

## South Ayrshire Council

### Development and Environment

#### Report of Handling of Planning Application

Application Determined under Delegated Powers where less than five objections have been received.  
The Council's Scheme of Delegation can be viewed at <http://www.south-ayrshire.gov.uk/committees/>

<b>Reference No:</b>	<b>12/00140/PPP</b>
<b>Site Address:</b>	<b>Land At Heathfield Retail Park Liberator Drive Ayr South Ayrshire</b>
<b>Proposal:</b>	<b>Planning permission in principle for the erection of new class 1 food retail unit including cafe, associated servicing and engineering works</b>
<b>Recommendation:</b>	<b>Approval with Condition(s)</b>

#### REASON FOR REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3(c) and 4 of The Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008. The application has been determined in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

##### **1. Site Description:**

The application site is located within the Heathfield Retail Park and comprises a parcel of land which is located in the south-western portion of the park. The existing retail units within the park consist of ten retail warehouse units which are linked together to form an L-shape. More specifically, the site is located to the south-west of Unit 1 which is currently occupied by Hombase, and adjacent to the internal distributor road which serves the two existing food retailers within the estate (KFC and Pizza Hut). The site itself comprises two distinct elements; a tarmac area of parking, and an area of vacant ground which is characterised by over-grown scrub planting, and some existing trees. The site extends to approximately 9,052 sq metres (0.95 ha) and is accessed via an internal distributor road leading to/ from a roundabout on Heathfield Road. Due to being located in a retail park, the site is bound by commercial uses and associated parking on two sides (north and east), and by an existing high pressure gas compound to the south-east, and by partly by Heathfield Road to the south. The site is not readily visible from Heathfield Road due a grassed embankment which extends along part of the southern boundary of the park and Heathfield Road.

##### **2. Planning History:**

There have been numerous planning applications at Heathfield Retail Park over the years, however, the most relevant is considered to be;

Planning permission was granted in February 2008, under planning application reference 05/01225/FUL, for an extension to the retail park to form additional non-food retail floorspace in the form of mezzanine extensions to 6 of the units, and including 3 additional non-food retail units. In total, 9,064 sq metres of additional retail floorspace was granted under this permission. The three non-food units, which extended to 4,551 sq metres were to be located on the site which is the subject of this current application. The three additional retail units have not been erected on-site, and none of the additional mezzanine floorspace has been implemented within the existing units. The application was granted, subject to conditions, condition 1 of which required work to commence within 5 years of the date of the permission otherwise the permission would lapse. At the time of writing, the time period has not lapsed, and therefore this planning permission remains valid at this point in time. However, it is understood that the ownership of the park has recently changed, and the new owners have indicated that they do not intend to implement this permission in the form which has been approved. It should also be noted that the

proposed foodstore shall replace the 3 additional retail units approved under the earlier application (reference 05/01225/FUL), due to being sited on the same site. Therefore the principle of retail development in this location has already been established through the grant of an earlier planning permission (reference 05/01225/FUL).

### 3. **Description of Proposal:**

Planning permission in principle is sought for the erection of a new class 1 food retail unit, including cafe, associated servicing and engineering works. Due to the nature of an application for planning permission in principle, other than a site boundary, no further information requires to be submitted in terms of the details of the proposals. Notwithstanding, the agent has submitted an indicative layout which indicates a retail unit extending to 3,252 sq metres (35,000 sq ft) gross. The agent has also confirmed that the proposed foodstore shall predominantly focus on the sale of food, (approx 2,091 sq m net floorspace), but is also seeking to sell a small ancillary range of comparison goods of no more than 232 sq metres.

The indicative layout also suggests that an access road is to be formed to the south-west of the site. As noted above, part of the application site is located on an existing area of car parking, and therefore the proposal will result in the loss of public car parking. The submitted drawing indicates that approximately 177 car parking spaces are to be lost as a consequence of this development proposal. No new car parking is proposed within the application site, as shown on the indicative layout plan. Therefore it is assumed that the proposed unit shall share the existing public car parking available within the adjacent retail park.

As noted above, the ownership of the park has recently changed, and the new owners have indicated that they do not intend to implement this permission in the form which has been approved under application (reference 05/01255/FUL). As previously noted, the proposed foodstore shall replace the 3 additional retail units approved under the earlier application (reference 05/01225/FUL), due to being sited on the same site.

The applicant has submitted a planning and retail statement in support of the development proposal. A summary of the conclusions from the retail statement are summarised in section 5. of this report.

### 4. **Consultations:**

**Transport Scotland (Trunk Roads)** - no objection, subject to a condition requiring the submission of a Travel Plan. This aspect can be dealt with via an appropriate planning condition.

**Roads And Transportation** - no objection, subject to conditions.

**Prestwick Airport** - further details of the proposal require to be submitted with future applications.

**Environmental Health** - no objection.

**Scottish Water** - no objection.

**Scottish Power** - no objection, in principle, however, Scottish Power has advised of the presence of apparatus within close proximity of the site.

**Network Rail (Railtrack Property)** – no response.

### 5. **Submitted Assessments/Reports:**

In assessing and reporting on a planning application the Council is required to provide details of any report or assessment submitted as set out in Regulation 16, Schedule 2, para 4(c) (i) to (iv) of the Development Management Regulations.

The applicant has submitted a planning and retail statement in support of the development proposal. This supporting statement includes; a review of recent planning policy, relevant retail considerations, statistical information in the form an interpretation of retail capacity and impact, and other relevant material considerations.

