

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE : 08 MAY 2001

**00/0845/FL : PROPOSED ERECTION OF RESOURCE CENTRE
CONTAINING DOCTORS' PRACTICES, EAST AYRSHIRE COUNCIL
OFFICE AND STRATHCLYDE POLICE OFFICE
AT MILL O' SHIELD ROAD, DRONGAN
FOR AYRSHIRE AND ARRAN PRIMARY CARE NHS TRUST**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a community resource centre comprising accommodation for a health clinic, a new police station and East Ayrshire Council Offices. The proposed building is single storey and modern in appearance. It is proposed to be externally finished with smooth white render, facing brick, timber cladding and metal sheeting. The applicant proposes to provide 20 off-road visitor and patient car parking spaces within a purpose built car park adjacent to the site and four disabled car parking spaces in lay-bys on Mill O'Shield Road. The applicant also proposes to use the existing car park associated with the adjacent library and games hall for staff car parking. A new footpath is proposed to be formed along the site's frontages with Mill O' Shield Road and Carston Avenue.

2. RECOMMENDATION

2.1 **It is recommended that the application be approved subject to the notification of the Scottish Ministers under the Town and Country Planning (Notification of Applications)(Scotland) Direction 1997 and subject to the conditions listed on the attached sheets.**

2.2 **It is further recommended that the issue of the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal agreement under the Town and Country Planning (Scotland) Act 1997, in respect of the matters described in Section 8.4 of this report.**

3. SUMMARY OF ANALYSIS

3.1 As indicated at paragraph 5.2 in the report, the proposed development is considered to be contrary to 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 refused unless material considerations indicate otherwise. As indicated at paragraphs 6.2 and 6.3 in the report, there are material considerations relevant to the determination of this application.

3.2 Given the age of the Adopted Mauchline-Drongan-Ochiltree Local Plan, the Council has agreed that the East Ayrshire Local Plan, (Finalised Version with Modifications) should be considered as a prime material consideration. Whilst the proposal is contrary to the provisions of the Adopted Mauchline-Drongan-Ochiltree Local Plan, it is nevertheless in accordance with the policy provisions of the East Ayrshire Local Plan, (Finalised Version with Modifications). Although the proposed development will result in the loss of some amenity open space, the benefits to the community that this development would bring far outweigh this small loss.

3.3 No significant adverse consultation replies have been received in respect of this application and should the application be approved, any issues raised through the consultation process can be addressed by the inclusion of conditions or notes on the planning permission and through a formal legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. This is particularly relevant to the comments received from the Roads and Transportation Division.

3.4 Any approval of the application should therefore be subject to a formal legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of the following matters:-

- (i) all staff car parking required in association with the resource centre shall be accommodated within the existing car park associated with the library and games hall on the north side of Mill O' Shield Road. The sign posting and/or demarcation of the staff and visitor car park shall be funded by the Ayrshire and Arran Primary Health Care NHS Trust and shall be provided to the satisfaction of the Council's Roads and Transportation Division.
- (ii) a joint maintenance scheme shall be agreed between the Council and Ayrshire and Arran Primary Health Care NHS Trust in respect of the resource centre staff car parking area At the library and games hall and its access.
- (iii) Ayrshire and Arran Primary Health Care Trust, in conjunction with the Council's Roads and Transportation Division, shall monitor the operation of the staff, visitor and patient car parking associated with the resource centre. Should future car parking problems be identified by the Council, Ayrshire and Arran Primary Health Care NHS Trust shall fund additional visitor and patient car parking provision, either adjacent to the resource centre or adjacent to the library and games hall on the north side of Mill O'Shield Road.
- (iv) should additional visitor and patient car parking be required on the north side of Mill O'Shield Road, Ayrshire and Arran Primary Health Care NHS Trust shall fund the provision of a pelican crossing on Mill O'Shield Road along with any alterations to the road layout required to incorporate such a feature.

- (v) Ayrshire and Arran Primary Health Care Trust shall require to fund the promotion and subsequent provision of waiting restrictions along the frontage of the proposed resource centre on Mill of Shield Road and Carston Avenue. The necessary waiting restrictions shall be in place prior to the operation of the proposed resource centre.

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.

