

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 8 SEPTEMBER 2000

**99/0751/OL : PROPOSED DEVELOPMENT OF BUSINESS AND INDUSTRIAL UNITS INCLUDING FACTORY OUTLET PROVISION, CAR PARKING ACCESS AND LANDSCAPING AT FORMER BARONY COLLIERY (SOUTH), BARONY ROAD, AUCHINLECK
APPLICATION BY THE SCOTTISH COAL COMPANY LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning consent is sought for the development of the site for business and industrial uses within Classes 4,5 and 6 of the Town and Country Planning Use Classes (Scotland) Order 1997. Ancillary factory outlet shops are proposed which would provide direct sales to both the public and trade organisations. The applicant has indicated that the factory outlet shops will be no more than 200 square metres gross relative to each production unit. An indicative layout has been submitted showing two units of 12,500m² each with car parking provided at the front of the units. The development area extends to 14.4 hectares. An area of 5.03 acres has been indicated for future development. The land to the south of the development site is proposed for "coppice" tree planting totalling some 25-30 hectares of undeveloped land. The 'A' frame headgear and memorial garden are retained within the proposals. A Transport Impact Assessment has been submitted.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 The proposed development is consistent with the policies of the East Ayrshire Local Plan Finalised Version as the proposal involves the development of the site for business and industrial units. The ancillary factory outlets are consistent with Policy RTC7 of the above plan as each factory outlet will not exceed 200m² gross floorspace and are ancillary to the industrial unit. The type of goods sold within the outlets can be restricted by attaching a condition to the planning consent.

3.2 The applicant has submitted an indicative layout showing the development of the northern end of the site by two industrial units each of floorspace of 12,500m². Some 25-30 hectares of land to the south of the site will be "coppice" tree planting. Details regarding the design, layout and size of

the industrial units will be determined at the detailed stage. The A-frame and memorial garden will be a feature within the development site and any changes to the A-frame will require Listed Building Consent.

3.3 The proposal will provide modern industrial accommodation within the southern area of East Ayrshire. It will improve a derelict site. The site is adjacent to the Egger Chipboard Manufacturing Plant which offers the potential for attracting complementary types of manufacturing to this area. A range of conditions, some suspensive in nature, can ensure appropriate phased roads improvements and drainage infrastructure provision.

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**SOUTHERN LOCAL PLANNING COMMITTEE : 8 SEPTEMBER 2000****99/0751/OL : PROPOSED DEVELOPMENT OF BUSINESS AND INDUSTRIAL UNITS INCLUDING FACTORY OUTLET PROVISION, CAR PARKING ACCESS AND LANDSCAPING AT FORMER BARONY COLLIERY (SOUTH), BARONY ROAD, AUCHINLECK APPLICATION BY THE SCOTTISH COAL COMPANY LTD****Report by Head of Planning and Building Control****1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present for determination an outline 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 and subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description** : The application site is the former site of the Barony Colliery. Currently it is vacant and derelict with the exception of the Grade B Listed 'A' frame pithead gear and memorial garden. The northern section of the site is relatively level but drops significantly in the southern part. The site of the former Barony Power Station is situated to the west, screened by some mature/semi-mature areas of woodland. A mature woodland belt defines the site to the east, with open countryside to the south.

2.2 A line of mature trees fronts onto B7036 Barony Road, with the Egger Chipboard Manufacturing Plant located to the north. The site is 1.5km west of Auchinleck and 3km north-west of Cumnock.

2.3 **Proposed Development** : Outline planning consent is sought for the development of the site for business and industrial uses within Classes 4,5 and 6 of the Town and Country Planning Use Classes (Scotland) Order 1997. Ancillary factory outlet shops are proposed which would provide direct sales to both the public and trade organisations. The applicant has indicated that the factory outlet shops will be no more than 200 square metres gross relative to each production unit. An indicative layout has been submitted showing two units of 12,500m² each with car parking provided at the front of the units. The development area extends to 14.4 hectares. An area of 5.03 acres has been indicated for future development. The land to the south of the development site is proposed for "coppice" tree planting totalling some 25-30 hectares of undeveloped land. The 'A' frame headgear and memorial garden are retained within the proposals. A Transport Impact Assessment has been submitted.

