

## EAST AYRSHIRE COUNCIL

### SOUTHERN LOCAL PLANNING COMMITTEE : 05 JANUARY 2001 00/0024/FL : DEMOLITION OF EXISTING RETAIL UNIT AND ERECTION OF NEW RETAIL STORE AT 72-84 THE CASTLE, NEW CUMNOCK

#### APPLICATION BY NITH VALLEY CO-OPERATIVE SOCIETY

#### 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 Southern Local Planning Committee under the scheme of delegation, as it is a larger application which accords with the Development Plan and is of area significance.

## 2. APPLICATION DETAILS

2.1 **Site Description:** The application site relates to existing retail premises on the east side of the Castle in New Cumnock. The development site comprises a two storey red sandstone building with a single storey flat roof extension fronting onto the Castle and its associated rear curtilage. The site also includes the public car park to the rear and the car park to the rear of the shops at The Castle. The site is bounded to the north by a petrol filling station, to the south by a parade of shops with residential flats above, to the west by public open space and to the east by A76 and residential properties.

2.2 **Proposed Development :** The proposal involves the demolition of the single storey former Trotters retail unit and the erection of a new retail store and alterations to the existing two-storey former Trotters building. The retail store will have a gross internal floor area of 875.5 square metres and will house the Nith Valley Co-operative. The retail store will sell only durable goods. The new building will be single storey in height with a gable front onto The Castle. Alterations are proposed to the frontage of the two-storey red sandstone former Trotters building to form a new shopfront to be consistent with the shopfront proposed on the new building. The proposed use of the two-storey former Trotters building has been approved under planning consent No. 99/0205/FL.

2.3 The main entrance to the retail store will be from The Castle, however a second entrance is proposed to the side of the building adjacent to the proposed car park. The proposed retail unit will be serviced from the rear with maximum vehicular deliveries per week of 1 articulated lorry and 2-3 general lorries. Forty car parking spaces are proposed for the development. These are achieved by utilising the existing public car park to the rear and the car park to the rear of the existing parade of shops and flats above. Two car

parking spaces are proposed for disabled persons. The proposed development will also result in the removal of a number of trees from the rear curtilage of the existing retail premises.

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

3.1 East Ayrshire Council Roads and Transportation Division has no objections subject to conditions. The Scottish Executive Development Department – Road Network Management and Maintenance Division will respond regarding the access onto the A76 Trunk Road.

***Noted. Conditions can be attached to any consent granted for the proposed development to meet the requirements of the Road Division.***

3.2 Scottish Executive Development Department – Road Network Management and Maintenance Division has no objections to the proposed development subject to the following conditions:

- (i) The access with the A76 trunk road must be upgraded in line with the details contained within drawing 99.08.07.02 RevF and 99.08.07 J01 RevA; and
- (ii) A visibility splay of 3 metres by 90 metres to either side of the access must be provided at the improved junction onto the A76 with no object greater than 1.05 metres in height being allowed within the splay areas formed.

***Conditions can be attached to any consent granted for the proposed development to meet the requirements of the SEDD Road Network Management Division.***

3.3 West of Scotland Water has commented that the applicant 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. Their permission should be sought to connect to the public sewerage system. The developer should take care to maintain any of the existing sewerage services crossing the demolition site. Care should be taken to prevent silt/debris from entering the system. The applicant may be able to reuse the tail to the existing property, although he will require to establish its condition.

***A note can be attached to any planning consent granted for the development advising the applicant to make early contact with West of Scotland Water.***

3.4 The Scottish Environment Protection Agency has no objections as the extension to the premises should not result in any substantial increase in flow of sewerage to the public sewer.

***Noted.***

3.5 The Coal Authority, Transco, Scottish Power, East Ayrshire Council's Environmental Health and Waste Management and Department of Homes and Technical Services have no adverse comments to make regarding the proposed development.

