

**EAST AYRSHIRE COUNCIL**

**SPECIAL NORTHERN LOCAL PLANNING COMMITTEE: 24 JUNE 2010**

**10/0233/PP: PROPOSED REDEVELOPMENT BEHIND RETAINED FAÇADE  
FOR THE ERECTION OF OFFICE ACCOMMODATION AND REMOVAL OF  
FIRE DAMAGED REMNANTS AND ASSOCIATED ALTERATIONS**

**AND**

**10/00234/LB: PROPOSED REDEVELOPMENT BEHIND RETAINED FAÇADE  
FOR THE ERECTION OF OFFICE ACCOMMODATION AND REMOVAL OF  
FIRE DAMAGED REMNANTS AND ASSOCIATED ALTERATIONS**

**AT 6-14 JOHN FINNIE STREET AND 24-26 STRAND STREET KILMARNOCK**

**BY KLIN HOLDINGS LTD**

**Report by Head of Planning and Economic Development**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 This proposal involves a range of physical works including selective demolition, façade retention and new build, to create office accommodation on the application site.

1.2 Office accommodation is to be provided with a 4 storey design facing onto John Finnie Street using the two floors of the façade and forming 2 additional floors above in the roof space. This will involve refurbishing the façade of the Opera House and tying it into the new structure behind, to create a modern floorspace, offering quality office accommodation. The works to this building propose to retain the façade of the building and create a more structured building of 4 upper floors inclusive of an attic floor with skylight windows positioned at regular intervals along the roof line. Fenestration onto John Finnie Street reflects the existing façade's rectangular windows on each flank aligned with the existing windows on the façade and arched windows on the central entrance pavilion. The central section of the Mansard roof that would be formed, stands proud of the main roof reflecting the tripartite composition of the roofline thereby introducing a step in the roofline in common with the accented roofs of adjacent buildings. The roof plane also slopes away from adjoining buildings. At the

ground floor there will be an active shopfront on John Finnie Street and public pedestrian entrance.

1.3 The other public façade of this dual fronted building will face onto Strand Street. Due to varying ground levels from John Finnie Street, the building will extend to 5 storeys of new build. The elevation of this building will take on a “warehouse” type appearance with 5 components of varying facing brick finish. The window pattern on this elevation will be more irregular, breaking up the brick finish. There will also be a pedestrian entrance into the building from Strand Street. Demolition works will be limited to the remaining gable wall elements of the former Opera House which require to be removed to facilitate the construction of the new building behind the façade.

1.4 In support of the application, a Conservation Statement has been submitted by the applicants which notes that the façade is supported by scaffolding and although the façade appears stable, this is a situation which should not persist, from both a conservation and public safety perspective. The Statement seeks to consider this development as a means to secure the future of the façade whilst protecting and enhancing the heritage and character of the Outstanding Conservation Area.

1.5 The applicant submits that the design of the new build element is both contemporary and bold, but is one which also pays respect to the scale, massing and external materials of the adjacent Victorian buildings in the street block. The applicant has designed the office accommodation as a single occupier building and has included active frontages for both John Finnie Street and Strand Street with both elevations having level access for pedestrians and wheelchair users. The applicant advises that the new build elements will clearly be discernable as contemporary, whilst the elevation to Strand Street will reflect the former warehousing nature and heritage of this street without mimicking the former designs. On John Finnie Street, the applicant further advises that the design of the roof is not modern but it will clearly be a contemporary addition that reflects the originally central raised roof design with vertical proportioned windows and rooftop plant being screened and integrated behind a slate parapet.

1.6 The Strand Street elevation takes its influence from the warehouse character of Strand Street. In order to express verticality, the elevation is divided into 5 distinct components to be constructed from brick with a change in brick colour as the elevation works its way along Strand Street towards West George Street, in order to subdivide the mass of the warehouse and provide visual interest. The applicant notes that the use of brick is already prevalent in the Outstanding Conservation Area and, in particular, on buildings nearby the application site. The fenestration is of random arrangement on this elevation which the applicant advises is due to windows traditionally being formed on warehouses on the basis of function rather than following design rules.

1.7 In terms of travel to the new office building, the applicant has explored the “Green” travel options noting that the site is located within Kilmarnock town centre encouraging walking to work. The applicant notes that it is convenient for bus travel, being on a bus route and some 300 metres from Kilmarnock Bus Station. The site also lies less than 100 metres from Kilmarnock Railway Station with its recent upgrade to a half hourly service, and the applicant proposes to make cycle stands and shower facilities available. It is anticipated that minor deliveries will be necessary and that this will be undertaken using a light goods van and refuse storage areas will be provided internally for servicing.

1.8 External finishes to the John Finnie Street elevation would comprise a slate roof with cast iron rainwear goods and timber windows. The mansard roof will have zinc cladding and the Strand Street elevation will be finished in facing brick reflecting the prominence of brick used to the rear of local buildings and to the Johnnie Walker Warehouse on Strand Street with zinc cladding to the roof. Members are asked to note that if they choose to grant consent, all proposed external materials would be subject to conditions requiring details of type, distribution, and range of materials to be submitted for the written approval of the Planning Authority, and samples would still have to be agreed to ensure the required level of control over the development in relation to its setting within the John Finnie Street and Bank Street Outstanding Conservation Area.

## **2. RECOMMENDATION**

**2.1 It is recommended that the planning application ref no. 10/0233/PP should be approved subject to the conditions indicated on the attached sheet.**

**2.2 It is recommended that the listed building application ref no. 10/0234/LB should be approved subject to the conditions on the attached sheet and that prior to any consent being issued the application should be referred to Historic Scotland under the Listed Buildings and Conservation Areas (Scotland) Act 1997.**

## **3. CONCLUSIONS**

3.1 The restoration of the façade of the Opera House, and the new build behind this, will result in a highly prominent gap site being re-developed with a positive contribution made to an important Group of listed buildings. This would be a considerable benefit as a catalyst to the regeneration of the wider Outstanding Conservation Area and also to Kilmarnock’s town centre bringing economic benefit. It is considered that the design of the new build element behind the listed facade is bold and modern, but that the use of the proposed external materials should not have an adverse impact on the setting of the Conservation Area, if used sensitively. Should Members choose to grant consent,

conditions would still allow a level of control over the proposed scheme. The use of the new building for offices can be justified against the Development Plan noting the marketing exercises previously undertaken and the benefit of bringing more works into the town centre to increase the vitality and viability of the town centre.

3.2 Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the applications should be approved unless material considerations indicate otherwise. As indicated in Section 5 of the report the applications are largely in accordance with the development plan and would result in the re-use of currently vacant property on John Finnie Street and on Strand Street.

3.3 The proposal comprises a large development within the Outstanding Conservation Area. Noting the prominence of the listed façade on John Finnie Street and the length of time this site has lain vacant and derelict, it is essential that the development is carried out sensitively and to a high design standard. The proposal is considered to be in accordance with the environmental policies of the Adopted Local Plan and Alteration to the Local Plan. Further approval from the Planning Authority can be required in respect of a range of detailed matters, such as the retention of appropriate historic fabric and the introduction of new materials, via the imposition of planning conditions should Members choose to grant consent.

3.4 There are material considerations relevant to the applications as indicated in Section 6 of the report and the consultation responses are generally supportive of the proposal. The concerns of the objector relate to the impact on windows of an adjacent flatted property, the proposed design, and private legal matters. Whilst noted, these concerns are not of such significance that would warrant the refusal of this development and in terms of external materials the use of conditions which could be attached to any consent granted by Members would ensure that an appropriate range of materials are utilised, as well as ensuring the integration of the development into the listed façade. The proposal concerns a highly visible and prominent site in the town centre. The development provides a bold and positive solution which takes account of adjacent listed buildings and the overall setting of the John Finnie Street and Bank Street Outstanding Conservation Area. The proposal will result in the re-use and refurbishment of a derelict site whilst integrating it with the townscape and skyline. The development will transform a highly visible gap site, offer modern office accommodation currently not being provided in the area, and overall will bring a wide range of economic and social benefits to Kilmarnock and the surrounding area.

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, the application would not require to be referred to the Council as this would not constitute a significant breach of policy.

**Alan Neish**  
**Head of Planning and Economic Development**

**Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.**

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**Report by Head of Planning and Economic Development**

### **1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present for determination a planning application and associated listed building application, which are to be considered by the Northern Local Planning Committee under the scheme of delegation as this Council has an interest in these applications.

### **2. APPLICATION DETAILS**

2.1 **Site Description:** The site incorporates the existing retained façade site at 6-14 John Finnie Street, and 24-26 Strand Street which is the vacant area behind the facade at Strand Street. The application site is located within Kilmarnock town centre and is also located within the John Finnie Street and Bank Street Outstanding Conservation Area.