3. CONSULTATIONS AND ISSUES RAISED

3.1.1 East Ayrshire Council Roads and Transportation Division have commented that the proposals as detailed in the Transport Assessment are acceptable in terms of the junction geometry layout. The Roads Division have no objections subject to the following conditions:-

- a) street lighting to be provided at the site access junction;
- b) bus shelters to be provided at the existing bus-bays on the Barony Road;
- c) cycle lockers to be provided at the railway station in Auchinleck railway station;
- d) a contribution is to be made of a maximum of £5,000 towards the provision of traffic calming on Mill Street, Ochiltree.

The requirements of the Roads Division can be met through the use of a negative, suspensive condition attached to the planning consent.

3.1.2 The Roads Division considered that further works are carried out on Barony Road and also Pennylands Road with regard to pedestrians and cyclists. It is accepted that these provisions could be phased during the course of the development and could be considered more fully at the detailed planning stage. They have recommended the following conditions:-

- a) Barony Road – The provision of a footway and cyclepath linking the development to Auchinleck
- b) Pennylands Road – The provision of a footway along its length – The incorporation of a pedestrian phase at the existing traffic lights at the railway bridge.
- c) Incorporation of a Green Transport Plan

The requirements of the Roads Division can be met by attaching a negative, suspensive condition to the planning consent.

3.2 West of Scotland Water have indicated that local upgrading of the water network will be required. At the existing waste water treatment works at Cumnock there is limited capacity. The treatment plant at Cumnock will require further detailed investigation and significant upgrading of the system would be required to accommodate flows in excess of 6l/s. All drainage associated with the site should be made on a separate system with all surface water, except that from loading areas associated with the site being taken to the nearest suitable water course. They consider that on-site treatment of process effluent may be the most suitable way forward for development of the

site. The Authority would require a considerable period of time to allow detailed investigation and construction of the most suitable methods of providing adequate infrastructure to allow discharge from the site. This period may be up to 2 years in advance of discharge depending on the extent of work required and may involve considerable investment expenditure.

A negative, suspensive condition can be attached to any planning consent to ensure appropriate off-site drainage and sewerage infrastructure sufficient to accommodate the development granted by the consent.

3.3 Scottish Environment Protection Agency have no objections in principle provided the drainage arrangements are to their satisfaction. The developer should be aware that there may be difficulties in disposing of the foul drainage from the site as the existing sewer from the former colliery is in a state of disrepair and will either have to be restored to satisfactory working order or the effluent treated to a high standard in a suitable biological sewage treatment plant prior to discharge to the Lugar Water. The formal consent of the Agency will be required under the terms of the Control of Pollution Act 1974 for any discharge of treated effluent to the Lugar Water. The potential for disposing of surface water from the site using Urban Best Management Practices should be investigated and where possible used to attenuate and treat surface water run-off. Untreated surface water from the site may be subject to an Absolute Prohibition Order requiring formal consent of the Agency before discharge can be made. It is essential that should outline planning permission be granted for the development, the developer should contact the Agency with a view to agreeing suitable drainage arrangements.

A note can be attached to any planning consent if granted to advise the applicant to make early contact with Scottish Environment Protection Agency.

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

Noted.

3.5 Transco advise that no mechanical excavation should be carried out within 500mm of Transco Plant and advise that a site visit will be required prior to the commencement of works.

A note can be attached to any planning consent if granted to advise the applicant to make early contact with Transco.

3.6 East Ayrshire Council Economic Development Division have offered the following general comments. There is a shortage of good quality modern industrial accommodation in particular in the southern part of the Council area. The substantial development by Egger on the adjacent site has led to the possibility of attracting complementary types of manufacturing operation. They note that part of the proposed development is for "factory outlet"

provision. From a business and economic development point of view, they would urge caution as there are proposals for factory outlets elsewhere. They would welcome the opportunity to address this situation whereby working in close co-operation with the developers and agents, the project could be developed to reflect both market demand and premises supply. If the site was developed, with 'appropriate premises' they are sure that it would be actively marked by Locate In Scotland through the Rural Development Team.

