system. The building will present an entrance feature which will include an aluminium glazed frame.

1.2 The applicants have submitted a Retail Statement in support of their application which advises that the unit would be occupied by a company called Staples who specialise in office furniture and sell a range of such equipment including, desks, filing cabinets, computers and photocopy equipment. The company also sell in bulk goods such as files, copy paper, pens, pencils and general office stationary in a warehouse style environment with good vehicular access for ease of uplift.

1.3 The statement advises that the existing Kilmarnock Town Centre has no store such as Staples and the approval of the proposal would bring an anticipated benefit of a new business – the first Staples store in Scotland and likely the only development of its kind in Ayrshire thus providing a new type of service in a new type of facility. The statement also advises that much of the current expenditure is leaking to the Glasgow conurbation with the facility creating new employment for 35 people. A Traffic Assessment has been submitted by the applicant demonstrating the effect the additional traffic will have on the existing road network.

**2. RECOMMENDATION**

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

### **3. CONCLUSIONS**

3.1 As indicated at Section 5 of the report, the application is considered to be in accordance with the Approved Ayrshire Joint Structure Plan but contrary to the terms of the Adopted Kilmarnock Local Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be refused unless material considerations indicate otherwise.

3.2 As indicated in Section 6 of the report there are material considerations relevant to this application and these are supportive of the proposed development. The proposal complies with the policies of the EALP. The site is a development opportunity site and the proposed use falls within the specified categories. The external finish and overall design is considered to be appropriate and will match the existing units thereby ensuring a continuity of development. None of the statutory consultees have objected to the development although it is recommended that a condition be attached to any grant of planning consent to ensure that goods sold from the unit are bulky goods which are unlikely to be available in the town centre. This is in order to protect the vitality and viability of Kilmarnock town centre.

### **CONTRARY DECISION NOTICE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control and if that decision was arrived at on the basis of the principle of the development, the application will have to be referred to the Development Services Committee.

**Alan Neish**  
**Head of Planning and Building Control**

**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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**Report by Head of Planning and Building Control**

### 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation because it is a larger application which accords with the Finalised East Ayrshire Local Plan and is of area significance.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises vacant land within the Queens Drive Retail Park to the south east of Kilmarnock. The site extends to some 0.185 hectares. The site is level and is bound to the north by the car park for the retail park, to the south by the rear service yard beyond which is the railway line, to the east by the B & Q DIY Store and to the west by the other retail units. The proposed unit is to be sited between existing retail Unit numbers 4 and 7.

2.2 **Proposed Development:** The applicants propose to construct a retail unit of 20,000 square feet in floor area. The unit will internally comprise a sales area, goods receiving area, office accommodation and staff facilities. The external finish of the unit will be to match the visual appearance of the other retail units comprising red blockwork and silver profile elevation cladding. The roof will be formed from a goosewing grey roof cladding system. The building will present an entrance feature which will include an aluminium glazed frame.

2.3 The applicants have submitted a Retail Statement in support of their application which advises that the unit would be occupied by a company called Staples who specialise in office furniture and sell a range of such equipment including, desks, filing cabinets, computers and photocopy equipment. The company also sell in bulk goods such as files, copy paper, pens, pencils and general office stationary in a warehouse style environment with good vehicular access for ease of uplift.

2.4 The statement advises that the existing Kilmarnock Town Centre has no store such as Staples and the approval of the proposal would bring an anticipated benefit of a new business – the first Staples store in Scotland and likely the only development of its kind in Ayrshire thus providing a new type of service in a new type of facility. The statement also advises that much of the current expenditure is leaking to the Glasgow conurbation with the facility creating new employment for 35 people. A Traffic Assessment has been submitted by the applicant demonstrating the effect the additional traffic will have on the existing road network.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Railtrack have offered no objections to the proposal although offer general guidance on working near railways.

***Noted. If planning consent is granted it is recommended that a copy of this response is sent to the applicant and an advisory note is attached to the decision notice bringing the matter to the applicant's attention.***

3.2 Scottish Power, Transco and The Coal Authority have no adverse comments to make regarding the proposed development.

***Noted.***

3.3 East Ayrshire Council Roads and Transportation Division have no objections and are satisfied that the development will not have a significant impact on the existing traffic movements particularly at peak times. The proposed development is expected to have a minor effect on the queuing into the retail park. For their interests with respect to flooding issues, a satisfactory floor level has been built into the development.