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE : 08 MAY 2001

**00/0845/FL : PROPOSED ERECTION OF RESOURCE CENTRE
CONTAINING DOCTORS' PRACTICES, EAST AYRSHIRE COUNCIL
OFFICE AND STRATHCLYDE POLICE OFFICE
AT MILL O' SHIELD ROAD, DRONGAN
FOR AYRSHIRE AND ARRAN PRIMARY CARE NHS TRUST**

Report by Director of Development Services

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 Development Services Committee under the Scheme of Delegation because the Council has an ownership interest in the site, the proposal is contrary to the adopted local plan and will require to be notified to the Scottish Ministers if approved.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises an area of grassed open space measuring 0.29 hectare in area. It is situated on the south side of Mill O' Shield Road, adjacent to the junction with Carston Avenue. The site slopes downwards from Mill O' Shield Road towards the south east. Outwith the application site, the land continues to slope downwards more steeply towards the Taiglum Burn. A derelict children's play area is located on the site, whilst a games hall, library and car park are situated immediately opposite the site, on the north side of Mill O' Shield Road.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a community resource centre comprising accommodation for a health clinic, a new police station and East Ayrshire Council Offices. The proposed building is single storey and modern in appearance. It is proposed to be externally finished with smooth white render, facing brick, timber cladding and metal sheeting. The applicant proposes to provide 20 off-road visitor and patient car parking spaces within a purpose built car park adjacent to the site and four disabled car parking spaces in lay-bys on Mill O' Shield Road. The applicant also proposes to use the existing car park associated with the adjacent library and games hall for staff car parking. A new footpath is proposed to be formed along the site's frontages with Mill O' Shield Road and Carston Avenue.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has stated that it has no objection to the proposals subject to the inclusion of

conditions on the planning permission in respect of the number of clinics to be held at any one time, the provision of waiting restrictions on Mill O'Shield Road and Carston Avenue, the signing and demarcation of the visitor and patient car parking within the site and the relocation and reinstatement of any street furniture which may require to be moved to accommodate the development. The Division does nevertheless state that it has concerns regarding the level of car parking to be provided in respect of the development. In that respect, it recommends that the use and subsequent maintenance of the existing car park associated with the adjacent library and games hall for resource centre staff car parking be secured through a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The Division also recommends that the applicant, in conjunction with the Council, monitors the operation of car parking at the resource centre and should any difficulties be identified, the applicant be required to fund the provision of additional car parking within or adjacent to the site. In that regard, should any additional car parking be required for visitors and patients on the north side of Mill O'Shield Road, the applicant would be required to fund the provision of a pelican crossing on Mill O' Shield Road.

Should the application be approved, the conditions recommended by the Roads and Transportation Division can be included on any planning permission granted for the development. However, it is considered that the issues raised relating to the maintenance, monitoring and provision (if required) of further car parking, would be most effectively addressed through a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The applicant has been involved in detailed discussions with the Roads and Transportation Division and is aware that such an agreement may be required.

3.2 East Ayrshire Council's Community Services Department has no objection to the proposal provided any maintained or Community Service Account held land which may be damaged by the development is reinstated to its satisfaction. It also states that the existing games hall and library car park, adjacent to the site is completely underused and that it has no objection to its use for staff car parking in association with the resource centre.

Should the application be approved, an appropriate note in respect of the reinstatement of any Account held land can be attached to the planning permission. The use of the games hall and library car park for resource centre staff car parking can be secured through a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997.

3.3 East Ayrshire Council's Environmental Health Section has no objection to the proposal.

Noted.

3.4 East Ayrshire Council's Housing Department has no objection to the proposal.

Noted.

3.5 The West of Scotland Water Authority has no objection to the proposal provided operational requirements are met.

Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.

3.6 The Scottish Environment Protection Agency has no objection to the proposal provided drainage arrangements are to its satisfaction.

Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.

3.7 Scottish Power and British Gas Transco have no objection to the proposal provided their plant is safeguarded during construction.

Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.

3.8 The Coal Authority has stated that the site lies within the zone of influence on the surface from workings in a seam of coal last worked in 1943 and that reserves of coal may exist in the locality which may be worked at some time in the future.

Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.

3.9 Drongan Community Council and British Telecom have not responded to the consultation letter at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 None

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 Adopted Ayrshire Joint Structure Plan (1999), and the Adopted Mauchline-Drongan-Ochiltree Local Plan (1993). The Adopted Plan was prepared in the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the application site forms part of a larger site identified as amenity open space in the Adopted Mauchline-Drongan-Ochiltree Local Plan. The application therefore requires to be determined with regard to Policy ENV3 of the Mauchline-Drongan-Ochiltree Local Plan. Policy ENV3 states that:-

There will be a general presumption against any development on:-

- a) maintained open space which is used for recreational purposes or is important to amenity;*
- b) undeveloped land within the settlement boundaries which contributes to the rural setting or nature of the settlements.*

Given that the application site is identified in the Adopted Local Plan for recreational purposes, it is considered that this proposal is contrary to the provisions of Policy ENV3. Nevertheless, the application site comprises a relatively small part of the area of land identified as amenity open space in the Adopted Local Plan. It is therefore considered that the development of the site would not detract significantly from the setting or nature of the settlement. Furthermore, East Ayrshire Council's Outdoor Services Section has stated that it has no objection to the proposal or to the loss of the site for recreational purposes.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material consideration relevant to the determination of the application is the East Ayrshire Local Plan (Finalised Version with Modifications) (2001).