The applicant has indicated that they have had discussions with a manufacturing/development company.

3.7 East Ayrshire Council Environmental Health and Waste Management have commented that there are a number of points of concern that would warrant some clarification. The development site has a small number of domestic properties within close proximity e.g. Thirdpart and Mill Affleck. Their initial concern would be to ensure that the nature and scope of any development proposals did not result in any complaint or nuisance to these and other adjacent properties through noise, smell or other emissions from work or related activities within the units. Suitable confirmation should be obtained from the developer that all possible areas of contamination have been remediated and that the site is cleared for development purposes. They are aware that some remediation works might already have been undertaken in anticipation of possible future development of the site.

Conditions can be attached to the planning consent to ensure that all areas of contamination have been satisfactorily remediated and that the proposed use/uses operate without disturbance to nearby properties by way of noise, dust and general disturbance.

3.7.1 The provision of a satisfactory sewage treatment and/or disposal system will be an essential part of any development proposal here. If the option of a local treatment/disposal system or use/adoption of the existing Egger system is proposed, then information regarding the proposed use of the various industrial units could be even more critical. Treatment works are now often designed to operate more efficiently when dealing with specific known pollutants and the introduction of alien or unexpected discharges into the system can have significantly deleterious results. Ultimately, the control of this aspect of the development will reside with West of Scotland Water or the Scottish Environment Protection Agency.

See Response to Section 3.2

3.8 South Ayrshire Council have no objection provided that the maximum gross floorspace of the factory retail outlets be restricted to 200m².

A condition can be attached to any planning consent to meet their requirements.

3.9 North Ayrshire Council remain concerned about the proposal as there appears to be an opportunity still to work within the existing planning policies

to develop an industrial estate where the retail use was the primary one rather than being totally subsidiary to the manufacturing process as intended. They recommend that additional conditions be placed on this proposal if it is approved to limit the size of any retail unit to a proportion of the factory space say 5% to a maximum of 200m² and also to restrict goods to be sold to those made on the premises. These restrictions are aimed at ensuring that the retail use remains the subsidiary use.

See Response to Section 5.2

3.10 Ayrshire Joint Structure Plan Committee raise no strategic objection to the proposal provided the retail component of this application will be restricted to no more than 200m² gross floor area for each manufacturing unit; that is 400m² in total. They also understand that goods sold will be integral to the manufacturing process on site.

The proposed use of the site for business and industrial units is acceptable in terms of the Ayrshire Joint Structure Plan. The applicant has agreed that any factory outlet would be restricted to 200m² gross floorspace. Therefore this element of the proposed development does not conflict with the above policies.

3.11 The Scottish Civic Trust welcomes the re-use of brownfield sites in preference to greenfield areas and have no objection to the proposed business and industrial uses which conform to the Local Plan.

Noted.

3.11.1 They object to the inclusion of the proposed factory outlet as a land-use on the grounds that it represents a significant threat to the existing town centre and is not supported by planning policy. They have reservations regarding the dearth of information provided with the application. The support of the development of this site that the Local Plan provides is qualified by the requirement to assess the proposals against locational need, economic benefit, environmental impact and transport impact. In order to assess this requirement, they request that this information is sought from the applicant in the form of an Environmental Impact Analysis together with related other studies.

See Response to Section 5.2. The body's interest in the implementation of retail policy is noted, however, the scale of the development proposed would not require the submission of an Environment Impact Assessment under the Environmental Impact Assessment (Scotland) Regulations 1999.

3.11.2 There appears to be a number of other listed buildings on the site other than the noted pithead gear. The Trust does not find an outline application suitable for consideration of "special regard" to the character of the listed buildings or any part of them. They request further details regarding the

nature of the layout of the proposed buildings on the site relating to the listed structures.