2.2 Nos. 6-14 John Finnie Street currently comprises the west (front) façade of the Opera House, which was built in 1874, a nine bay arrangement with Italian Renaissance detailing. The Opera House was constructed as a two storey, red sandstone building on John Finnie Street, rising to a four storey building on Strand Street, due to the differing street levels. This building was severely damaged by fire in 1989, and public safety works were carried out in 1992 leaving only the façade, which individually is listed as a Category B listed building and is part of an overall A listed group of buildings in conjunction with the buildings at 4 to 38 John Finnie Street. The façade is on the Buildings at Risk Register, which is administered by the Scottish Civic Trust. The application site also includes the area to the rear of the Opera House façade, which is currently a vacant plot with hoardings facing onto Strand Street.

**2.3 Proposed Development:** This proposal involves a range of physical works including selective demolition, façade retention and new build, to create office accommodation on the application site.

2.4 Office accommodation is to be provided with a 4 storey design facing onto John Finnie Street using the two floors of the façade and forming 2 additional floors above in the roof space. This will involve refurbishing the façade of the Opera House and tying it into the new structure behind, to create a modern floorspace, offering quality office accommodation. The works to this building propose to retain the façade of the building and create a more structured building of 4 upper floors inclusive of an attic floor with skylight windows positioned at regular intervals along the roof line. Fenestration onto John Finnie Street reflects the existing façade's rectangular windows on each flank aligned with the existing windows on the façade and arched windows on the central entrance pavilion. The central section of the Mansard roof that would be formed, stands proud of the main roof reflecting the tripartite composition of the roofline thereby introducing a step in the roofline in common with the accented roofs of adjacent buildings. The roof plane also slopes away from adjoining buildings. At the ground floor there will be an active shopfront on John Finnie Street and public pedestrian entrance.

2.5 The other public façade of this dual fronted building will face onto Strand Street. Due to varying ground levels from John Finnie Street, the building will extend to 5 storeys of new build. The elevation of this building will take on a "warehouse" type appearance with 5 components of varying facing brick finish. The window pattern on this elevation will be more irregular, breaking up the brick finish. There will also be a pedestrian entrance into the building from Strand Street. Demolition works will be limited to the remaining gable wall elements of the former Opera House which require to be removed to facilitate the construction of the new building behind the façade.

2.6 In support of the application, a Conservation Statement has been submitted by the applicants which notes that the façade is supported by scaffolding and although the façade appears stable, this is a situation which should not persist, from both a conservation and public safety perspective. The Statement seeks to consider this development as a means to secure the future of the façade whilst protecting and enhancing the heritage and character of the Outstanding Conservation Area.

2.7 The applicant submits that the design of the new build element is both contemporary and bold, but is one which also pays respect to the scale, massing and external materials of the adjacent Victorian buildings in the street block. The applicant has designed the office accommodation as a single occupier building and has included active frontages for both John Finnie Street and Strand Street with both elevations having level access for pedestrians and wheelchair users. The applicant advises that the new build elements will clearly be discernable as

contemporary, whilst the elevation to Strand Street will reflect the former warehousing nature and heritage of this street without mimicking the former designs. On John Finnie Street, the applicant further advises that the design of the roof is not modern but it will clearly be a contemporary addition that reflects the originally central raised roof design with vertical proportioned windows and rooftop plant being screened and integrated behind a slate parapet.

2.8 The Strand Street elevation takes its influence from the warehouse character of Strand Street. In order to express verticality, the elevation is divided into 5 distinct components to be constructed from brick with a change in brick colour as the elevation works its way along Strand Street towards West George Street, in order to subdivide the mass of the warehouse and provide visual interest. The applicant notes that the use of brick is already prevalent in the Outstanding Conservation Area and, in particular, on buildings nearby the application site. The fenestration is of random arrangement on this elevation which the applicant advises is due to windows traditionally being formed on warehouses on the basis of function rather than following design rules.

2.9 In terms of travel to the new office building, the applicant has explored the “Green” travel options noting that the site is located within Kilmarnock town centre encouraging walking to work. The applicant notes that it is convenient for bus travel, being on a bus route and some 300 metres from Kilmarnock Bus Station. The site also lies less than 100 metres from Kilmarnock Railway Station with its recent upgrade to a half hourly service, and the applicant proposes to make cycle stands and shower facilities available. It is anticipated that minor deliveries will be necessary and that this will be undertaken using a light goods van and refuse storage areas will be provided internally for servicing.

2.10 External finishes to the John Finnie Street elevation would comprise a slate roof with cast iron rainwear goods and timber windows. The mansard roof will have zinc cladding and the Strand Street elevation will be finished in facing brick reflecting the prominence of brick used to the rear of local buildings and to the Johnnie Walker Warehouse on Strand Street with zinc cladding to the roof. Members are asked to note that if they choose to grant consent, all proposed external materials would be subject to conditions requiring details of type, distribution, and range of materials to be submitted for the written approval of the Planning Authority, and samples would still have to be agreed to ensure the required level of control over the development in relation to its setting within the John Finnie Street and Bank Street Outstanding Conservation Area.

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

3.1 Bonnyton Community Council have verbally advised that they have no objections.

**Noted.**

3.2 East Ayrshire Council Roads and Transportation Service, have no objections to make relative to the proposed development subject to conditions being added should Members decide to grant consent. The Roads Service note that this is a town centre development adjacent to the railway station and close to the bus station. On-street parking within the immediate surrounding area of the development is controlled and the site is close to existing town centre car parks. The Design Statement notes that a package of Green Travel Plan measures can reduce journeys to and from work and for business travel and it is also stated that further agreement will be required regarding parking provision at Strand Street. The Council's Roads and Transportation Service are satisfied that these matters could be addressed by way of suspensive conditions.

Suspensive conditions should be attached to any consent relative to the following matters either individually or to bring forward a Transport Statement to provide finalised details and information:-

1. Parking: covering the impact of the development on the town centre car parks and on-street parking and the provision for accessible parking;
2. Servicing: details of the proposed servicing arrangements including any amendments that might be required to the existing Traffic Regulation Orders; and
3. Travel Plan: details of how the travel plan will be taken forward during the operational phase of the development.

***The site's proximity to existing railway and bus stations, and nearby car parks, means that the development is in a highly accessible location and will not necessarily generate the same level of trip generation that a new standalone development might attract. This is in line with Scottish Planning Policy (SPP), which advocates that new developments should be accessible by public transport in preference to reliance on the private car journey. The SPP encourages redevelopment that supports economic growth and regeneration, reduces the need to travel and promotes reliance on public transport. For brownfield sites, parking standards can be relaxed in line with Local Plan Policy T3. The applicants have submitted a Design Statement incorporating an initial Green Travel Plan to indicate travel patterns and trip generation associated with the proposal. The Roads Service has considered this information and require that the Green Travel Plan be implemented in accordance with their requirements. This matter can be addressed by an appropriate planning condition should Members choose to grant consent.***

***The Roads Service has also advised that supporting information will be required to demonstrate how the servicing arrangements will be incorporated to ensure that the development operates appropriately. This information should subsequently be developed to provide finalised details for parking, servicing, and how the Green Travel Plan will be taken forward during the operational phase of the development. The Roads Service are satisfied for this to be the subject of an appropriate planning condition.***

***The application site is a highly accessible brownfield site within the town centre, and with its proximity to the local public transport network, it is considered that the proposal does not require the full extent of parking provision and that every effort should be made to encourage users to travel by sustainable modes of transport, such as walking or public transport. Any additional information required by the Roads Service will be the subject of planning conditions, should Members decide to grant consent.***

3.3 East Ayrshire Council Environmental Health Service has no objections in principle but has suggested standard conditions, if the application is to be approved, on issues of waste, noise, drainage, and ground contamination.

***The above requirements can be addressed by attaching relevant conditions and advisory notes to any grant of planning consent should Members choose to grant consent.***

3.4 East Ayrshire Council's Information Technology and Asset Management and Legal Procurement and Regulatory Services and Strathclyde Police have not responded to their consultation at the time of writing this report.

***Noted.***

3.5 East Ayrshire Access Panel have queried if level access can be provided from John Finnie Street and point out 2 matters for consideration at the building warrant stage namely, the accessible toilet should be in accordance with the Building Standards and rather than 2 lifts, could one larger lift be provided.

***The applicant's agent has advised that as the design progresses, amendments will facilitate access for all to the front of the building at John Finnie Street. If Members choose to grant consent, this matter can be conditioned. Such an approach is to be welcomed as barrier free access can often be difficult to achieve in an historic building.***

3.6 West of Scotland Archaeology Service have no objections to the proposal and note that no substantive archaeological issue is raised by these applications.