***Noted.***

3.4 Scottish Water have advised that there is a public sewerage system to which a connection may be made. The developer should satisfy himself, by site investigation if necessary, that relative levels are such as will allow the development to be connected at a reasonable gradient. The developer must make a separate application to them for permission to connect to the public sewerage system. A totally separate drainage system will be required. Sustainable Urban Drainage Systems should be employed on the surface water drainage systems.

***Noted.***

3.5 SEPA have no objections on the understanding that the foul drainage is connected to the public sewer. SEPA have also pointed out that surface water should be treated in accordance with the principles of SUDS and have advised that the site is part of an area which flooded in 1995.

***Noted. This response has been discussed with the Roads Division who do not require a Flood Risk Assessment and who have advised that SUDS is not practical in this instance as the area surrounding the site is already subject to 'hard' landscape/standing etc development.***

3.6 The Ayrshire Joint Structure Plan and Transportation Committee (AJSPT) has advised that following the submission of the Retail Statement the proposal is consistent with the policy framework of the Approved Ayrshire Joint Structure Plan. The AJSPT have however requested a restrictive condition based on the future use of this unit which is consistent with this policy framework and in line with the adjoining units in this area.

***It is recommended that a condition be attached to any grant of planning consent restricting the sale of goods to bulky goods.***

3.7 There is currently no Riccarton Community Council with which to consult on this application.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 No letters of representation have been received with respect to the proposed development.

#### **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 Kilmarnock Local Plan (1985). The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

##### Approved Ayrshire Joint Structure Plan

5.2 The proposed development requires to be assessed against Policies L8, L9 and L10 of the Approved Ayrshire Joint Structure Plan. In summary, Policy L8 relates to directing retail development to Town Centres in preference to out of centre locations and Policy L9 refers to retail developments above 1500 square metres gross floorspace adopting a sequential approach to site selection and assessing its effect on the viability, vitality and character of the town centre.

***The proposed development has been assessed against Policies L8 and L9 and the Ayrshire Joint Structure Plan Team in their consultation response have not raised any strategic concerns about the***

***development. Furthermore, the application site is an identified retail opportunity site in East Ayrshire Local Plan Finalised Version with Modifications.***

5.3 Policy L10 recommends restricting the type of retail floorspace at existing and proposed out of centre retail warehouse developments to the sale of DIY, furniture, carpets, electrical and gardening goods.

***It is recommended that a condition is attached to any grant of planning consent to reflect the terms of the policy.***

#### Kilmarnock Adopted Local Plan

5.4 The proposal can be assessed against Policies 4.3.3 and 4.3.4 which relate to the provision of durable retail floorspace outwith the town centre. The policies state that durable retail floorspace shall not be allowed unless it is for a single shop of no more than 200 square metres in existing shopping centres of Hurlford, Crosshouse or Kilmaurs or the development is and will remain subordinate to and directly related to goods manufactured on site and involves goods which are not normally sold in the town centre and are not more than 200 square metres in floorspace.

***The proposed development is contrary to the policies of the Adopted Kilmarnock Local Plan.***

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

6.1 The other principal material considerations relevant to the determination of this application are the East Ayrshire Local Plan Finalised Version with Modifications (EALP), and the consultation responses and the design of the unit.

#### East Ayrshire Local Plan Finalised Version with Modifications

6.2 The Adopted Kilmarnock Local Plan is considerably out-of-date and it is therefore appropriate that greater weight should be attached to more recent expressions of Policy. The Council has agreed that the EALP should be considered as a prime material consideration.

6.3 Policy RTC2 refers to a range of retail and other developments being considered acceptable in principle on Development Opportunity Sites identified on Local Plan maps. The site is identified as such a site, (233M), within which the Council will encourage and support an appropriate retail development of DIY, furniture, carpets, electrical, gardening or other bulky goods which are not generally appropriate for sale in town centre location. Policy RTC10 restricts retail warehouse developments in out of town centre locations to bulky goods categories of DIY, furniture, carpets, electrical and gardening goods.

***The goods to be sold from the premises are considered to fall within the categories suggested by RTC2 and 10 and the proposal is accompanied by a Retail Statement which is also acceptable to this Division. The proposal is therefore considered to comply with the East Ayrshire Local Plan.. A condition can be attached to any grant of planning consent restricting the type of goods to be sold from the unit to bulky goods as identified in relation to the site, (233M)..***

### Consultations

6.4 The consultation responses received have been highlighted in Section 3 of this report. None of the responses raise any material considerations that would warrant the refusal of this application.