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications), EALP, should be considered as a prime material consideration.

6.3 The application site lies within an area safeguarded for open space as defined in the EALP. The proposal therefore requires to be determined with regard to Policy TLR9 which states:-

The development of both private and public recreational or amenity open space will be permitted only in exceptional circumstances where:-

- (i) the retention or enhancement of the facilities can best be achieved by the redevelopment of part of the site and where the development would not adversely affect the overall sporting, recreational and amenity value of the site itself; or*

The proposed development will not in itself support the retention and enhancement of existing recreational or amenity open space.

- (ii) *alternative provision of equal community benefit and accessibility can be made available within close proximity to the site; or*

No alternative provision will result from the development proposals.

- (iii) *there is a clear, long term excess of pitches, playing fields and amenity open space in the wide area.*

The application site comprises a relatively small part of the substantial area of land identified as safeguarded open space in the EALP. Additionally, the Outdoor Services Section has stated that it has no objection to the loss of the site for recreational purposes. It is therefore considered that the proposal complies with the provision of Policy TLR9 of the EALP.

7. FINANCIAL OR LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application, the development of the site proceeding on the basis of a partnership between the Council, Strathclyde Police and the NHS Trust with the Council transferring the site for a nominal sum to the Health Trust. Legal implications will arise through the conclusion of a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, should the application be approved.

8. CONCLUSIONS

8.1 As indicated at paragraph 5.2 above, the proposed development is considered to be contrary to 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 refused unless material considerations indicate otherwise. As indicated at paragraphs 6.2 and 6.3 above, there are material considerations relevant to the determination of this application.

8.2 Given the age of the Adopted Mauchline-Drongan-Ochiltree Local Plan, the Council has agreed that the East Ayrshire Local Plan, (Finalised Version with Modifications) should be considered as a prime material consideration. Whilst the proposal is contrary to the provisions of the Adopted Mauchline-Drongan-Ochiltree Local Plan, it is nevertheless in accordance with the policy provisions of the East Ayrshire Local Plan, (Finalised Version with Modifications). Although the proposed development will result in the loss of some amenity open space, the benefits to the community that this development would bring far outweigh this small loss.

8.3 No significant adverse consultation replies have been received in respect of this application and should the application be approved, any issues raised through the consultation process can be addressed by the inclusion of conditions or notes on the planning permission and through a formal legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. This is particularly relevant to the comments received from the Roads and Transportation Division.

8.4 Any approval of the application should therefore be subject to a formal legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of the following matters:-

- (i) all staff car parking required in association with the resource centre shall be accommodated within the existing car park associated with the library and games hall on the north side of Mill O' Shield Road. The sign posting and/or demarcation of the staff and visitor car park shall be funded by the Ayrshire and Arran Primary Health Care NHS Trust and shall be provided to the satisfaction of the Council's Roads and Transportation Division.
- (ii) a joint maintenance scheme shall be agreed between the Council and Ayrshire and Arran Primary Health Care NHS Trust in respect of the resource centre staff car parking area At the library and games hall and its access.
- (iii) Ayrshire and Arran Primary Health Care Trust, in conjunction with the Council's Roads and Transportation Division, shall monitor the operation of the staff, visitor and patient car parking associated with the resource centre. Should future car parking problems be identified by the Council, Ayrshire and Arran Primary Health Care NHS Trust shall fund additional visitor and patient car parking provision, either adjacent to the resource centre or adjacent to the library and games hall on the north side of Mill O'Shield Road.
- (iv) should additional visitor and patient car parking be required on the north side of Mill O'Shield Road, Ayrshire and Arran Primary Health Care NHS Trust shall fund the provision of a pelican crossing on Mill O'Shield Road along with any alterations to the road layout required to incorporate such a feature.
- (v) Ayrshire and Arran Primary Health Care Trust shall require to fund the promotion and subsequent provision of waiting restrictions along the frontage of the proposed resource centre on Mill of Shield Road and Carston Avenue. The necessary waiting restrictions shall be in place prior to the operation of the proposed resource centre.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the notification of the Scottish Ministers under the Town and Country Planning (Notification of Applications)(Scotland) Direction 1997 and subject to the conditions listed on the attached sheets.