***Noted.***

3.7 Scottish Environment Protection Agency has no objections to the proposal but have made comments with respect to matters under their remit, such as foul and surface water drainage and the control of pollution.

***Noted. These issues can be covered with planning condition or advisory notes should Members choose to grant consent.***

3.8 Scottish Power Networks and Scotland Gas Networks have no objections but note that care should be exercised to ensure both companies' apparatus is protected during works.

***Noted. This issue can be covered with an appropriate advisory note should Members choose to grant consent.***

3.9 Scottish Water has no objections to the proposal, noting that the applicant will require to enter into discussions with Scottish Water to ensure a connection to their infrastructure.

***Noted. This issue can be covered with an appropriate advisory note should Members choose to grant consent***

3.10 Historic Scotland welcomes the proposal overall, noting that the re-use of the Opera House will be a positive outcome for John Finnie Street. They ask that certain aspects of the proposal be given further consideration in order to ensure that the special architectural character of the façade and its contribution to the wider streetscene within the conservation area is protected. They ask that consideration be given to setting proposed floor levels 4 and 5 back from the wallhead of the façade to reduce their visual impact and, simplifying the elevation treatment of these upper floors would help maintain the visual focus on the surviving façade.

***It is noted that overall, Historic Scotland welcome this regeneration proposal.***

***Their comments on the overall design and on detailed aspects of the proposal are also noted. Should Members choose to grant consent, planning conditions can be imposed which would require the submission of final details concerning firstly, the proposed design and detailing of the rooflight windows, secondly, the dimensions and glazing arrangement of the window frames to ensure that they are of a type appropriate to this historic area, thirdly, to review the design of the ground floor shopfront facing onto John Finnie Street to work on the final shopfront design to also ensure that it is appropriate to the listed building and wider, outstanding conservation area and***

***fourthly to allow the applicants agent to finalise how the roof and new upper floors will link into the existing façade. By virtue of its design, the Mansard roof slopes away from the front wallhead and also the side gables, which helps mitigate its visual prominence and the use of appropriate external materials such as zinc and natural slate on the roof will thereafter assist in satisfying Historic Scotland's requests to simply the upper floors to the benefit of the surrounding area.***

3.11 The Architectural Heritage Society of Scotland has not responded to their consultation at the time of writing this report.

***Noted.***

3.12 The Scottish Civic Trust welcomes these proposals to repair and restore 6-14 John Finnie Street which is on the Buildings at Risk Register. The Trust refer back to the previous application and note that this is for a smaller site and that the proposed façade on Strand Street addresses their previous concerns that this elevation would have dominated the adjacent listed buildings.

The Trust is pleased with the improvements to the John Finnie Street elevation and they also welcome the proposed active frontage on Strand Street. They are however concerned that this elevation could appear rather flat in comparison to some of the surrounding buildings. They note that the palette of materials in the surrounding area is generally red sandstone, red brick and light coloured harl or render. The Trust suggest a solution would be to provide more 3-dimensionality by adding detailing to the elevation which subdivides the mass and provides verticality, while sticking to a more limited palette of materials.

***The Scottish Civic Trust's support is noted and their comments are significant as one of the principal amenity bodies involved in protecting our built heritage. SCT are content with the proposed John Finnie Street Elevation and also are pleased with the promotion of an active frontage on Strand Street. Historic Scotland have not highlighted any concerns over the design of the Strand Street elevation.***

***The Trust's comments concerning materials could be adequately conditioned to allow the developer to further consider the materials and arrangement of the fenestration design on this elevation which would help bring the sought after "verticality" and the most appropriate arrangement of external finishes. Such conditions would also ensure a balance was reached between the new build areas and how these elevations adjoin and link into the surrounding historic buildings. The critical issue in modern buildings in conservation areas is one of the quality of the design and manner in which it***

***complements and integrates with the surrounding townscape. It is considered that the design is complementary to the area and will revitalise an unsightly and derelict gap site in a very prominent location that has lain derelict since 1992.***

***With further reference to the Strand Street elevation, it is accepted that this warehouse design has been formed taking influences from the existing warehouse on Strand Street and it is considered that this will draw people to the area from West George Street, Croft Street, and the remainder of Strand Street. It is accepted that this part of Strand Street is not well trafficked and suffers from a lack of natural surveillance. An entrance into the building such as that proposed, would increase footfall to the area, thus enlivening the area and creating increased pedestrian levels and interest in the streetscene which would be most welcome.***

#### **4. REPRESENTATIONS**

4.1 One letter of objection has been received relating to the proposed development following the statutory neighbour notification process and public advertisement of the proposals. The points raised are as follows:-

4.2 The property at 18C John Finnie Street would suffer a loss of light due to the proposed roofline.

***There are attic windows on the front and rear elevations of the building at 18 John Finnie Street and there is also a side window on the pavilion section of this roof which would face into the Mansard roof of the Opera House. It is not considered that these windows will be significantly affected by this development noting in terms of the side attic window that the upper floor and roof of the proposed development is set-back and slopes away from 18 John Finnie Street by virtue of its design.***

4.3 The development could cause structural damage to adjoining property and clarification is sought for the insurance to residents at 18 John Finnie Street.

***This is a private legal matter for the developer to address and is not a material planning consideration.***

4.4 Is the design and height of the building on Strand Street appropriate for a Victorian street?

***The surrounding area at Strand Street has been the subject of various developments over the years and in particular, the retail***

**development at Portland Gate has introduced a more modern architectural style in the vicinity of this application site. Strand Street is a thoroughfare with a less decorative architectural style being more utilitarian in nature, and so the proposed warehouse will provide a more modern interpretation of this commercial architectural style.**

**Consultation has also taken place with the historic amenity bodies, namely Historic Scotland and the Scottish Civic Trust who do not object to the Strand Street proposals. As already stated, the proposed design of the Strand Street elevation is appropriate to this street and takes influence from the warehouse character of Strand Street. If Members choose to grant consent, planning conditions can ensure an acceptable fenestration arrangement and external materials.**

4.5 The proposed frontage on John Finnie Street is acceptable except for the velux windows.

**The proposed rooflight windows would, if Members choose to grant consent, be subject to a planning condition to ensure that their design, size and setting into the roof-plane is traditional and appropriate to the adjacent listed buildings and outstanding conservation area. Subject to this provision, the rooflight windows are not considered to comprise a negative design feature and it is noted that they will also assist in breaking up the mass of the roof.**

4.6 Clarification is sought for the application site address in terms of the location of 24-26 Strand Street.

**Clarification on this matter was provided to the objector who was advised that reference to 24-26 Strand Street relates to the site address at the Strand Street frontage.**

## **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

5.1 The development plan comprises the Approved Ayrshire Joint Structure Plan (AJSP) (2007) and the Adopted East Ayrshire Local Plan (EALP) (2007). Currently, the local plan is being amended and the Finalised Version with Modifications is considered at Section 6 below as a material consideration.

### Ayrshire Joint Structure Plan

5.2 Policy STRAT2 states that 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 in five ways, one of which is particularly pertinent to this application;

A) providing for integrated and complimentary development within the Core Investment Area and promoting the area as the primary focus for all major development;

***As one of the three Core Investment Area Towns, Kilmarnock is an appropriate location for this significant office development on a prominent site which as detailed in this Section of the report, is a Development Opportunity Site in the Adopted East Ayrshire Local Plan. Its development as proposed will significantly contribute towards the regeneration of Kilmarnock's town centre.***

5.3 Through Policy ECON12, the three Ayrshire Councils shall, in conjunction with other agencies, promote the development of tourism to increase the range, geographic spread and quality of accommodation, facilities, attractions and supporting infrastructure where it contributes to environmental quality, extends the visitor season, provides further job opportunities, supports communities and encourages rural diversity.

***The proposed office development will contribute to the level and range of business facilities offered within Ayrshire and in particular, in East Ayrshire. It is considered that the development will help support the town centre community and will provide job opportunities, whilst at the same time contributing to the quality of the built environment within Kilmarnock through the regeneration and refurbishment of listed buildings and a key vacant site, in addition to benefiting the wider John Finnie Street and Bank Street Outstanding Conservation Area.***

5.4 Policy COMM1, states that the three Ayrshire Councils shall:

A) give priority to proposals that regenerate existing communities including the Coalfield Communities Initiative Area and Kilmarnock Town Centre

***The application site is identified as a key Development Opportunity Site within the Kilmarnock Town Centre Strategy, as detailed in Section 5.6 of this report. The development of this long standing vacant site will contribute significantly to the regeneration of Kilmarnock town centre and the Outstanding Conservation Area in particular.***

5.5 Through COMM6, the three Councils shall promote the vitality and viability of town centres in six ways, one of which is relevant to this proposal:

A) encourage a wide range of retail, commercial, business, entertainment and leisure and residential opportunities;

***Kilmarnock town centre is considered to be an appropriate location for the proposed office development.***

Adopted East Ayrshire Local Plan (EALP) (2003)

5.6 KILMARNOCK6 identifies the current application site as a development opportunity site (165M), where the Council will encourage and support developments for uses as detailed in Schedule 5 of the Local Plan, appropriate to its location in Kilmarnock town centre.