In summary, the supporting information concludes that the proposal is acceptable for the following reasons;

- Does not conflict with the aims and objectives of National, Strategic and Local planning policy;
- The development involves the use of vacant and under-utilised land within the retail park;
- Represents an appropriate location where food retail use is encouraged;
- Can be considered acceptable having regard to the sequential approach as no other sequentially preferable site exists in the town centre or edge of town centre location and the site is and can be made accessible in line with SPP. The site already has extant planning permission for a retail development of similar size and scale;
- This application offers the opportunity to substantially raise the quality and range of choice within Ayr through the introduction of a high quality retailer;
- Can assist and sustain the retail park by providing a new anchor and key economic driver;
- Will result in improvements physical appearance and environment of the existing retail park;
- Is well served by public transport;
- Will not have a significant adverse impact on the vitality and viability of the town centre;
- Will provide additional employment opportunities in the local area, (estimated to be up to 150 full-time jobs, in addition to construction jobs);
- The statement also confirms that the application is speculative, but anticipates that the unit shall be attractive to a range of new or existing food retailers.
- Within the supporting statement, the applicant has considered of the availability of town centre, and edge-of-centre sites within Ayr. This analysis concludes that there are no sequentially preferable sites available or suitable within Ayr town centre, or on the edge of Ayr town centre. On this basis, the agent has concluded that Heathfield Retail Park is the next sequentially preferable location.

A Transport Assessment and accompanying appendices have also been submitted in support of the development proposal. The Transport Assessment concludes that;

- the development location and proposals are compliant with relevant local and national policy;
- Heathfield Retail Park is located in close proximity to well established pedestrian routes;
- existing bus stops are located within walking distance of Heathfield Retail Park providing access to a range of services;
- the site lies in close proximity and with good access to both the strategic and local road networks;
- the development can be satisfactorily accessed from Heathfield Road and Liberator Drive via the existing roundabout and priority junctions; and
- the provision of 636 car parking spaces complies with SPP maximum standards and National Policies.

**6. S75 Obligations:**

In assessing and reporting on a planning application the Council is required to provide a summary of the terms of any planning obligation entered into under Section 75 of the Town and Country Planning (Scotland) Act in relation to the grant of planning permission for the proposed development.

None.

## 7. **Scottish Ministers Directions:**

In assessing and reporting on a planning application the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Environmental Impact Assessment), Regulation 31 (Information or restrictions on the grant of planning permission) and Regulation 32 (Directions requiring consideration of a condition) of the Development Management Regulations.

None.

## 8. **Representations:**

Three letters of representation have been received in relation to the development proposal, of which two object to the development proposal. All representations can be viewed online at [www.south-ayrshire.gov.uk/planning](http://www.south-ayrshire.gov.uk/planning).

The objections to the development proposal can be summarised as follows;

- Potential adverse impact on Ayr and Prestwick town centres, but also on existing convenience facilities in the area e.g Asda, Sainsbury's and Tesco. Proposal would act as a disincentive to attract visitors to the Ayr town centre:

As part of their submission, the agent has considered the potential impact of the proposal on Ayr and Prestwick town centres. Their analysis concludes that the proposal will not have a significant adverse impact on the vitality and viability of Ayr town centre. The Council's consideration in relation to the potential impact of the development proposal on Ayr and Prestwick town centres is considered further in section 11. of this report.

- The proposal is contrary to policy RET10 of the Adopted SALP as this location is not identified for convenience floorspace:

An assessment of the development proposal against the provisions of the Adopted South Ayrshire Local Plan is set out in section 9. of this report.

- Policy RET11 is not applicable:

An assessment of the development proposal against the provisions of the Adopted South Ayrshire Local Plan is set out in section 9. of this report.

- No end user is identified, and therefore the proposal may not be 'deliverable':

It is noted that the application is speculative, however, any planning permission is an enabling permission, and therefore the 'deliverability' of a proposal is not considered to be materially significant in the consideration of this application. Notwithstanding, an application for the approval of matters specified in conditions would require to be submitted, and approved, prior to any development of the site could take place.

Prestwick South Community Council has made representation in support of the development proposal. The Community Council has stated that it does not foresee any difficulties with the proposal, and consider that it represents acceptable inward investment.

## 9. **Development Plan:**

Section 25 of the Town and Country Planning (Scotland) Act 1997(as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The following provisions of the development plan are considered relevant to the consideration of this application:

- Approved Ayrshire Joint Structure Plan:

Policy STRAT1 of the Ayrshire Joint Structure Plan states:

The three Councils shall regard the Guiding Principles of Sustainable Development as identified in Schedule 1 as prime considerations in preparing local plans/local development plans.

Policy STRAT2 of the Ayrshire Joint Structure Plan states:

The three Ayrshire Councils, working in conjunction with public and private sector agencies, will seek to increase the attraction of Ayrshire as a place to live, work, visit and invest by:

- A) Providing for integrated and complementary development within the Core Investment Area and promoting the area as the primary focus for all major development;
- B) Supporting an appropriate scale of residential, business and environmental action in the Investment Corridors;
- C) Supporting the Service Centres as the primary focus for development in the Investment Corridors;
- D) Providing for an appropriate level of development commensurate with capacity to accommodate growth in Local Communities; and
- E) Supporting Rural Areas through measures that seek to diversify the rural economy and facilitate appropriate new rural business and industry.

The Adopted Structure Plan identifies Ayr as being the major town within the Core Investment Area of South Ayrshire. This designation recognises the strategic importance, population, economic activity, services and accessibility of the town. On this basis, the strategy of the Structure Plan is to direct new large scale development to within the Core Investment Area, thereby strengthening the focus of the town as a destination for new development and investment. The towns of Girvan, Prestwick, Troon and Maybole are recognised as 'Service Centres'. Similarly, the Structure Plan seeks to direct development to these centres as a means of achieving new development with the potential to secure both; i. the growth of, and ii. the long term stability of these centres.

Whilst the provisions of STRAT1 and STRAT2 of the Approved Ayrshire Joint Structure Plan are noted; the application proposal requires further assessment against the remaining provisions of the development plan.

Policy Comm6 of the South Ayrshire Local Plan states:

The three Councils shall promote the viability and vitality of town centres by proposals that:

- A) encourage a wide range of retail, commercial, business, entertainment and leisure and residential opportunities;
- B) provide development of a size and scale appropriate to the function of the centre and serve the needs of its catchment;
- C) identify sufficient land to accommodate development to meet the projected growth in surplus retail expenditure set out in Schedule 6 having regard to extant planning permissions for retail development, land allocated through local plans and the level of vacant premises;
- D) adopt a sequential approach to the approval of retail and commercial leisure development with new investment directed first to town centres and then edge-of-centre locations;
- E) restrict new retail floorspace at out of centre locations to the sale of Do-It-Yourself, furniture, carpets, electrical and gardening goods; and
- F) keep under review the retail capacity assessment and have regard to any revised figures when identifying land in accordance with (C) above.