***Noted.***

3.6 East Ayrshire Council Outdoor Services has no objections and ask if the developer intends East Ayrshire Council to adopt any open space areas for maintenance, costs for a period of 10 years in line current Council Policy would be required.

***Noted.***

3.7 New Cumnock Community Council has no objections to the proposed development.

***Noted.***

3.9 West of Scotland Archaeology Services believe that the development lies within the defined area of archaeological sensitivity surrounding the historic settlement of New Cumnock. This site lies along what may have been an original route into the settlement across the ford from Castle Mains to the East. There may be remains associated with early settlement along this route which will be affected by the development. National Planning Policy Guideline 5 requires planning authorities to ensure developers arrange for any archaeological issues to be adequately addressed. Planning Advice Note 42 advises an initial assessment followed by an archaeological field evaluation should be carried out by the developer to determine the character and extent of any archaeological remains within the development area and to quantify the likely costs of appropriate mitigation measures. If the survival of significant archaeological remains on the site were to be confined by evaluation, the Council should consider the weight that should be attached to presentation by refusal of the development proposals, by granting of consent subject to conditions or modification of the details. WOSAS recommends that the developer should be asked to provide further information of the potential archaeological issue before the Council determines the planning application. This should take the form of a suitable desk assessment and archaeological field evaluation to determine the presence or absence of archaeological remains on the site and assessment of their character, extent and condition.

***It is considered that the most appropriate means of dealing with the above comments of West of Scotland Water Archaeology Service is by attaching a condition to the planning consent, if granted, requiring the developer to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which is approved by the Planning Authority.***

#### 4. REPRESENTATIONS

4.1 None

#### 5. DEVELOPMENT PLAN STATUS

5.1 The relevant policy document is the East Ayrshire Local Plan Finalised Version. The proposed site is located within New Cumnock Town Centre, and it is affected by Policy RTC2. Policy RTC2 allows all development proposals within the classes of development detailed in Schedule 5 of the Local Plan will be directed to:-

(iii) all town centres if the proposed gross floorspace is less than 1500m<sup>2</sup>.

***The proposed development is consistent with the provisions of Policy RTC2.***

5.2 The proposed development does not conflict with the policies of the Finalised Cumnock and Doon Valley District Wide Local Plan or the adopted New Cumnock Local Plan.

***Noted.***

#### 6. OTHER PLANNING CONSIDERATIONS

6.1 Planning History : 99/0205/FL : Proposed replacement of front windows and facade and change of use from flat to office approved on 10 May 1999.

***The applicant has indicated that the internal layout of the two-storey existing red sandstone building will be as approved under the above consent. The external alterations to this building will be as proposed under this present application.***

6.2 There are a number of mature trees in the rear curtilage of the site i.e. beech, silver birch and sycamore. The applicant has indicated in order to create a viable floorspace for the new retail store. They can see no alternative to the total removal of the trees. It would not be feasible to consider reducing the scale of the rear extension to save some of the trees. They have agreed to provide additional tree planting within the public grass area adjoining the site.

***The existing mature trees are located in the rear curtilage of the site in three groups of approximately 5 trees in each. The location of the trees and the siting of the proposed extension prevents the retention of the trees. The trees are of a high quality, and contribute to the visual amenity of the area. Even if the footprint***

***of the proposed retail store was reduced, the majority of the trees would still be required to be felled and their setting would be lost.***

6.3 The existing employment figures for the two New Cumnock stores is 26. This is anticipated to drop to 19 following the reorganisation of the stores. There will be redundancies involved and the process will be via natural wastage over a four-year period. Figures may fluctuate up or down depending upon turnover and sales figures. If the new store is not built, the financial situation of the existing retail operation may prove untenable with an inevitable conclusion of long-term lost employment.

***Noted.***

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial and legal implications for the Council in the determination of this application.

## **8. CONCLUSIONS**

8.1 The proposed development is consistent with the retailing policies of the East Ayrshire Local Plan Finalised Version. It will provide a new retail unit for the Nith Valley Co-operative in New Cumnock which will meet modern retailing requirements.