***Under these current applications, it is proposed that the site be developed for office purposes. Schedule 5 of the local plan states that financial and professional office use is an appropriate use for the site however this proposal seeks to utilise the site for a Class 4 office use as defined in the Use Classes Order. Whilst this is not in accordance with Schedule 5 of the local plan, it is noted that this is a priority site for redevelopment which has lain vacant for many years. Class 4 offices will bring significant benefits for the town centre through increased footfall and benefit its vitality and viability. Therefore an exception to Schedule 5 would be appropriate.***

5.7 Policy RTC11 states that where a property falling within the classes of development detailed in Schedule 5 of the Local Plan becomes vacant or where a gap or infill site is available for redevelopment within Town Centres, the Council will encourage and support the re-use of the property or redevelopment of the site for appropriate similar Schedule 5 uses. The re-use of such properties or the redevelopment of the land to an appropriate residential or other alternative use not included within the above-mentioned classes will be acceptable only where:

- (i) it can be demonstrated, to the satisfaction of the Council, that an appropriate use falling within the Classes described in Schedule 5 cannot be found; and
- (ii) the proposed use of the property is sympathetic to the character and amenity of the area concerned.

***This site has been marketed extensively for a variety of uses over many years and most recently for hotel and retail use. It has therefore been satisfactorily demonstrated in accordance with (i) above that an appropriate use falling within Schedule 5 cannot be found.***

***In terms of (ii), the design, scale and materials of this development are entirely appropriate and sympathetic to this location within the John Finnie Street and Bank Street Outstanding Conservation Area and adjacent/nearby listed buildings, as discussed throughout this report.***

***Class 4 use is therefore appropriate under this Policy.***

5.8 Through Policy T3 the Council will require all developers to provide adequate car parking as an integral part of their development proposals to the standards laid down by the Council as Roads Authority. Parking standards for proposals relating to brownfield redevelopment sites within town centre areas, as shown on the Local Plan maps, may be relaxed by the Council where considered appropriate.

***As the location represents a brownfield redevelopment site within a town centre area, this policy allows for the relaxation of car parking standards as discussed more fully in Section 3.2, above within the Roads & Transportation Service's consultation response.***

5.9 Policy IND6 is applicable as the application site is not specifically reserved for business and industry. Criterion (ii) is relevant and requires the applicant to provide information on the availability of alternative land/premises in established industrial areas or on land identified as part of the marketable industrial land supply. If the proposed development is acceptable under criterion (ii) then it must also satisfy criterion (iii) which requires the proposed development not to impact detrimentally upon built heritage resources.

***There are no sites specifically identified for business/industrial uses within Kilmarnock town centre and the business/industrial strategy section in the local plan specifically directs major office development to Kilmarnock. The proposed use is therefore acceptable provided it accords with criterion (iii) and does not impact detrimentally upon built heritage resources. In this respect Policies ENV2 and ENV4 are relevant as outlined in Sections 5.10 and 5.11 of this report and it is noted that the proposed development is considered to be respectful to the established character and design of the surrounding John Finnie Street and Bank Street Outstanding Conservation area and nearby listed buildings.***

5.10 Policy ENV2 states that the Council will actively encourage the retention, restoration, renovation and re-use of listed buildings, unlisted buildings in Conservation Areas and other locally important, especially traditional older properties, throughout the area. There will be a presumption against the demolition or partial demolition of all such properties.

***The proposed development involves the restoration and renovation of the remaining listed façade of the former Opera House, which will return it to active use and help to ensure its survival in perpetuity for future generations. The proposal also involves building behind the façade to form an office building using an innovative and contemporary design which takes influences from adjoining listed buildings and the streetscene.***

***The applicant has submitted a Conservation Statement and Design Statement outlining how the design of this project has been achieved and this further outlines how the facades on both John Finnie Street and Strand Street will relate to the wider Outstanding Conservation Area, adjoining listed buildings and the general streetscene.***

***The proposed development in design terms is considered to be appropriate to its location and it will not adversely affect the setting or character of the surrounding area. The applicant seeks to utilise high quality materials and if Members choose to grant consent, appropriate planning conditions can be incorporated which will ensure that the finer design details and materials are entirely appropriate to this location.***

5.11 As stated in Policy ENV4, the Council will seek to ensure that all development within or affecting the setting of a Conservation Area or affecting the appearance or setting of a listed building, is sympathetic to the area or building concerned in terms of its layout, size, scale, design, siting, materials and colour of finish. Wherever possible, all proposals should seek to preserve, enhance or incorporate features, which contribute positively to the character or appearance of the area and have due regard to the architectural and historic qualities of the area or building concerned.

***The proposal for this scheme will have a major impact on the John Finnie Street and Bank Street Outstanding Conservation Area. It is considered that the proposal is acceptable in terms of scale and design as, although it introduces modern influences, these are muted to the front elevation and respectful to the surrounding building fabric. In this regard the elevation along John Finnie Street is considered to be sympathetic to the existing appearance of the street noting it seeks to retain the existing historic fabric and work with many existing traditional features of the listed building and adjoining listed buildings. It notably seeks to enhance this key part of the Outstanding Conservation Area and indeed the town centre, overall.***

***The elevations on Strand Street involve far greater change to the existing appearance of the streets. A range of materials is proposed***

***which aims to compliment the existing buildings, whilst at the same time being contemporary and promoting a warehouse style of building which is influenced by the nearby Johnnie Walker Warehouse and not a pastiche design. In general, it is considered that the materials will work well as a contrast to the historic stonework of adjoining buildings noting also the prevalence of brick on the rear elevations of nearby buildings that are both listed and within the wider Outstanding Conservation Area. Details of these external finishes would still be subject to the approval of the Planning Authority via relevant conditions should Members choose to grant consent.***

## **ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of this application are the East Ayrshire Local Plan (Finalised Version with Modifications), consultation responses and representations detailed in Sections 3 and 4 of this report, the planning history of the site, the Scottish Historic Environment Policy (SHEP) and the Scottish Planning Policy (SPP) and the Council's Kilmarnock Town Centre Strategy.

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

6.2 As stated in Policy SD4, the Council will direct all new development to those opportunity sites specifically identified as being suitable for the type of development proposed. Any development on sites not identified for the specific purposes envisaged will be assessed on their own merits against the provisions of all appropriate local plan policies.

***The site of the current applications is identified as Development Opportunity Site 165M (Kilmarnock5), on which the Council will encourage and support the development of a hotel and Class 1 retail. The current applications are therefore not in accordance with the site designation. Notwithstanding this however, paragraph 4.8 of Volume 1 of this plan, confirms that; "Class 4 business uses are also considered acceptable uses within Kilmarnock town centre as a whole".***

***Whilst this proposal is not in accordance with this site designation, it is noted that this is a priority site for redevelopment which has lain vacant for many years having an adverse visual impact on the character of the outstanding conservation area and on the town centre as a whole. The wider acceptance of Class 4 uses is however promoted generally within the local plan and Class 4 offices will bring significant benefits for the town centre and increase footfall***

**and benefit the vitality and viability of the town centre. An exception to this designation would therefore be appropriate.**

6.3 Policy RTC3 states that within town centres and elsewhere throughout the area settlements, the Council will positively encourage owners and developers to retain and improve all existing retail facilities and other facilities falling within Schedule 6(i) of the local plan.

Where changes of use of properties in Schedule 6(i) use are proposed or where a property in Schedule 6(i) use becomes vacant, the Council will, in the first instance, encourage and support the re-use or redevelopment of the property for an appropriate alternative Schedule 6(i) use. Schedule 6(i) uses include retail, food & drink and leisure but not Class 4 Business (i.e. office) as is currently proposed.

The Council will also be supportive, in principle, to changes of use from Schedule 6(i) use to alternative Schedule 6(ii) uses or to the redevelopment of gap or infill sites within town centres for Schedule 6(ii) uses but only where it can be conclusively demonstrated by the applicant / developer that:

- (i) the properties or sites concerned have been actively and widely marketed for Schedule 6(i) uses for a period of six months and that no appropriate Schedule 6(i) use for the premises can be found; and
- (ii) the proposed development is sympathetic, in terms of its scale, design and material finish to the character and amenity of the area concerned.