The A-frame headgear is the only remaining listed structure on the site. It will form a feature within the development.

3.11.3 Whilst objecting to the inclusion of any retail provision on this site, the Trust welcome the re-use of the former Barony Colliery for a suitable economic purpose. Further information is required to assess the impact of the proposals in general as well as the impact on the existing listed buildings.

Full details will be submitted at the detailed stage regarding the design, layout and size of the units.

3.12 Ochiltree Community Council and Architectural Heritage Society have not responded to the consultation letter.

Noted.

4. REPRESENTATIONS

One objection from the Scottish Civic Trust as detailed in Section 3.11

5. DEVELOPMENT PLAN STATUS

5.1 The relevant policy document is the East Ayrshire Local Plan Finalised Version and the application site is identified as a miscellaneous opportunity. The Council will support and encourage the sympathetic redevelopment of this site for leisure and recreational uses or for business, industrial or storage and distribution uses falling within Classes 4, 5 and 6 of the Use Classes Order.

The majority of the proposed development complies with the above policy.

5.2 Policy RTC7 states that retail development proposals in out-of-town centres will be supported where:-

- (i) the proposal is a factory shop not exceeding 200m² gross floor area falling within Class 1 of the Use Classes Order where the retail outlet is purely ancillary to the main manufacturing use of the premises and the goods sold are limited exclusively to those goods manufactured on site. In cases where a number of factory retail outlets unrelated to their manufacturing base are grouped together to form a Factory Outlet Centre, the development will be treated as a normal retail development and will be assessed accordingly.

The applicant has indicated that they would not wish to pursue direct sales of manufactured goods made off-site e.g. showrooms. The applicant would be willing to accept a condition that the factory outlet provision is restricted to 200 square metres gross floor area applied to each production unit. A further condition can be attached to ensure that the goods sold within the factory outlet centre are limited exclusively to those goods manufactured on site.

5.3 In terms of the Adopted Cumnock-Auchinleck Local Plan, the application site is identified for industries of a non-conforming nature. Further retail developments outwith the established shopping centres of Cumnock, Auchinleck, Logan and Netherthird will be generally discouraged.

See Response to Section 5.1 and 5.2

6. OTHER PLANNING CONSIDERATIONS

6.1.1 NPPG8 Town Centres and Retailing has indicated that factory retailing involves the selling of branded products at discount prices in an individual shop usually located as part of or adjacent to the production facility. Such shops which are an ancillary use to the main manufacturing use are an established part of the retail scene in parts of Scotland. Such proposals may be appropriate provided the scale of the shop does not affect the viability of nearby town centre or raise significant traffic and transport issues and the industrial area can cope with the number of shoppers attracted. Proposals for individual factory shops within retail warehouse parks at some distance from the place of manufacture should be handled in the same manner as retail warehouses.

See Response to Section 5.2

6.1.2 Factory outlet centres which focus mainly on fashion and other specialist shopping, unrelated to the manufacturing base and are generally in out of centre locations. Unless the sale of goods can be regarded as a use incidental to the manufacturing process such outlets should be treated as normal retail developments and should satisfy the criteria detailed in Paragraph 45 of NPPG8 Town Centres and Retailing.

See Response to Section 5.2

7. LEGAL AND FINANCIAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 The proposed development is consistent with the policies of the East Ayrshire Local Plan Finalised Version as the proposal involves the development of the site for business and industrial units. The ancillary factory outlets are consistent with Policy RTC7 of the above plan as each factory outlet will not exceed 200m² gross floorspace and are ancillary to the industrial unit. The type of goods sold within the outlets can be restricted by attaching a condition to the planning consent.

8.2 The applicant has submitted an indicative layout showing the development of the northern end of the site by two industrial units each of floorspace of 12,500m². Some 25-30 hectares of land to the south of the site will be "coppice" tree planting. Details regarding the design, layout and size of the industrial units will be determined at the detailed stage. The A-frame and memorial garden will be a feature within the development site and any changes to the A-frame will require Listed Building Consent.