A full assessment of the proposed development against AJSP Policy COMM6, as well as SALP Strategic Policy RET1 and Strategic Policy RET2, is set out in this report under the subsections titled 'Sequential Assessment', 'Retail Impact Assessment' and 'Conclusions'.

- Adopted South Ayrshire Local Plan:

Policy STRAT1 of the South Ayrshire Local Plan states:

The Council will direct development to defined settlements and in particular to vacant or derelict sites in preference to greenfield locations. Large scale proposals will be directed to the five main towns of Ayr, Prestwick, Troon, Maybole and Girvan, especially where the proposed development is to provide a service for more than one settlement.

Policy STRAT5 of the South Ayrshire Local Plan states:

In seeking to ensure a high quality environment, the Council will expect, that all development:

- a) Is appropriate in terms of layout, scale, massing, design and materials used in relation to its surroundings; and
- b) Is appropriate in terms of its siting and setting and is not visually intrusive; and
- c) Respects and safeguards natural heritage resources; and
- d) Respects and safeguards built or archaeological heritage resources; and
- e) Safeguards the amenity of nearby dwellings, schools, institutions, workplaces or communities; and
- f) Is appropriate to its locality in terms of road safety, by reason of type or volume of traffic generated by, or as a consequence of that development; and
- g) Will contribute to an efficient use of existing public services, facilities and infrastructure; and
- h) Can be adequately serviced without overburdening existing infrastructure provision; and
- i) Employs the principles of sustainable urban drainage and is safe from reasonable risk of flooding without increasing a risk of flooding in other locations; and
- j) Employs the principles of sustainability in its design, location and use of materials; and
- k) Is designed to facilitate crime prevention; and
- l) Takes cognisance of the implications of the existence of, or proposals for notifiable installations (e.g. hazardous substances), in accordance with the views of the Health and Safety Executive; and
- m) Complies with the aims and objectives of the Plan.

NOTE In addition to the above policy, the Council will encourage developers to ensure proposals conform to the principles of the Disability Discrimination Act.

The provisions of Strategic Policies STRAT1 and STRAT5 of the Adopted South Ayrshire Local Plan are noted, and it is considered that the proposal is broadly in accordance with the provisions of these policies. Notwithstanding, the proposal requires further consideration in terms of the other applicable policies of the Adopted Local Plan. This is set out below;

Policy RET1 of the South Ayrshire Local Plan states:

The Council will seek to guide new retail and commercial leisure investment to existing town centres as identified on the Proposals Map, in preference to out-of-centre locations.

Policy RET2 of the South Ayrshire Local Plan states:

There shall be a presumption in favour of large scale retail developments (over 1,000sqm gross floorspace) being directed to the defined town centres of Ayr, Prestwick, Troon, Girvan and Maybole. Where there is no alternative site firstly in, or secondly, adjacent to town centres, the preference will be to edge of centre sites and then to Heathfield Retail Park, identified on the Proposals Map. Developments outwith existing centres but still within settlements may be acceptable provided they can be justified against the following criteria:

- a) The applicant has demonstrated that there are no suitable sites, through the above mentioned sequential locational preference, and that there is no practical means by which the proposal could be adapted to fit into existing town centres; and
- b) Where such development could co-exist with existing town centres without individually or cumulatively adversely affecting the vitality, viability or character of existing town centres; and
- c) Where there is sufficient capacity for the proposal in quantitative terms or that the proposal would introduce choice or quality of provision that will reduce leakage of expenditure, such that it will create sufficient capacity for the proposal in the catchment area; and
- d) The site is well located for existing regular, frequent and convenient bus services, or other public transport and easy pedestrian and cycle access; and
- e) The standard of design, including its scale and relationship to its surroundings, would provide lasting benefits and contribute positively to the overall quality of the urban area and where there is scope for integration with, and the enhancement of, other uses; and
- f) The proposal does not raise any infrastructure implications or costs not borne by the developer; and
- g) Goods to be sold in out-of-centre retail warehouses are restricted to DIY, furniture, carpets, electrical and gardening goods; and
- h) Non food goods floorspace in out of centre large food stores will be restricted to an ancillary level and

the range of non food goods sold other than household, DIY, furniture, carpets, electrical and gardening goods will be restricted to no more than 10% of the gross floorspace of the store.

NOTE 1 If considered necessary by the Council there shall be restrictions on floorspace, subdivision of floorspace and the range of goods sold to ensure the development remains as originally intended and approved.

NOTE 2 Where new public transport links are required to comply with criteria d, above, these must be guaranteed for a period to be agreed with the Council.

NOTE 3 Sites are identified in Policy OPP2 as being retained for town centre development, and particular regard will be given as to whether the proposed developer has considered these sites under criteria a). However, additional sites within or adjoining town centres may exist and an assessment against these may also be required.

The provisions of Strategic Policies RET1 and RET2 are noted. The proposal is not considered to accord with Strategic policy RET1 due to being located in an out-of-centre location, in preference to an existing town centre. However, the Heathfield Retail Park is identified as being an acceptable location for new large scale retail developments, after town centre, and edge-of-centre sites, and subject to the criteria set out in Strategic Policy RET2. A full assessment of the proposed development against SALP Strategic Policy RET2, is set out in this report under the subsections titled 'Sequential Assessment', 'Retail Impact Assessment' and 'Conclusions'.

Policy RET10 of the South Ayrshire Local Plan states:

The Heathfield Retail Park will be restricted to the sale of DIY, furniture, floorcoverings gardening and electrical goods and there is a presumption against subdivision of any unit. Proposals for retail development in the Heathfield area, which adjoin and integrate with the existing Heathfield Retail Park, as defined on the Proposals Map, and which satisfy policy RET 2, will be given preference subject to the following criteria;

- a) The applicants shall require to provide from time of opening of the development a convenient, regular and frequent public transport service, which shall be sustained for a period of time to be agreed with the Council; and
- b) The sale of goods will be restricted to DIY, furniture, floor coverings, electrical and gardening goods.