***Class 4 Business is a Schedule 6(ii) use and does not therefore fall within Schedule 6(i). If the criteria stated in this Policy can be satisfied, it would be appropriate to develop this site for Class 4 purposes.***

***This site has been marketed extensively for a variety of uses over many years and most recently for hotel and retail use. It has therefore been satisfactorily demonstrated in accordance with (i) above that an appropriate use falling within Schedule 6(i) cannot be found.***

***In terms of (ii), the design, scale and materials of this development are entirely appropriate and sympathetic to this location within the John Finnie Street and Bank Street Outstanding Conservation Area and adjacent/nearby listed buildings, as discussed throughout this report and the proposed development would therefore be appropriate in terms of this Policy.***

6.4 Through Policy T4, the Council will require all developers to provide appropriate car parking as an integral part of their development proposals to the standards laid down by the Council as Roads Authority and in line with the provisions of the Council's proposed Parking Management Strategy. Parking standards for proposals relating to brownfield redevelopment sites within town centre areas may be relaxed by the Council where considered appropriate. Developer contributions will be directed, as considered appropriate and necessary, towards supplementing and improving the overall supply of public parking areas within town centres.

***This location represents a brownfield redevelopment site within a town centre area and as such, this policy allows for the relaxation of car parking standards, however, this element is discussed more fully in Section 3.2, above within the Roads & Transportation Service's consultation response.***

6.5 Policy ENV4 states that the Council will actively encourage the retention, restoration, renovation and re-use of listed buildings, unlisted buildings in conservation areas and other locally important, especially traditional older properties, throughout the area. Development affecting a listed building or its setting shall preserve the building, or its setting, or any features of special architectural or historic interest which it possesses. The layout, design, materials, scale, siting and use of any development shall be appropriate to the character and appearance of the listed building and its setting.

***The application site includes the B-listed façade at 6 – 14 John Finnie Street. The entire site is within the John Finnie Street and Bank Street Outstanding Conservation Area and forms a Group A Listing. The proposal will result in the re-use and restoration of this historically important building, helping to secure its continued survival and will hopefully act as a catalyst for regeneration encouraging further development which in turn, will further benefit the surrounding area and Kilmarnock.***

***This scheme will have a major positive impact on the Outstanding Conservation Area. It is considered that the proposal is of an acceptable standard in terms of scale and design and introduces a mix of traditional and innovative designs to visually upgrade the building on both street frontages. The elevation along John Finnie Street is considered to be sympathetic to the existing appearance of the street and will enhance this key part of the Conservation Area and indeed the town centre.***

***The rear elevation on Strand Street involve greater changes to the existing appearance of the street, given the large increase to the building height level that is proposed, than at John Finnie Street***

***where the focus is on reuse of the existing facade. A range of materials is proposed which aims to compliment the existing buildings, but are at the same time modern and different to what is there at present. It is considered that the modern materials will work well in contrast to the historic fabric rather than creating a pastiche design.***

6.6 As stated in policy ENV7, development and demolition within a conservation area or affecting its setting shall preserve or enhance its character and be consistent with any relevant conservation area appraisal or management plan that may have been prepared for the area. The Council will seek to ensure that all development within or affecting the setting of a Conservation Area or affecting the appearance or setting of a listed building complies with the Council's appropriate Design Guidance. In particular, the Council will not be supportive of any development that is unsympathetic to the area or building concerned in terms of its layout, size, scale, design, siting, materials and colour of finish. Wherever possible, all proposals should seek to preserve, enhance or incorporate features, which contribute positively to the character or appearance of the area and have due regard to the architectural and historic qualities of the area or building concerned.

***As stated in response to Policy ENV4 above, the proposal comprises of a significant development within the Outstanding Conservation Area. It is only proposed to undertake minimal demolition of fire damaged remnants on the gable walls to facilitate the construction of the new building and noting the façade is the only surviving part of the listed Opera House there are no surviving listed internal features that it is desirable to protect. On the basis of the justification that has been presented in terms of the proposed development and the supporting statements that have been submitted by the applicant, it is considered that the proposal is acceptable for the Conservation Area and will make a significant and positive impact to the overall regeneration of the outstanding conservation area and the wider conservation area.***

6.7 Through ENV9 the Council will actively encourage and demand the highest possible standards of design from applicants in the formulation of their development proposals. All developers will be expected to comply fully with the Council's existing design guidance documents relating to, and advising on, the particular type of development proposed. Developments which do not meet the required design standards detailed in these documents will require to be fully justified and may not be supported by the Council.

***The proposal has been accompanied by a design statement, presenting justification for the proposed design, scale and materials.***

***It is considered that the design is appropriate for the site and its characteristics.***

### The Scottish Historic Environment Policy (SHEP)

6.8 The SHEP has replaced the Memorandum of Guidance previously published by Historic Scotland which was the main source of advice to planning authorities on a range of matters affecting listed buildings and conservation areas. The SHEP advocates that new development in conservation areas which is well designed, respects the character of the area and contributes to its enhancement should be welcomed, with special regard being paid to scale, massing, height, materials as well as vertical or horizontal emphasis. Any proposal which the Planning Authority believes to have an effect on a Conservation Area must be advertised, with consultations with both local and national amenity bodies, in order for the planning authority to have as much informed opinion available to them as possible.

***The applications were advertised in the local press for the statutory time periods and both applications have been the subject of significant consultation with other Council services and outside bodies, in particular the historic amenity bodies. The proposed development is considered to pay particular sensitive regard to the surrounding group of listed buildings and the wider Outstanding Conservation Area on John Finnie Street by retaining the facade and making it an integral part of the John Finnie Street elevation. The proposed new office building behind has been designed around the retention of the façade. Furthermore the roof of the Opera House has been suitably designed to reduce its overall scale to protect John Finnie Street's established character and streetscene. The proposed new build primarily to the rear elevation on Strand Street is more modern in design but adopts traditional influences to reflect the area's traditional character and surroundings.***

### Consultation Responses

6.9 The consultation responses have been addressed in Section 3 of the report and are not considered to raise any issues that would warrant the refusal of these applications. Any issues that have been received can be addressed by appropriately worded conditions and/or advisory notes should Members choose to grant consent. It is of particular significance that Historic Scotland and the Scottish Civic Trust have not objected to the applications and it is also noted that the Council's Roads & Transportation Service have no objections (subject to conditions).

## Representations Received

6.10 Turning to the objections received, the concerns raised relate to, in summary, the impact on an adjoining flatted property, the design onto Strand Street and private legal matters.

***These objections have been detailed and responded to in Section 4 of this report. None of these issues are considered to warrant refusal of the applications.***

## Planning History

6.11 Planning Application No. 02/0939/OL; Proposed Hotel and Retail Development Incorporating Existing Façade at the former Opera House, 6-14 John Finnie Street, Kilmarnock which was approved with conditions on 21 March 2003.

***The timeframe for the implementation of this application has now expired.***

6.12 Planning Application No. 08/0694/FL and Listed Building Application No 08/0706/LB for the Proposed Façade Retention And Erection Of Retail Centre Behind With Food And Drink Complex, Change Of Use To Hotel And Public House And Associated Extensions And Alterations and Demolition Of Listed Building At 3 Dunlop Street And Façade Retention And Partial Demolition Of Unlisted Building At 14 Strand Street At: 6 To 14 John Finnie St/30 To 38 John Finnie St/1 To 3 Dunlop St/12 To 14 Strand Street Kilmarnock By Klin Holdings Ltd, were approved subject to conditions by the Northern Local Planning Committee on 6 March 2009.

***These applications related to a larger application site and involved the demolition of unlisted buildings in the outstanding conservation area. This current scheme relates only to the former Opera House site and the listed façade. This larger scheme incorporated a modern design solution which picked out traditional design features to provide a solution that did not detract from the listed and conservation area building fabric and setting.***

## Scottish Planning Policy (SPP)

6.13 The SPP provides a statement on Scottish Government policy on nationally important land use planning matters. The SPP states that town centres should be centres for employment and services of local communities and the focus for a mix of uses including businesses. The SPP continues to state that in terms of our historic environment, planning authorities should support the

best viable use that is compatible with the fabric, setting and character of the historic environment and it also reinforces the importance of the SHEP. In respect of traffic matters and as detailed in the response in Section 3.3 above, the SPP advocates that new developments should be accessible by public transport in preference to reliance on the private car journey. The SPP encourages redevelopment that supports economic growth and regeneration, reduces the need to travel, and promotes reliance on public transport.