### Design

6.5 The external design and finishing of the proposed retail unit is considered to be acceptable. The existing properties in Queens Drive are of modern design and the proposed unit will match these. To date the properties in Queens Drive have been finished in similar materials which has ensured an element of continuity.

## **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 at Section 5 of the report, the application is considered to be in accordance with the Approved Ayrshire Joint Structure Plan but contrary to the terms of the Adopted Kilmarnock Local Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be refused unless material considerations indicate otherwise.

8.2 As indicated in Section 6 of the report there are material considerations relevant to this application and these are supportive of the proposed development. The proposal complies with the policies of the EALP. The site is a development opportunity site and the proposed use falls within the specified categories. The external finish and overall design is considered to be appropriate and will match the existing units thereby ensuring a continuity of development. None of the statutory consultees have objected to the development although it is recommended that a condition be attached to any grant of planning consent to ensure that goods sold from the unit are bulky goods which are unlikely to be available in the town centre. This is in order to protect the vitality and viability of Kilmarnock town centre.

## **9. RECOMMENDATION**

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

### **CONTRARY DECISION NOTICE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control and if that decision was arrived at on the basis of the principle of the development, the application will have to be referred to the Development Services Committee.

**Alan Neish**  
**Head of Planning and Building Control**

30 April 2002

(FMF/MS)  
FV/DVM

I:CentralLPC/010198FL

### **LIST OF BACKGROUND PAPERS**

1. Application Plan and Forms.
2. Statutory Notices and Certificates.
3. Consultation Replies.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted Kilmarnock Local Plan.
6. East Ayrshire Local Plan Finalised Version with Modifications.
7. Approved Strathclyde Structure Plan.
8. Retail Statement.
9. Traffic Impact Assessment.

Anyone wishing to inspect the above papers please contact Fiona Finlay on 01563 576768.

**Implementation Officer: Dave Morris**

Form TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 01/0198/FL

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Location	Units 5/6 Queens Drive Retail Park Queens Drive KILMARNOCK
Nature of Proposal:	Proposed Construction of 1858 square metres (20,000 square feet) Non Food Retail Unit with Existing Retail Park
Name & Address of Applicants:	Dawn Developments Ltd 220 West George Street GLASGOW G2 2PG
Name & Address of Agent:	The ADF Partnership Cumbrae House 15 Carlton Court GLASGOW G5 9JP

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DPO's Ref: FMF/MS

The above FULL application should be granted subject to the following conditions:

1. The proposed development shall be carried out in accordance with the application form received on 15 March 2001 and plans received on 9 March 2001, 15 March 2001, 26 March 2001 and proposed elevation plan as amended received 3 May 2001, the Retail Impact Statement dated 3 July 2001 received from Dawn Developments; the facsimiles dated 2 May 2001 and 4 May 2001, the Traffic Impact Assessment submitted by Miller Allan dated February 2001 and letter from Miller Allan dated 21 April 2001 and supplementary information received from Miller Allan dated 2 April 2002.

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

2. Prior to the commencement of any works on site details and samples of all finishes and colours to be used as external materials on the proposed development shall be submitted to and approved in writing by the Planning Authority.

REASON In order to ensure the visual integration of the proposed development with the retail park.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and the Town and Country Planning (Use Classes) (Scotland) Order 1997, the range of goods to be sold from the proposed retail unit hereby approved shall be restricted to the sale of DIY, furniture, carpets, electrical and gardening goods and the range of goods identified in Section C of the Retail Statement supplied by Dawn Developments dated 3 July 2001 as approved under the terms of Condition 1 above.

REASON To enable the Planning Authority to retain control over the development of the site in the interests of structure and local planning policies and the vitality and viability of the town centre of Kilmarnock.

4. Notwithstanding the provision of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, no advertisements shall be displayed at the premises without the prior express consent of the Planning Authority.

REASON In the interests of visual amenity and in order to ensure that the proposed development ensures a continuity in terms of its external signage scheme.

#### NOTES

1. Copies of consultation responses received from Scottish Water, SEPA, The Coal Authority, Railtrack, Scottish Power and Transco are attached. The applicant is strongly advised to note the content of same.

**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.**

**AGENDA**