NOTE The Heathfield Area is defined by the area detailed in the Heathfield Strategy and indicated on the Proposals Map.

Policy RET10 relates specifically to the Heathfield Retail Park, and is therefore considered to be relevant to the consideration of this application. It is noted that the proposal relates to an additional supermarket rather than to the sale of DIY, furniture, floor coverings, electrical and gardening goods. However, policy RET10 states that proposals for retail development on sites adjoining, and integrating with the Retail Park will be given preference to other locations. It is therefore considered that such sites can be considered as part of this sequential preference, alongside the Retail Park itself. Where the applicants have demonstrated through the sequential approach that there are no suitable sites, policy RET2 directs that an out-of centre location may be acceptable where such a development could co-exist with existing town centres without individually or cumulatively adversely affecting the vitality, viability or character of existing town centres, and subject to a range of other criteria.

Policy HFD1 of the South Ayrshire Local Plan states:

The Council will require proposals for the Heathfield area of Ayr/Prestwick, as identified on the Proposals Map, to accord with the provisions of the Heathfield Strategy.

The Strategy considers that "within the context of the Local Plan's retail policies, proposals that integrate with the existing retail park will be given preference to other locations in Heathfield, should circumstances arise to allow the favourable consideration of such proposals". As noted above, the site is located within the Heathfield Retail Park, and the new unit shall be positioned immediately adjacent to Unit 10 towards the south-western boundary of the park. On this basis, the application site is considered to be well located within the Heathfield Retail Park as it is currently configured, and is therefore preferable to other locations in the Heathfield area.

Policy ENV5 of the South Ayrshire Local Plan states:

The Council will presume in favour of safeguarding from development all green spaces which are important to local amenity or recreational use. Recreational spaces includes sports fields, pitches, greens and other similar open air facilities. Those green spaces which are identified on the Proposals Map make, in addition to their local importance, a valued and valuable contribution to the wider environment.

NOTE 1 Development to provide facilities associated with an amenity or recreational open space may be acceptable if they meet the following criteria:

- (i) where the development is appropriate in terms of scale, use and design to the existing character of the green space and there is no individual or cumulative adverse effect on the amenity or recreational value of that site; and
- (ii) proposals for development that result in the loss of an existing facility must include measures to ensure the provision of a substitute facility of enhanced quality in an acceptable location; and
- (iii) where any replacement facility is provided it must be within the same catchment area as the existing unless the Council decides otherwise.

The development proposal would result in the loss of approximately 4,000 sq metres of open space, which also includes some tree planting. The area which it is proposed to develop presently consists of an over-grown grassed area with some tree planting, which does not appear to be regularly maintained. The loss of the open space is not considered to be significant enough to warrant that the application be refused. As noted above, the application site benefits from a planning permission which remains valid, and part of which relates to the erection of three non-food units on the site which is the subject of the current application. In addition, it is considered that the loss of the area of open space provides the opportunity to seek compensatory planting/ the enhancement of other landscape areas within the remainder of the retail park, and therefore it is proposed to attach an appropriate planning condition. On this basis, it is not considered that the proposal is significantly contrary to Strategic Policy ENV5.

Policy BE1 of the South Ayrshire Local Plan states:

To ensure a consistent high standard of development within the plan area, proposals will be considered in terms of compliance with the design criteria detailed in panel 1. NOTE PANEL 1 is considered to form an integral part of POLICY BE1 and applies to both new development and extensions to existing development/buildings.

The provisions of Policy BE1 are noted, however, due to the nature of the application, no further details of the proposed unit have been submitted, and therefore it would be for a future application(s) to determine matters of detail relating to; siting, design, access and appearance. However, it is considered that the site can satisfactorily accommodate an appropriately configured and designed development without adverse impact on the character and appearance of the area, subject to compliance with the provisions of the development plan, and appropriate conditions.

Policy SERV5 of the South Ayrshire Local Plan states:

The Council will seek to ensure that land uses generating high density travel demands are supported by green transport plans and are located where frequent and convenient public transport services are available, or will be made available.

NOTE 1 The cumulative impact of development on the road network will also be given due consideration in terms of policy SERV 5.

NOTE 2 Developments which include provision for public transport maintained for 10 years or any other timescale, as determined by the Council, based on the scale of development and the likely demand for public transport use, may be considered to have met the requirements of policy SERV 5.

Policy SERV10 of the South Ayrshire Local Plan states:

In all cases, the amount of parking to be provided should reflect the role of the development, the location in which it is situated and the projected capability of existing parking facilities.

NOTE 1 Green Transport Plans may be required to assess the impacts of development on traffic and parking requirements.

NOTE 2 Developers will be expected to provide parking in accordance with the Council's adopted parking standards, although in Town Centre locations, the relevant roads authority may reduce these standards where frequent and regular public transport provides a viable alternative to private car travel.

The provisions of the above transport policies are noted. As noted above, Transport Scotland and the Council's Roads and Transportation section has been consulted and no objection has been offered. It is therefore considered that the proposal accords with the transport policies of the development plan, and that appropriate conditions can be attached to any permission.

A full assessment of the proposed development against SALP Strategic Policy RET2, is set out in this report under the subsections titled 'Sequential Assessment', 'Retail Impact Assessment' and 'Conclusions'. Notwithstanding, the provisions of Policy RET2, the development proposal has been assessed against the above policies and is considered to be broadly in accordance with the provisions of the development plan.

The Council approved the South Ayrshire Proposed Local Development Plan (LDP) on 8 March 2012, for publication and public consultation. Accordingly, the Proposed LDP now becomes a material planning consideration in the determination of all planning applications. However, the weight to be attached to the Plan, as a material consideration needs to be commensurate with the status of the Plan. Presently the Plan has not been subject to statutory consultation or examination and therefore less weight can be given to those policies or proposals that differ from the provisions of the currently adopted Development Plan (ie the Ayrshire Joint Structure Plan and the South Ayrshire Local Plan).