***These applications seek to develop a long term vacant site in an acceptable manner in design and layout terms for a business use which will attract workers into the town centre to enhance the vitality of the town centre. This is turn will hopefully encourage other businesses to locate in the town centre thereby creating a healthy and vibrant town centre. The traffic implications are acceptable to the Council's Roads and Transportation Service and in terms of the historic environment, the proposed development is sympathetic to the established character and setting of the adjacent listed buildings and to the wider John Finnie Street and Bank Street Outstanding Conservation Area.***

#### Kilmarnock Town Centre Strategy

6.14 The regeneration of our town centres is a key priority for East Ayrshire Council. The Council aims to create vibrant and thriving town centres, which offer a strong retail base, a range of services, an attractive physical environment and are accessible to all. Kilmarnock's Town Centre Strategy was approved by the Council in December 2005 and is a material consideration. One of the aims of the strategy was to encourage people to work in the town centre as this can make a valuable contribution to the vitality, viability and character of the town centre by supporting the local economy.

***This proposal aims to form quality modern office accommodation centrally within the town centre and close to the public transport nodes comprising the bus and railway stations which will bring more workers into the town centre to use the range of facilities on offer which will benefit the local economy.***

***The proposed development is therefore in accordance with the overall aims of the strategy and specifically with the aim to improve the overall health and vibrancy of the town centre.***

## 7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are financial and legal implications for the Council in the determination of the planning application in the sense that the Council has an interest in the property.

7.2 The Town and Country Planning (Notification of Applications) (Scotland) Direction 2007 is relevant and Planning Authorities are required to notify Scottish Government on planning applications where the Council is the owner of or has an interest in, the land and the proposal is significantly contrary to the development plan.

***In this instance, the proposal is generally in accordance with the Development Plan and, is not therefore considered to be a significant departure. There is no requirement to refer the application to the Scottish Ministers.***

7.3 Prior to any decision being released for the listed building application, it requires to be notified to Historic Scotland under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it is a B listed building and is part of wider A group listing.

## 8. CONCLUSIONS

8.1 The restoration of the façade of the Opera House, and the new build behind this, will result in a highly prominent gap site being re-developed with a positive contribution made to an important Group of listed buildings. This would be a considerable benefit as a catalyst to the regeneration of the wider Outstanding Conservation Area and also to Kilmarnock's town centre bringing economic benefit. It is considered that the design of the new build element behind the listed facade is bold and modern, but that the use of the proposed external materials should not have an adverse impact on the setting of the Conservation Area, if used sensitively. Should Members choose to grant consent, conditions would still allow a level of control over the proposed scheme. The use of the new building for offices can be justified against the Development Plan noting the marketing exercises previously undertaken and the benefit of bringing more works into the town centre to increase the vitality and viability of the town centre.

8.2 Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the applications should be approved unless material considerations indicate otherwise. As indicated in Section 5 of the report the applications are largely in accordance with the development plan and would result in the re-use of currently vacant property on John Finnie Street and on Strand Street.

8.3 The proposal comprises a large development within the Outstanding Conservation Area. Noting the prominence of the listed façade on John Finnie Street and the length of time this site has lain vacant and derelict, it is essential that the development is carried out sensitively and to a high design standard. The proposal is considered to be in accordance with the environmental policies of the Adopted Local Plan and Alteration to the Local Plan. Further approval from the Planning Authority can be required in respect of a range of detailed matters, such as the retention of appropriate historic fabric and the introduction of new materials, via the imposition of planning conditions should Members choose to grant consent.

8.4 There are material considerations relevant to the applications as indicated in Section 6 of the report and the consultation responses are generally supportive of the proposal. The concerns of the objector relate to the impact on windows of an adjacent flatted property, the proposed design, and private legal matters. Whilst noted, these concerns are not of such significance that would warrant the refusal of this development and in terms of external materials the use of conditions, which could be attached to any consent granted by Members, would ensure that an appropriate range of materials are utilised, as well as ensuring the integration of the development into the listed façade. The proposal concerns a highly visible and prominent site in the town centre. The development provides a bold and positive solution which takes account of adjacent listed buildings and the overall setting of the John Finnie Street and Bank Street Outstanding Conservation Area. The proposal will result in the re-use and refurbishment of a derelict site whilst integrating it with the townscape and skyline. The development will transform a highly visible gap site, offer modern office accommodation currently not being provided in the area, and overall will bring a wide range of economic and social benefits to Kilmarnock and the surrounding area.

## **9. RECOMMENDATION**

**9.1 It is recommended that the planning application ref no. 10/0233/PP should be approved subject to the conditions indicated on the attached sheet.**

**9.2 It is recommended that the listed building application ref no. 10/0234/LB should be approved subject to the conditions on the attached sheet and that prior to any consent being issued the application should be referred to Historic Scotland under the Listed Buildings and Conservation Areas (Scotland) Act 1997.**

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, the application would not require to be referred to the Council as this would not constitute a significant breach of policy.

**Alan Neish**  
**Head of Planning & Economic Development**

15 June 2010  
FF/RH

FV/DVM

### **List of Background Papers**

1. Application form, plans and statutory notices/certificates
2. Public Advertisements
3. Statutory Consultations
4. Approved Ayrshire Joint Structure Plan
5. Adopted East Ayrshire Local Plan
6. Planning Application: 05/0429/FL
7. Planning Application: 08/0694/FL
8. Listed Building Application: 08/0706/LB
9. East Ayrshire Local Plan (Finalised Version) with Modifications
10. Scottish Planning Policy
11. Scottish Historic Environment Policy
12. Kilmarnock Town Centre Strategy

Anyone wishing to inspect the above papers should contact Fiona Finlay on 01563 576798.

***Implementation Officer: Dave Morris***

**EAST AYRSHIRE COUNCIL****TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997**

Application No: 10/0233/PP

Site of Proposal: 6 To 14 John Finnie St and 24-26 Strand Street, Kilmarnock

Nature of Proposal: Proposed Redevelopment Behind Retained Façade For The Erection Of Office Accommodation And Removal Of Fire Damaged Remnants And Associated Alterations

Name & Address of Applicant: Klin Holdings Ltd  
The Andrew Barclay Railway Centre  
West Langlands Street  
Kilmarnock  
KA1 2PY

Name & Address of Agent: Smith Design Associates  
16 Lynedoch Crescent  
Glasgow  
G3 6EQ

Officer's Ref: Fiona Finlay  
01563 576798

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

1. The proposed development shall be carried out in accordance with the application form and the submitted plans as amended as follows:-

G2251	E03	"Existing Elevations"
G2251	PO9	"Proposed John Finnie Street Elevation"
G2251	PO8	"Proposed Street Elevations"
G2251	P13	"Section BB"

G2251	P12	"Typical Window Detail"
G2251	P11	"Party Wall Elevation"
G2251	P06	"Level 6, roof plan"
G2251	P10	"Proposed Strand Street Elevation"
G2251	E01	"Location & Block Plan"
G2251	PO5 Rev A	"Level 5"
G2251	PO4 Rev A	"Level 4"
G2251	PO3 Rev A	"Level 3"
G2251	PO2 Rev A	"Level 2"
G2251	PO1	"Level 1"
G2251	PO7	"Section AA"

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

2. Notwithstanding the approved plans for the overall development and prior to any work commencing on site, details of a phasing scheme shall be submitted to and approved in writing by the Planning Authority. The development thereafter shall be undertaken in accordance with the phasing scheme as approved.

REASON: To ensure the proper planning of the development.

3. Notwithstanding Condition No. 5(vii) a drawing of the proposed roof of the Opera House at 6-14 John Finnie Street, including details of the roof design, height, fenestration, glazing bars and astragals, and profiling, of no less than scale 1:20 and including sections through the roof, shall be submitted to and approved in writing by the Planning Authority prior to the commencement of works on site. The development shall be implemented in accordance with the details as approved.

REASON: To safeguard the character of the listed building and to protect against any adverse impact on the adjacent group of listed buildings within the street block.

4. Notwithstanding the approved plans, a Method Statement indicating the type and extent of stone-works necessary (including stonecleaning and stone repairs) and specific details of the treatment proposed for the Opera House façade at 6-14 John Finnie Street shall be submitted to and approved in writing by the Planning Authority prior to the works commencing on site. All work shall thereafter be undertaken in accordance with the approved details.

REASON: To safeguard the character of the listed building.

5. Notwithstanding the approved drawings and prior to any works commencing on site, plans to a minimum scale of 1:50 shall be submitted to and

approved in writing by the Planning Authority, showing the following details and design features:

- (i) the interface between a change of materials;
- (ii) the interface between new build and any listed building adjacent;
- (iii) the details of the roof on the new build Strand Street elevation;
- (iv) the details between window and door frames and window and door surrounds;
- (v) details of all balustrades, roof terraces and boundary treatments including samples of external materials;
- (vi) the fenestration distribution, design and arrangements of all new build elevations;
- (vii) details and material samples of the proposed mullions on the ground floor of the façade of 6-14 John Finnie Street;
- (viii) a roof layout plan; and,
- (ix) detailed proposed floor sections through 6-14 John Finnie Street.