8.3 The proposal will provide modern industrial accommodation within the southern area of East Ayrshire. It will improve a derelict site. The site is adjacent to the Egger Chipboard Manufacturing Plant which offers the potential for attracting complementary types of manufacturing to this area. A range of conditions, some suspensive in nature, can ensure appropriate phased roads improvements and drainage infrastructure provision.

9. RECOMMENDATION

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

Alan Neish
Head of Planning and Building Control
PC/SMB
05 September 2000
FV/DVM

LIST OF BACKGROUND PAPERS

- (1) Application form and plans.
- (2) Statutory notices/certificates.
- (3) Consultation responses.
- (4) Letter of objection.
- (5) East Ayrshire Local Plan Finalised Version.
- (6) Cumnock-Auchinleck Local Plan

Any person wishing to inspect the background papers listed above, should contact Miss Pamela Clifford on 01563 555483.

Implementation Officer : Pamela Clifford

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 99/0751/OL

Location	Former Barony Road Colliery Barony Road, AUCHINLECK
Nature of Proposal:	Proposed development of business and industrial units including factory outlet, car parking, access and landscaping
Name and Address of Applicant:	Scottish Coal Company Ltd Bain Square, Kirkton Campus, LIVINGSTON
Name and Address of Agent	

DPO's Ref: [PAMELA CLIFFORD]
PPO's Ref; []

The above **OUTLINE** application should be granted subject to the following conditions.

- (1) Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby reserved.
- The layout of the site and details of the 'coppice' tree planting;
 - The size, height, design and external appearance of the proposed buildings
 - The means of drainage and sewage disposal;
 - Details of the access arrangements;
 - The provision for open space;
 - The provision for car parking;
 - The boundary walls/fences to be erected;
 - The landscaping of the site;
 - Finished site levels/floor levels.
 - Submission of a ground contamination report detailing any such contamination and proposed remediation measures.

REASON – The approval is in outline only.

- (2) This permission relates only to development of uses contained within Classes 4, 5 and 6 of the Town and Country Planning Use Classes (Scotland) Order 1997.

REASON – To enable the Planning Authority to retain control over the use of the site.

- (3) The indicative layout submitted along with the application is for information purposes only and shall not be treated as forming part of the issued consent.

REASON – The approval is in outline only.

- (4) Notwithstanding the approved plans, each factory outlet shall be restricted to a maximum of 200m² gross floorspace and shall in each case be ancillary to the production unit whose goods it is retailing. Goods sold within the factory outlets shall be limited exclusively to those goods manufactured in the production units to which they relate.

REASON – To enable the Planning Authority to retain control over the future development of the site in the interests of local planning policies.

- (5) Before development commences, written approval from the Planning Authority must be obtained for the content and implementation of the following road safety measures,
- a) Access street lighting at the junction with Barony Road;
 - b) Bus shelters on Barony Road at the existing bus bays;
 - c) Cycle lockers at Auchinleck Railway Station;
 - d) Traffic calming at Mill Street, Ochiltree;
 - e) Footway and Cyclepath to Auchinleck;
 - f) Footway along Pennylands Road
 - g) Pedestrian phase at traffic lights at Pennylands railway bridge

which will be phased in accordance with implementation of the development on site.

REASON – To ensure that road safety measures in proportion with the development to be implemented, are undertaken at the development site.

- (6) Before development commences on site, West of Scotland Water shall have confirmed in writing that there is in place appropriate off-site drainage and sewerage infrastructure sufficient to accommodate the development granted by this consent.

REASON – To ensure adequate drainage and sewerage infrastructure for the development.

- (7) The use/uses hereby approved shall operate without detriment to adjoining properties by reason of noise, dirt, grit, smell or general disturbance.

REASON – To safeguard the amenity of the area.

NOTES

1. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.
2. The applicant shall make early contact with Transco, 95 Kilbirnie Street, Glasgow G5 8JD and Scottish Environment Protection Agency, 2 Alloway Place, Ayr regarding their requirements.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**

AGENDA