8.2 The proposed development will result in the loss of a number of mature trees to the rear of the site. It is not possible to retain the trees and provide a viable new retail store. The trees have aesthetic value and visual quality, however this has to be balanced against the visual and economic benefit a new retail store will bring to the town centre of New Cumnock. The new retail store will bring visual improvement to this area of New Cumnock. It will also inject new life into New Cumnock by sustaining employment in New Cumnock and attracting people to the town centre. It could also act as catalyst for attracting future investment to the town centre and prevent further decline within the central area of New Cumnock.

## **9. RECOMMENDATION**

**9.1 The application should be approved subject to the conditions indicated on the sheet.**

Alan Neish  
Head of Planning and Building Control  
HM/HM  
20 December 2000

## **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses.
4. East Ayrshire Local Plan Finalised Version.
5. Application No. 99/0205/FL

Any person wishing to inspect the background papers listed above, should contact Mr. Hugh Melvin on 01563 555481.

**Implementation Officer : Dave Morris**

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 00/0024/FL

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Location	72-84 Castle Street NEW CUMNOCK KA18 4AF
Nature of Proposal:	Proposed demolition of existing retail unit and erection of new retail store.
Name and Address of Applicant:	Nith Valley Co-operative Society Ltd Afton View NEW CUMNOCK KA18 4AE
Name and Address of Agent	Hay-Loch-Davis Glenfield House, 69 Glasgow Road DUMBARTON G52 1RE

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DPO's Ref: [HUGH MELVIN ]  
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 received on 18 January 2000 and the amended plans received by the Planning Authority on 06 October 2000 and 22 November 2000.

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

- (2) 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, or any order enacting this, this permission relates to the use of the premises as a non-food retail unit and the further express permission of the Planning Authority shall be required in respect of any other use which falls within the same use class to the use hereby approved.

REASON – To enable the Planning Authority to retain control over the use of the site in the interests of residential amenity.

- (3) Notwithstanding the submitted plans, the roof tile, render, stone, facing brick, are not hereby approved. Details/samples of roof tile, render, stone, facing brick, shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON – In the interests of visual amenity.

- (4) Details of the colour of the proposed roller shutters and the powder coated aluminium shopfront shall be submitted to and approved by the Planning Authority prior to the commencement of development on site.

REASON – In the interests of visual amenity.

- (5) The two public entrances to the shop and door opening mechanism shall be designed to allow ease of access by disabled persons and people with prams.

REASON – TO allow ease of access to all members of the public.

- (6) Notwithstanding the approved plans, details of a landscaping scheme including the treatment of the boundary of the site shall be submitted to and approved by the Planning Authority prior to commencement of any development and shall be implemented not later than the next appropriate planting season after the development has been carried out. The scheme shall include details of the provision to be made for the maintenance of soft and hard landscaped areas and shall thereafter in accordance with these details.

REASON – To ensure that adequate provision of public open space is provided to an adequate standard and that it is subsequently maintained in the interests of visual amenity.

- (7) The 17 trees to be felled shall be replaced by 20 trees. Details of replacement tree species and their location shall be agreed with the Planning Authority prior to the commencement of development on site, and shall be planted not later than the next appropriate planting season after the development has been carried out..

REASON – In the interests of visual amenity.

- (8) No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has received the prior approval of the Planning Authority and which is fully compliant with the Terms of Reference which will be issued by the West of Scotland Archaeology Service on behalf of the Planning Authority.

REASON – To ensure that appropriate archaeological work is undertaken before the development commences.

- (9) The advertisements shown on the plans are not hereby approved, and a further separate application for Consent to Display an Advertisement shall be submitted to the Planning Authority.

REASON – To ensure that the Planning Authority can retain control over the development of the site in the interests of visual amenity.

- (10) Notwithstanding the approved plans, details of the treatment of boundary between the rear servicing road and the open space area and pathway and the northern boundary shall be submitted to and approved by the Planning Authority and constructed on site prior to the use of the retail store.