9.2 It is further recommended that the issue of the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal agreement under the Town and Country Planning (Scotland) Act 1997, in respect of the matters described in Section 8.4 of this report

Stephen Chorley
Director of Development Services
10 April 2001
DS/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices and certificates.
3. Consultation responses.
4. East Ayrshire Local Plan (Finalised Version with Modifications)
5. Adopted Mauchline-Drongan-Ochiltree Local Plan.

Any person wishing to inspect the background papers listed above, should contact Mr Derek Scott on 01563 555483.

Implementation Officer : Dave Morris

Application no: 00/0845/FL

Location	Open space opposite library, Mill O' Shield Road DRONGAN KA6 7AY
Nature of Proposal:	Proposed erection of resource centre containing doctors' practices, East Ayrshire Council offices and Strathclyde Police Office
Name and Address of Applicant:	Ayrshire & Arran Primary Care NHS Trust Heathfield House, Heathfield Road AYR KA8 9DZ
Name and Address of Agent	Wren Rutherford ASL Ltd 8 Miller Road, AYR KA7 2AY

DPO's Ref: [DEREK SCOTT]
PPO's Ref; []

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 and plans received by the Planning Authority on 15 December 2000 as amended by the revised site layout plan – Option D, received by the Planning Authority on 4 April 2001.

REASON – To ensure the proposed development is carried out in accordance with the approved plans.

2. During the hours the centre is open to the public, a maximum of three clinics shall operate at any one time.

REASON – To ensure the demand for car parking spaces does not exceed the number of car parking spaces provided, in the interests of public road safety.

3. Before the centre is open to the public, the car parking as indicated within the application site shall be signposted and marked for the use of visitors and patients only and thereafter maintained as such.

REASON – In the interests of public road safety.

4. Any street furniture affected by the development shall be relocated or reinstated before the centre is open to the public.

REASON – In the interests of public road safety and visual amenity.

5. Before the centre is open to the public, visibility splay areas shall be formed and thereafter maintained such that there shall be no obstruction to visibility over 1 metre in height within a visibility splay of 4.5 metres by 90 metres at the junction of Carston Avenue with Mill O' Shield Road.

REASON – In the interests of public road safety.

6. The access to the site from Mill O' Shield Road shall be constructed in accordance with the East Ayrshire Council Roads Development Guide 1996 and shall be formed such that no loose materials are carried out onto the public road.

REASON – In the interests of public road safety.

7. The gradient of the site's access roads and car park shall not exceed 1:10.

REASON – In the interests of public road safety.

8. Any access gates shall open inwards only, away from the public road.

REASON – In the interests of public road safety.

9. A landscaping scheme, including details for the treatment of the site's boundaries, shall be submitted to and approved by the Planning Authority before any development commences on site and shall be implemented not later than the next appropriate planting season after the centre is open to the public,

REASON – In the interests of visual amenity.

10. Notwithstanding any specification on the approved plans or application form, and before any work is carried out on site, samples of all external construction materials to be used shall be submitted to and approved by the Planning Authority.

REASON – In the interests of visual amenity.

11. Notwithstanding any specification on the approved plans or application form, and before any work is commenced on site, details of the height, location and construction of any fences, walls or other means of enclosure shall be submitted to and approved by the Planning Authority.

REASON – In the interests of visual amenity.

NOTES

1. The applicant is advised to make early contact with West of Scotland Water Authority, 35 Glenburn Road, Prestwick, KA9 2NS, with regard to water supply and drainage.
2. The applicant is advised to make early contact with Scottish Environment Protection Agency, 2 Alloway Place, Ayr, KA7 2AA with regard to drainage.
3. All drainage shall be to the complete satisfaction of the West of Scotland Water Authority and Scottish Environment Protection Agency.
4. The applicant is advised to make early contact with The Coal Authority, 200 Lichfield Lane, Mansfield, NG18 4RG, with regard to past mineral related activities on the site.
5. The applicant is advised to make early contact with Scottish Power, Greenholm Street, Kilmarnock, KA1 4YE with regard to the location of its apparatus within the site.
6. The applicant is advised to make early contact with British Gas Transco, 95 Kilbirnie Street, Glasgow, G5 8JD, with regard to the location if its apparatus within the site.
7. The applicant is advised to make early contact with East Ayrshire Council Outdoor Services, Parks and Leisure Client, Council Offices, Lugar, KA18 3JQ.

**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