REASON: To enable the Planning Authority to consider these elements in detail.

6. Any proposed indents to the façade of the Opera House at 6-14 John Finnie Street, shall be the subject of a detailed laboratory petrographic analysis to ensure a close geomorphologic match is employed in any stonework repairs. Full details shall be submitted to and approved in writing by the Planning Authority prior to these works commencing on site.

REASON: To safeguard the character of the listed building and to ensure the most appropriate stone is used in safeguarding the existing historic masonry.

7. Notwithstanding the approved plans and prior to any works commencing on site, a detailed Transport Statement shall be submitted to and approved in writing by the Planning Authority. This Transport Statement shall provide finalised information, proposals and details for:-

- (i) Parking – covering the impact of this development on the town centre car parks and on-street parking and the provision for disabled parking;
- (ii) Servicing – details of proposed servicing arrangements including any amendments required to existing Traffic regulation Orders; and
- (iii) A detailed Green Travel Plan including details of how it is intended to implement the identified provisions for green travel once the office accommodation has been brought into use and throughout its operational life;

Any measures identified as being required as a result of this Condition shall be implemented at the developer's expense prior to any part of the development being occupied.

REASON: In order to ensure that appropriate measures are in place to secure the optimum operation of the office accommodation relative to its access and transport related requirements.

8. Notwithstanding the plans hereby approved, full details of the servicing arrangements shall be submitted to and approved in writing by the Planning Authority prior to any work commencing on site and shall thereafter be implemented as approved prior to any part of the development being occupied.

REASON: To ensure adequate servicing of the property.

9. Details and samples of all external materials including the distribution of external materials on the external elevations of all buildings shall be submitted to and approved in writing by the Planning Authority in respect of type, colour and texture. All materials shall be used on site as approved and maintained thereafter.

REASON: To protect against any adverse visual impact on the adjacent listed buildings and in the interests of protecting the wider visual amenity and character of the surrounding John Finnie Street and Bank Street Outstanding Conservation Area.

10. All new and replacement external rainwater pipework for the Opera House façade at 6-14 John Finnie Street shall be constructed in cast iron and given a painted finish to be submitted to and approved in writing by the Planning Authority and thereafter implemented on site as approved under the terms of this Condition.

REASON: To safeguard the character of these listed buildings.

11. Notwithstanding Condition No. 10 above, all gutters and downpipes on buildings shall be painted in a colour to be agreed in writing with the Planning Authority prior to the commencement of any works on site.

REASON: To safeguard the character of these listed buildings, and to ensure such works do not detract from the surrounding John Finnie Street and Bank Street (Outstanding) Conservation Area.

12. All external colours to be used on the development shall be agreed in writing with the Planning Authority prior to the commencement of any works on site.

REASON: To safeguard the character of the listed buildings.

13. Details of any floodlighting installation, including the type, dimensions, locations and colour of fittings, cable routes and associated electrical equipment

shall be submitted to the Planning Authority for written approval. Thereafter all of the aforementioned shall be installed as approved.

REASON: To safeguard the character of the listed buildings on site and the amenity of the surrounding area.

14. No internal partitions shall be erected which will affect existing window openings.

REASON: To safeguard the character of the listed buildings.

15. Notwithstanding the approved plans, details of the design and materials of all external doors shall be submitted to and approved in writing by the Planning Authority. All doors shall thereafter be installed as approved.

REASON: To safeguard the character of the listed buildings.

16. Notwithstanding the approved plans, further details of the design, materials, colours, roller shutters and housing and glazing samples of all shopfronts to be installed shall be submitted to and approved in writing by the Planning Authority and shall thereafter be implemented as approved prior to the use being commenced.

REASON: To safeguard the character of the listing of this property and in the interests of protecting the wider visual amenity and character of the surrounding John Finnie Street and Bank Street Outstanding Conservation Area.

17. Details of any proposed external security features shall be submitted to and approved in writing by the Planning Authority in respect of design, colour and location prior to any work commencing on site.

REASON: To safeguard the character of the group listing of this block of properties.

18. Details of the refuse storage (including provision for re-cycling), to be associated with the premises shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any works on site. The approved scheme shall be implemented prior to the use being commenced and maintained thereafter.

REASON: In the interests of the amenity of the site and of the surrounding area and to ensure that management of commercial waste is adequately controlled.

19. Noisy work during construction shall be restricted to 7am-7pm Monday to Friday; 8am-1pm on a Saturday and there shall be no noisy work on a Sunday.

Noise arising from the works should not cause the underlying background noise level to rise by more than 3 dB;

REASON: In order to protect the properties themselves and to protect the amenity of the surrounding area.

20. All drainage shall be completed to the satisfaction of SEPA and/or Scottish Water.

REASON: In order to provide a satisfactory drainage system for the property itself and to ensure drainage infrastructure is properly maintained.

21. All waste arising from construction works shall be disposed of to the satisfaction of the Waste Management Authority and otherwise than by burning.

REASON: To protect the amenity of the surrounding area.

22. If any suspected contamination is discovered, the Council shall be informed accordingly along with any required remedial measures formulated to address the risk of exposure to key receptors and subsequent confirmation of completion of works.

REASON: To protect the amenity of the surrounding area.

23. The developer shall notify the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) of their intention to carry out the works and shall thereafter allow RCAHMS reasonable access to record the listed facade for at least three months following the grant of consent and giving notice to the Commission, during which time demolition may not be undertaken unless RCAHMS has indicated in writing that its record has been completed or that they do not wish to record it.

REASON: In order to ensure compliance with the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

24. Prior to the commencement of any works on site and notwithstanding the approved plans, details all proposed new windows including materials, specifications for the thickness of horizontal glazing bars, the method of opening and hinge-points and the colour of all window frames, shall be submitted to and approved in writing by the Planning Authority in consultation with Historic Scotland. In this regard, the submitted details of the proposed windows shall also include the provision of a sample window to be installed on site confirming the agreed method of opening and frame dimensions and shall provide clarification of how the window operates relative to any proposed internal safety rail. The above windows shall thereafter be provided as agreed by the Planning Authority.

REASON: In order to ensure that the design, finish and method of opening of all proposed windows are appropriate to the age and character of the listed building and are in-keeping with the proportions of the existing windows scheduled for replacement.

25. Notwithstanding the terms of Condition No. 24 above, all windows shall be timber framed on the John Finnie Street elevation. Prior to any work commencing on site, details of the materials for all windows on the Strand Street elevation are not approved and shall be submitted to and approved in writing by the Planning Authority under the terms of Condition 24 above.

REASON: In the interests of the visual and general amenity of the Outstanding Conservation Area and in order to protect the character of the listed buildings.

26. All pipe work and ventilation outlets shall be erected to the interiors or inner elevations of the listed building and shall not be visible from the elevations facing onto John Finnie Street and Strand Street.

REASON: In the interests of the visual and general amenity of the area and in order to protect the character of the listed buildings.

27. Notwithstanding the approved plans, details of the proposed rooflight windows on the John Finnie Street elevation are not hereby approved. Prior to any work commencing on site, details of the design, specification and how these windows will be fitted flush into the plane of the roof, shall be submitted to and approved in writing by the Planning Authority. The rooflight windows shall be installed on site as approved and shall be maintained thereafter.

REASON: In the interests of the visual and general amenity of the Outstanding Conservation Area and in order to protect the character of the listed buildings.

28. Notwithstanding the approved plans, details of the proposed plant equipment to be located on the roof of the proposed development shall be submitted to and approved in writing by the Planning Authority. All equipment shall be installed as approved and shall be maintained thereafter unless with the prior written approval of the Planning Authority.

REASON: In the interests of the visual and general amenity of the Outstanding Conservation Area and in order to protect the character of the listed buildings.

29. Notwithstanding the approved plans, details of the design and layout for barrier free access to the pedestrian entrances to the proposed development from John Finnie Street and Strand Street shall be submitted to and approved in writing by the Planning Authority. The agreed access details approved under the terms of this Condition shall be formed on site prior to the building being brought into use and shall be maintained thereafter.

REASON: In order to ensure barrier free access to this building.

30. Prior to any work commencing on site and further to the terms of Condition No. 7 above, details of the design and location of cycle stands shall be submitted to and approved in writing by the Planning Authority. The approved cycle stands shall thereafter be provided prior to the office accommodation being brought into use and shall be maintained thereafter.

REASON: In order to promote environmentally sound modes of transport to the proposed development.

31 – Notwithstanding Condition No. 5 above, prior to any works commencing on site, details at a scale no less than 1:20 shall be submitted to and approved in writing by the Planning Authority showing the interface of the front façade of 6-14 John Finnie Street and the new upper floors and roof extension to clarify how this will be constructed and how the existing facade and new extension will join together.