Having considered the development proposals forming the subject of this application, against the provisions of both the existing Development Plan and the approved Proposed LDP, it is not considered that the provisions of the Proposed LDP would, in this case, outweigh the provisions of the Development Plan. The application has been assessed in this context.

#### **10. Other Relevant Policy Considerations (including Government Guidance):**

- Scottish Planning Policy;

Scottish Planning Policy (SPP) sets out the government's position on a range of land uses, including retailing and town centres. As such, the development proposal requires to be considered against the provisions of Scottish Planning Policy. In particular, Scottish Planning Policy states that development plans should identify a network of centres and the role of individual centres within it, as a context for the assessment of proposals for new development. The primary principal is that development should be focussed on town centres, and that planning authorities and developers should adopt a sequential approach to selecting sites for all retail and commercial uses. The sequential approach requires that locations are considered in the following order:

- i) Town Centre sites;
- ii) Edge of town centre sites;
- iii) Other commercial centres identified within the development plan;
- iv) Out of centre sites in locations that are, or can be made, easily accessible by a choice of modes of transport;

Where development proposals in edge of town centre, commercial centre or out-of-centre locations are not consistent with the development plan, it is for applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing centres is acceptable.

When a proposed retail or commercial leisure development is contrary to the development plan, planning authorities should ensure that:

- The sequential approach to site selection has been used, which demonstrates that all town centre, edge of town centre and other commercial centre options have been thoroughly assessed and discounted as unsuitable or unavailable;
- there is no unacceptable individual or cumulative impact on the vitality and viability of the identified network of centres;
- the proposal will help to meet qualitative and quantitative deficiencies identified in the development plan, and;
- the proposal does not conflict with other significant objectives of the development plan or other relevant strategy;
- SPP also states that a retail impact analysis should be undertaken where a retail and leisure development over 2,500 square metres gross floorspace outwith a defined town centre is proposed which is not in accordance with the development plan.

A full assessment on these matters is set out in this report under the subsections titled 'Sequential Assessment' 'Retail Impact Assessment' and 'Conclusions'.

## 11. Assessment (including other material considerations):

- Sequential assessment:

The agent has submitted a 'Supplementary Sequential Analysis' (July 2012) to supplement their Planning and Retail Statement. A consideration of this assessment in relation to policy is set out in the following section.

The proposal site is located within the Heathfield Retail Park which is listed in Strategic Policy RET2 of the SALP within the sequential hierarchy as the next sequentially preferable location after sites in, or adjacent to the town centre, and then edge of centre sites. Policy RET2 of SALP requires that the applicants demonstrate that there are no suitable or available sites in these locations.

There is limited national guidance on how sites should be assessed in a sequential analysis, however the current SPP states that "The sequential approach requires flexibility and realism from planning authorities, developers, owners and occupiers to ensure that different types of retail and commercial uses are developed in the most appropriate location." It also requires that all sequentially preferable sites have been "thoroughly assessed" and "discounted as unsuitable or unavailable".

The agent, in section 1.7 of the Supplementary Sequential Assessment, identifies the following matters to consider in ascertaining if a site or premises are suitable and available;

- The scale, position, configuration and location of the site;
- Access, accessibility and parking requirements;
- Availability of the site/premises;
- The viability of redevelopment proposals;
- Requirements of the retailer.

The full list of sites considered by the applicants are as follows:

- A) Affleck's Site, Ayr
- B) Ayr Central, Mill Street, Ayr
- C) Kyle Centre extension site, Ayr
- D) Former MFI store, Main Street, Ayr
- E) Former Woolworths store, High Street, Ayr
- F) Central Retail Park, Allison Street, Ayr

These sites are all within Ayr Town Centre, or an edge of centre location, as required under the terms of Policy RET2.

The assessment finds that there are no sequentially preferable sites available or suitable in the town centre or an edge of centre location. All of the identified sites, and particularly Sites E) and F), are found to be too small for the applicant's requirements of a store for 3251 sq m. In the case of Site A) the lack of a street frontage is also found to make the site unsuitable for a food store development. At Site B), a number of vacant units with Ayr Central are recognised with potential for being merged, however, insufficient size and lack of access to dedicated or level parking from the store are also highlighted as problems. Site C) has planning consent for an extension to the Kyle Centre over a number of levels, which the applicant finds would be unsuitable for the operational needs/ format of a supermarket operator. Whilst this is accepted, this planning consent has not been implemented and the site remains vacant, and the applicant has not assessed whether it could instead be developed for the proposed use. It is noted that there are approximately 360 existing parking spaces in the adjacent Kyle Centre car park which may be able to serve a new store in this location.

The applicant's assessment of Site D) concludes that the floorspace of the former MFI unit is too small and the 70 available parking spaces are not sufficient for their stated requirements of 232-260 parking spaces. They acknowledge that redevelopment of the site and use of adjacent, vacant units may be possible but that the overall space would be insufficient to accommodate the proposed store and parking. Further site information and investigations to confirm that this is the case have not been provided. The applicants also assert that the location of the car park would be problematic for supermarket/ trolley use, which requires easy and convenient access from the store to the car park. Reference is made to the fact that the previous retail use would not have operated customer trolleys. However no further information is provided to demonstrate that access to the car park is unsuitable for the proposed use. As the car park is located immediately adjacent to the unit there appears no reason why it would not be, or with modest works could easily be made, appropriate for supermarket/trolley use.

In their assessment, the agent also seeks to draw support from Policy RET11 of the SALP, which states that favourable consideration will be given to food retail proposals on land adjacent to Heathfield Retail Park, as identified on the Proposals Map (now developed as the ASDA store), providing they integrate with the retail park. The agent argues that a flexible reading of the policy gives weight to proposals on any adjacent land to the retail park that can provide integration. The wording of Policy RET11 makes clear that this is a site-specific policy and as such it is considered that the policy does not have wider applicability.

Accordingly, the overall approach and choice of sites in the sequential assessment is considered appropriate, and the Council generally concurs with its conclusions.

- Retail Impact Assessment:

As required by Strategic Policy RET2, the applicants have prepared a Retail Impact Assessment to determine the likely effects of the proposed development on existing town centres.