REASON – In the interests of pedestrian safety and visual amenity.

- (11) During the construction of the retail store, free access to the rear public car park and the car park to the rear of the existing shops and flats shall be maintained at all times.

REASON - To allow access to car parking facilities for members of the public.

- (12) Notwithstanding the submitted plans, details of the design 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 the site.

REASON – In the interests of visual amenity.

- (13) The access with the A76 trunk road shall be upgraded in accordance with the approved drawings 99.08.07.02 Revision F and 99.08.07.J/01 Revision A

REASON – To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.

- (14) A visibility splay of 3 metres by 90 metres to either side of the access shall be provided at the improved junction onto the A76 trunk road with no object greater than 1.05 metres in height being allowed within the splay areas formed.

REASON – To ensure that drivers of vehicles leaving the site are enabled to see and be seen by vehicles on the trunk road carriageway and join the stream of traffic safely.

- (15) All car parking spaces provided by the development shall remain available for public use except for the 10 spaces adjacent to the existing shop and flats which shall be marked for use of residents only.

REASON – In the interests of residential amenity

(16) The car parking areas and access road shall be bituminously surfaced to East Ayrshire Council specification and completed prior to the opening of the new retail development.

REASON - In the interests of amenity and public road safety.

(17) Details of the construction of roads and footways, kerbing, drainage, street lighting, signage and road markings, all in accordance with the Roads Development Guide, shall be submitted, and approved by the Planning Authority, prior to works commencing on site.

REASON – In the interests of road safety.

Note to Applicant

(1) The applicant should make early contact with the West of Scotland Water Authority, 35 Glenburn Road, Prestwick, KA9 2NS with respect to the proposed development.

## **EAST AYRSHIRE COUNCIL**

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#### **APPLICATION BY NITH VALLEY CO-OPERATIVE SOCIETY**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 The proposal involves the demolition of the single storey former Trotters retail unit and the erection of a new retail store and alterations to the existing two-storey former Trotters building. The retail store will have a gross internal floor area of 875.5 square metres and will house the Nith Valley Co-operative. The retail store will sell only durable goods. The new building will be single storey in height with a gable front onto The Castle. Alterations are proposed to the frontage of the two-storey red sandstone former Trotters building to form a new shopfront to be consistent with the shopfront proposed on the new building. The proposed use of the two-storey former Trotters building has been approved under planning consent No. 99/0205/FL.

1.2 The main entrance to the retail store will be from The Castle, however a second entrance is proposed to the side of the building adjacent to the proposed car park. The proposed retail unit will be serviced from the rear with maximum vehicular deliveries per week of 1 articulated lorry and 2-3 general lorries. Forty car parking spaces are proposed for the development. These are achieved by utilising the existing public car park to the rear and the car park to the rear of the existing parade of shops and flats above. Two car parking spaces are proposed for disabled persons. The proposed development will also result in the removal of a number of trees from the rear curtilage of the existing retail premises.

#### **2. RECOMMENDATION**

**2.1 The application should be approved subject to the conditions indicated on the sheet.**

#### **3. SUMMARY OF ANALYSIS**

3.1 The proposed development is consistent with the retailing policies of the East Ayrshire Local Plan Finalised Version. It will provide a new retail unit for the Nith Valley Co-operative in New Cumnock which will meet modern retailing requirements.

3.2 The proposed development will result in the loss of a number of mature trees to the rear of the site. It is not possible to retain the trees and provide a viable new retail store. The trees have aesthetic value and visual quality, however this has to be balanced against the visual and economic benefit a new retail store will bring to the town centre of New Cumnock. The new retail store will bring visual improvement to this area of New Cumnock. It will also inject new life into New Cumnock by sustaining employment in New Cumnock and attracting people to the town centre. It could also act as catalyst for attracting future investment to the town centre and prevent further decline within the central area of New Cumnock.

**Alan Neish**  
**Head of Planning & 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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**AGENDA**