The retail modelling undertaken assesses available retail expenditure alongside current trading floorspace and the capacity to accommodate future development. A range of indicators are used within this assessment including existing and projected population and available expenditure, a town centre health check, existing floorspace data and turnover levels. To assist the Council's determination of the proposals, the Council has employed consultants - Roderick MacLean Associates - report which critically assesses the agent's retail impact analysis.

The overall conclusion drawn by the applicants is that the proposed supermarket will have impacts, in terms of trade diversion, on Ayr Town Centre, Prestwick Town Centre and Troon Town Centre but that the volume of trade diverted will not threaten the vitality and viability of these centres.

Table 1 sets out the expenditure values indicated by the applicants and Roderick MacLean Associates (RMcL). The agent's figures of £184 million expenditure suggest there is significant overall under trading in the primary catchment area (PCA), with net outflows from the area exceeding inflows (by £3.6million). The consultant's comparison figures (using the 2009 NEMS Ayrshire household shopping survey) however suggest very low levels of leakage from the catchment area (reduced further by the opening of Sainsbury's Prestwick in 2011) and a net inflow to the area (of £26.1million), with a total retained expenditure of £212.5million.

Table 1:

CONVENIENCE EXPENDITURE/TURNOVER POTENTIAL (Primary Catchment Area)		
	<i>James Barr estimate (2014)</i> <i>£million</i>	<i>RMcL estimate (2014)</i> <i>£million</i>
Heathfield Primary Catchment resident's expenditure potential	£187.8	£186.4
Add: inflows	20.9	29.8
Less: outflows	-24.5	-3.7
<b>Retained expenditure (turnover)</b>	<b>184</b>	<b>212.5</b>
Turnover from existing floorspace at Average levels (2012)		211.5
Under/overtrading	+13.182	-2.7 at 2012 levels (208.8 - 211.5)
<b>Possible Spare Capacity</b>	<b>37.738*</b>	<b>28.5<sup>#</sup></b>

\* Calculated by: Overtrading (£13.182m) plus Leakage from PCA (£24.5m)

<sup>#</sup> Calculated by: Undertrading (£2.7m) plus growth in residents' expenditure (£3.7m) plus clawback of leakage (£1.9m) plus potential to increase inflow (£4.5m) Plus 'acceptable' level of impact on existing store turnovers of 10% (£21.1m)

The agent identifies that existing stores are over-trading, against average turnover rates, by £13.18million. When added to their calculated leakage from the primary catchment, a potential spare capacity of £37.4million is suggested, from which the proposed store could draw its' turnover. However RMcL questions the agent's figures, in particular finding that the total turnover in the PCA is understated and that 'overtrading' figures are not supported by this low turnover. RMcL instead identifies a small level of under-trading (£-2.7million). His calculation of potential spare capacity (£28.5million) differs to the agent's, and includes a notional 10% level of impact (draw away from existing stores), which is deemed to be acceptable in terms of viability of stores.

The effect of the agent's lower PCA turnover and identified over-trading is to understate the draw from centres within the PCA. Table 2 shows the levels of trade diversion as identified by the applicants and Roderick MacLean Associates. The agent's figures show a diversion to the new store from centres outside the catchment of 36%, as opposed to 25% by RMcL.

The final column in Table 2 states the RMcL retail impact (i.e. effect on turnover) on stores and centres in the PCA, where Waitrose (the applicants' stated preferred operator) is assumed to be the operator. At 4%, the predicted impacts on Ayr and Prestwick town centres are low. A higher impact is predicted for M&S (Ayr High Street), at 15%, which although a 'medium' level of impact is not considered likely to threaten its viability. Impacts of up to 15% are also estimated for the four main supermarkets in the primary catchment. The agent's predicted retail impact on the town centres is slightly higher, at 6.8%, than that estimated by RMcL, due to lower town centre turnover figures used. This is still considered a relatively modest level of impact.

Table 2:

Proposed Heathfield supermarket: convenience trade diversion and retail impact in 2014						
Scenario 1- assuming Waitrose as the operator (In 2010 prices)						
(as estimated by Roderick MacLean)	2012 Turnover -average Emillion (a)	2014 Turnover Emillion (b)	Trade diversion to possible Waitrose			% impact on av levels (a+c-b)/a
			J Barr %	RMcL %	E million (c)	
<b>Primary catchment area</b>						
Ayr Town Centre	35.1	35.3	6%	7%	1.7	4%
Lidl	2.8	2.8	1%			
M&S	6.2	6.2	4%	4%	1.0	15%
Iceland	3.5	3.5	1%			
Farmfoods (2 stores)	7.0	7.0	0%			
Tesco Express, High Street	4.6	4.6		1%	0.2	5%
Other town centre shops	11.1	11.1	0%	2%	0.5	4%
<b>Ayr out of centre</b>						
Morrisons, Castlenhill Rd	49.3	49.5	8%	13%	3.2	6%
ASDA	35.2	35.4	20%	22%	5.4	15%
Tesco Extra, Whitelits Rd	29.7	29.9	8%	14%	3.5	11%
Tesco Express, Maybole Rd	4.0	4.0		1%	0.2	6%
Tesco Express, Prestwick Rd	4.4	4.4		1%	0.2	5%
Other shops	9.1	9.2		1%	0.2	2%
<b>Prestwick Town Centre</b>	<b>10.1</b>	<b>10.1</b>			<b>0.5</b>	<b>4%</b>
Co-op	3.9	3.9	2%	1%	0.2	6%
Tesco Express	4.6	4.7		1%	0.2	5%
Other town centre shops	1.6	1.6				
<b>Prestwick out of centre</b>						
Sainsbury's, Ayr Rd	26.4	26.5	20%	14%	3.5	13%
Aldi	3.4	3.5				
Other shops	1.5	1.5				
<b>Villages in catchment</b>						
Annbank, Coylin, Drongan, Dunure, Mossblown	3.2	3.2				
<b>Undertrading</b>	<b>-2.7</b>					
Total catchment turnover at actual levels	208.6	212.5				
<b>Centres beyond the primary catchment</b>			<b>36%</b>	<b>25%</b>	<b>6.2</b>	
<b>Total trade diversion</b>			<b>100%</b>	<b>100%</b>	<b>24.7</b>	
Note The % trade diversion shown by J Barr is only for comparison. The % trade diversion by RMcL has been applied						

Roderick MacLean Associates have also estimated retail impacts associated with another operator of the proposed supermarket. The effect of a change of operator is to slightly increase the level of impact on the other major supermarkets (to a maximum of 17% for ASDA), but which the supermarkets could still sustain. The impacts on Ayr and Prestwick town centres from a different operator remain unchanged at 4%, and the predicted impact on M&S falls to 8%.

Overall, the review of the agent's retail impact assessment by Roderick MacLean Associates takes issue with parts their analysis, notably that their findings of significant over-trading and convenience expenditure leakage are not supported by the 2009 household shopping survey. However, Roderick MacLean Associates concurs with the agent's findings that the levels of retail impact on Ayr and Prestwick town centres are found to be low. The impact on individual stores is also found to be low or, at worst, modest, regardless of which operator would occupy the store. In conclusion, it is considered that the proposed supermarket could be accommodated without threatening the vitality or viability of Ayr and Prestwick town centres.

The Council has considered the assessment of Roderick MacLean Associates and concurs with these

findings. It is therefore considered that the proposed development would not have a significantly adverse impact on the vitality and viability of Ayr or Prestwick town centres.

- Conclusions on Retail Assessment:

The proposal site is located within the Heathfield Retail Park which is listed in Strategic Policy RET2 of the SALP within the sequential hierarchy as the next sequentially preferable location after sites in, or adjacent to the town centre, and then edge of centre sites. Strategic Policy RET2 of SALP requires that the applicants demonstrate that there are no suitable or available sites in these locations. The agent's sequential assessment of alternative sites has shown that no suitable sites are available within or on the edge of town centres, and this view is accepted. As noted above, the site is located within the Heathfield Retail Park, and the new unit shall be positioned immediately adjacent to Unit 10 towards the south-western boundary of the park. On this basis, the application site is considered to be well located within the Heathfield Retail Park as it is currently configured.

As noted above, Roderick MacLean Associates concurs generally with the agent's findings that the levels of retail impact on Ayr and Prestwick town centres are found to be low. The impact on individual stores is also found to be low or, at worst, modest, regardless of which operator would occupy the store. In conclusion, it is considered that the proposed supermarket could be accommodated without threatening the vitality or viability of Ayr and Prestwick town centres.

With regard to criterion i) of Strategic Policy RET2 of the SALP, which requires the range of non-food goods to be limited to 10% of the gross floor area, it is considered that this criterion must be upheld to achieve a satisfactory development. The level of retail impact on town centres estimated in the applicant's Retail Impact Assessment, the review by Roderick MacLean, and the Council's conclusions on these findings, are based on the assumption that the floorspace of the new store will be mostly for convenience (food) shopping. The impacts of a higher percentage of non-food floorspace have therefore not been assessed by the Council. However, it is likely that the effect would be to increase the retail impact on the town centres, and there would be concern that this impact would be above a level considered acceptable by the Council. It is therefore proposed to attach an appropriate planning condition to limit the range of non-foods to be sold to 10% of the gross floor area, as per criterion i. of Strategic Policy RET2.

In view of the above, it is considered that the development proposal is in accordance with the provisions of the development plan, and in particular Policy COMM6 of the Approved Ayrshire Joint Structure Plan and Strategic Policy RET2 of the Adopted South Ayrshire Local Plan.

- Loss of open space:

As noted above, approximately 4,000 sq metres of open space, which includes some tree planting shall be lost as a result of the development proposal. The area which it is proposed to develop presently consists of an over-grown grassed area with some tree planting. The planting does not appear to be regularly maintained. The loss of the open space is not considered to be significant enough to warrant that the application be refused. Conversely, the application site benefits from a planning permission which remains valid, and which relates to the erection of three non-food units on the site which is the subject of the current application. In addition, it is considered that the loss of the area of open space provides the opportunity to seek compensatory planting/ the enhancement of other landscape areas within the remainder of the retail park, and therefore it is proposed to attach an appropriate planning condition. On this basis, it is not considered that the proposal is significantly contrary to Strategic Policy ENV5.

- Impact on amenity of area:

Due to the commercial nature of the area, it is considered unlikely that the development would adversely impact on the amenity of the area. However, due to the nature of the application, no further details of the proposed unit have been submitted, and therefore it would be for a future application(s) to determine matters of detail relating to; siting, design, access and appearance. However, it is considered that the site can satisfactorily accommodate an appropriately configured and designed development without adverse impact on the character and appearance of the area, subject to compliance with the provisions of the development plan, and appropriate conditions.

- Overall Conclusions:

As noted above, the principle of retail development in this location has already been established through the grant of an earlier planning permission (reference 05/01225/FUL). Notwithstanding, the determining issues in this application are: whether the proposal complies with the provisions of the development plan and Scottish Planning Policy, whether the application site is a suitable location for the proposed retail use and whether the proposal would adversely impact on the vitality and viability of Ayr and Prestwick town centres.

The application site is entirely contained within an existing retail park, and is adjacent to an existing commercial retail unit. As noted above, no further details of the proposed unit have been submitted, and therefore it would be for a future application(s) to determine matters of detail relating to; siting, design, access and appearance. However, given that the site is surrounded by commercial properties, it is considered unlikely that the development would adversely impact on the amenity of the area.

An assessment of the proposal against the provisions of the development plan, the sequential assessment and retail impact of the proposal is set out above. In considering this information, it is concluded that there are no over-riding policy objections to the development being proposed, and it is considered that although the proposals are contrary to the development plan that they can be justified against its provisions, particularly RET 2.

Given the above and having balanced the applicant's rights against the general interest, it is recommended that the application be approved, subject to conditions.

## **12. Recommendation:**

It is recommended that the application is approved, subject to the following condition(s);

- (1) That full details of the proposed development, including the siting, design, external appearance, means of access, landscaping measures, and any other matters specified in conditions below, shall be submitted for the approval of the Planning Authority as outlined in advisory note 1a. and 1b. of this planning permission.
- (2) That, at the Approval of Matters Specified in Condition stage, details shall be submitted of a compensatory plan of enhanced landscaping for the Heathfield Retail Park, for the written approval of the Planning Authority.
- (3) That at the Approval of Matters Specified in Conditions stage the detailed plans shall include suitably scaled block layout plans showing;
  - a) Existing ground levels
  - b) Proposed ground levels, and
  - c) Finished floor levels of the proposed retail unit
- (4) That, at the Approval of Matters Specified in Condition stage, a floor plan showing all retail floorspace within the supermarket shall be submitted to, and approved in writing by the Planning Authority. The retail floorspace for non-food sales (excluding household, DIY, furniture, carpets, electrical and gardening goods) within the supermarket shall be restricted to 10% of the gross floorspace of the store. In addition, no more than 3,251 square metres of the gross floorspace of the store shall be used as retail floorspace for display/sale of convenience retail goods;
- (5) Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA in March 2007. Full details of the methods to be employed, following discussions with SEPA, and including where appropriate calculations, along with details of how these measures will be maintained in perpetuity, shall be submitted for approval in writing by this Planning Authority prior to the commencement of any works on site.
- (6) That before occupation of the development, a Travel Plan, shall be submitted for the formal prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority, and Transport Scotland TRBO). The Travel Plan shall identify the measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan. It shall incorporate measures designed to encourage modes of travel other than private car.
- (7) That the access road shall be improved to adoptable standards in accordance with the Council's Roads Development Guide before completion of the development. The precise details and specifications of the required road improvements shall be submitted for the prior written approval of the Planning Authority before any work commences on site.
- (8) That 599 off road parking spaces shall be provided within the existing site boundary in accordance with the Council's Roads Development Guide before completion of the development. Precise

details and specifications of the required parking provision shall be submitted for the prior written approval of the Planning Authority before any work commences on site.

- (9) That parking bays shall be a minimum 4.8 metres x 2.5 metres with minimum aisle widths of 6 metres.
- (10) That a lockable and covered cycle stand accommodating a minimum of 26 cycles shall be provided within the site boundaries. Precise details of the siting and specifications of the required cycle stand shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site.
- (11) That the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Planning Authority before any work commences on site.
- (12) That before any works start on site, details shall be submitted to the Planning Authority showing the design and specification of a turning area capable of accommodating the largest size of vehicle expected to be used by or serve the development. The turning area shall be constructed as approved prior to the development being occupied.
- (13) That prior to occupation of the development any gates shall be set back a minimum distance of 6 metres from the rear of the public footway, and open inwards away from the public roadway.
- (14) That prior to occupation of the development, the applicant shall submit a swept path analysis accommodating the largest size of vehicle expected to be used by or serve the development for the formal prior written approval of the Council as Planning Authority.
- (15) That the Approval of Matters Specified in Conditions stage, full details and specifications of upgrades to the two bus stops on the B743 Heathfield Road to include provision for Real Time Passenger Information as follows;
  - a) The upgrade of the existing bus stop westbound on the B743 Heathfield Road before Parks Garage, and
  - b) The upgrade of the existing bus stop eastbound on the B743 Heathfield Road opposite Parks Garage

The required bus stop upgrading work shall be implemented in accordance with the approved plans prior to the occupation of any part of the development unless alternative measures are approved in writing by the Council as Planning Authority.

#### **Reasons:**

- (1) To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 20 of the Planning Etc. (Scotland) Act 2006. In order to retain proper control over the development proposal.
- (2) In the interest of visual amenity.
- (3) In the interests of residential and visual amenity; to ensure that there is no significant detrimental impact on adjacent properties.
- (4) In the interests of the retail impact of the proposal on retail subjects within the locality.
- (5) In the interests of residential and visual amenity; to ensure that there is no significant detrimental impact on adjacent properties.
- (6) To encourage sustainable means of travel.
- (7) In the interest of road safety and to ensure an acceptable standard of construction.
- (8) In the interest of road safety and to ensure adequate off-street parking provision.
- (9) In the interest of road safety and to ensure that there is adequate space for manoeuvring and turning.
- (10) To ensure adequate provision of lockable and covered cycle storage on site. To encourage sustainable means of travel.
- (11) In the interest of road safety and avoid the discharge of water on to the public road.
- (12) To reasonably avert the reversing of vehicles onto the main road and in the interests of road safety.
- (13) In the interest of road safety.
- (14) In the interest of road safety.
- (15) In the interest of road safety and to ensure adequate provision for public transport.

#### **Advisory Notes:**

- (1) Please note that work should be undertaken in compliance with legislation and guidance relating to Scottish Environment Protection Agency (SEPA) Guidance Note No.8 which can be found at the website of SEPA as follows: [www.sepa.org.uk](http://www.sepa.org.uk)
- (2) The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be

reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

- (3) The Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development will require to be fully funded by the applicant - including any relevant road signs and markings.
- (4) The Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.
- (5) The Council as Roads Authority advises that the Council will not adopt the road on its completion.
- (6) The Council as Roads Authority advises that a Road Opening Permit will be required for any work within the public road limits.
- (7) That the application site lies adjacent to a referral area identified by the Coal Authority, and therefore the applicant/ agent may wish to contact the Coal Authority for further information in this regard.
- (8) That the application site lies adjacent to gas pipelines and therefore the applicant/ agent may wish to contact the Health and Safety Executive for further information in this regard.

**List of Plans Determined:**

Drawing - Reference No (or Description): **Approved** P22 REV. A

Drawing - Reference No (or Description): **Approved** P23 REV. A

**Reason for Decision (where approved):**

The principle of the development hereby approved can be justified in terms of the development plan, and subject to appropriate conditions and the submission of application(s) for the Approval of Matters Specified in Conditions, there is no significant adverse impact on the amenity of neighbouring land and buildings.

<b>Case Officer/Team Leader:</b>	<i>Name: Ms Fiona Sharp/Ms C. Cox</i>
<b>Date:</b>	<i>Date: 24<sup>th</sup> August 2012</i>