REASON: In the interests of the architectural character of this listed building.

#### Notes to Applicant

1. The applicants should contact Scottish Water in respect of the discharge of foul drainage from the site to the public sewerage system. The applicant is advised to contact Scottish Water with regard connection to their infrastructure, on 0845 601 8855.

2. The applicant is advised to make early contact with Scottish Power on 0845 2727 999, to discuss whether Scottish Power apparatus might be affected by the development.

3. The applicants should note the presence of a Low/Medium/Intermediate Pressure gas mains in the vicinity of the proposal development, and should make early contact with Scottish Gas Networks on 0141 418 4093 quoting reference SC/23.09.08/MS075/1/91394.

4. The applicant is recommended to make early contact with the Council's Roads and Transportation Service on 01563 576310 or at Greenholm Street Kilmarnock, to ensure early discussion on amendments or Traffic Regulation Orders required for the service arrangements. The Roads Service has advised that the applicants will require to meet the costs of these Traffic Regulation Orders and any other work that may be required with respect to the service bays etc.

5. Discharge of surface water to the water environment should be in accordance with the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 as amended.
6. Surface water from the site should be treated in accordance with the principles of the Sustainable Urban Drainage System (SUDS) Manual, published by CIRIA in March 2007.
7. The developers of the site should ensure that during the development phase, adequate and continuing measures are taken to ensure that roads and footways adjoining the site are free from any deleterious material from the site.

#### REASON FOR THIS DECISION

The application is considered to be appropriate in terms of the Development Plan albeit not in full accordance with the Development Opportunity Site Designation. There are relevant material considerations and these are supportive of the development. None of the material considerations indicate that consent should be refused.

**EAST AYRSHIRE COUNCIL**

**TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997**

Application No: 10/0234/LB

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Site of Proposal: 6 To 14 John Finnie St and 24-26 Strand Street  
Kilmarnock

Nature of Proposal: Proposed Redevelopment Behind Retained  
Façade For The Erection Of Office  
Accommodation And Removal Of Fire  
Damaged Remnants And Associated  
Alterations

Name & Address of Applicant: Klin Holdings Ltd  
The Andrew Barclay Railway Centre  
West Langlands Street  
Kilmarnock  
KA1 2PY

Name & Address of Agent: Smith Design Associates  
16 Lynedoch Crescent  
Glasgow  
G3 6EQ

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Officer's Ref: Fiona Finlay  
01563 576798

Subject to Notification to Scottish Ministers (Historic Scotland) prior to the  
consent being released.

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

1. The proposed development shall be carried out in accordance with the  
application form and the submitted plans as amended as follows:-

G2251	E03	“Existing Elevations”
G2251	PO9	“Proposed John Finnie Street Elevation”
G2251	PO8	“Proposed Street Elevations”
G2251	P13	“Section BB”
G2251	P12	“Typical Window Detail”
G2251	P11	“Party Wall Elevation”
G2251	P06	“Level 6, roof plan
G2251	P10	“Proposed Strand Street Elevation”
G2251	E01	“Location & Block Plan”
G2251	PO5 Rev A	“Level 5”
G2251	PO4 Rev A	“Level 4”
G2251	PO3 Rev A	“Level 3”
G2251	PO2 Rev A	“Level 2”
G2251	PO1	“Level 1”
G2251	PO7	“Section AA”

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

2. Notwithstanding the approved plans for the overall development and prior to any work commencing on site, details of a phasing scheme shall be submitted to and approved in writing by the Planning Authority. The development thereafter shall be undertaken in accordance with the phasing scheme as approved.

REASON: To ensure the proper planning of the development.

3. Notwithstanding Condition No. 5(vii) a drawing of the proposed roof of the Opera House at 6-14 John Finnie Street, including details of the roof design, height, fenestration, glazing bars and astragals, and profiling, of no less than scale 1:20 and including sections through the roof, shall be submitted to and approved in writing by the Planning Authority prior to the commencement of works on site. The development shall be implemented in accordance with the details as approved.

REASON: To safeguard the character of the listed building and to protect against any adverse impact on the adjacent group of listed buildings within the street block.

4. Notwithstanding the approved plans, a Method Statement indicating the type and extent of stone-works necessary (including stonecleaning and stone repairs) and specific details of the treatment proposed for the Opera House façade at 6-14 John Finnie Street shall be submitted to and approved in writing by the Planning Authority prior to the works commencing on site. All work shall thereafter be undertaken in accordance with the approved details.

REASON: To safeguard the character of the listed building.

5. Notwithstanding the approved drawings and prior to any works commencing on site, plans to a minimum scale of 1:50 shall be submitted to and approved in writing by the Planning Authority, showing the following details and design features:

- (i) the interface between a change of materials;
- (ii) the interface between new build and any listed building adjacent;
- (iii) the details of the roof on the new build Strand Street elevation;
- (iv) the details between window and door frames and window and door surrounds;
- (v) details of all balustrades, roof terraces and boundary treatments including samples of external materials;
- (x) the fenestration distribution, design and arrangements of all new build elevations;
- (xi) details and material samples of the proposed mullions on the ground floor of the façade of 6-14 John Finnie Street;
- (xii) a roof layout plan; and,
- (xiii) detailed proposed floor sections through 6-14 John Finnie Street.

REASON: To enable the Planning Authority to consider these elements in detail.

6. Any proposed indents to the façade of the Opera House at 6-14 John Finnie Street, shall be the subject of a detailed laboratory petrographic analysis to ensure a close geomorphologic match is employed in any stonework repairs. Full details shall be submitted to and approved in writing by the Planning Authority prior to these works commencing on site.

REASON: To safeguard the character of the listed building and to ensure the most appropriate stone is used in safeguarding the existing historic masonry.

7. Details and samples of all external materials including the distribution of external materials on the external elevations of all buildings shall be submitted to and approved in writing by the Planning Authority in respect of type, colour and texture. All materials shall be used on site as approved and maintained thereafter.

REASON: To protect against any adverse visual impact on the adjacent listed buildings and in the interests of protecting the wider visual amenity and character of the surrounding John Finnie Street and Bank Street Outstanding Conservation Area.

8. All new and replacement external rainwater pipework for the Opera House façade at 6-14 John Finnie Street shall be constructed in cast iron and given a painted finish to be submitted to and approved in writing by the Planning

Authority and thereafter implemented on site as approved under the terms of this Condition.

REASON: To safeguard the character of these listed buildings.

9. Notwithstanding Condition No. 8 above, all gutters and downpipes on buildings shall be painted in a colour to be agreed in writing with the Planning Authority prior to the commencement of any works on site.

REASON: To safeguard the character of these listed buildings, and to ensure such works do not detract from the surrounding John Finnie Street and Bank Street (Outstanding) Conservation Area.

10. All external colours to be used on the development shall be agreed in writing with the Planning Authority prior to the commencement of any works on site.

REASON: To safeguard the character of the listed buildings.

11. Details of any floodlighting installation, including the type, dimensions, locations and colour of fittings, cable routes and associated electrical equipment shall be submitted to the Planning Authority for written approval. Thereafter all of the aforementioned shall be installed as approved.

REASON: To safeguard the character of the listed buildings on site and the amenity of the surrounding area.

12. No internal partitions shall be erected which will affect existing window openings.

REASON: To safeguard the character of the listed buildings.

13. Notwithstanding the approved plans, details of the design and materials of all external doors shall be submitted to and approved in writing by the Planning Authority. All doors shall thereafter be installed as approved.

REASON: To safeguard the character of the listed buildings.

14. Notwithstanding the approved plans, further details of the design, materials, colours, roller shutters and housing and glazing samples of all shopfronts to be installed shall be submitted to and approved in writing by the Planning Authority and shall thereafter be implemented as approved prior to the use being commenced.

REASON: To safeguard the character of the listing of this property and in the interests of protecting the wider visual amenity and character of the surrounding John Finnie Street and Bank Street Outstanding Conservation Area.

15. Details of any proposed external security features shall be submitted to and approved in writing by the Planning Authority in respect of design, colour and location prior to any work commencing on site.

REASON: To safeguard the character of the group listing of this block of properties.

16. The developer shall notify the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) of their intention to carry out the works and shall thereafter allow RCAHMS reasonable access to record the listed facade for at least three months following the grant of consent and giving notice to the Commission, during which time demolition may not be undertaken unless RCAHMS has indicated in writing that its record has been completed or that they do not wish to record it.

REASON: In order to ensure compliance with the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

17. Prior to the commencement of any works on site and notwithstanding the approved plans, details all proposed new windows including materials, specifications for the thickness of horizontal glazing bars, the method of opening and hinge-points and the colour of all window frames, shall be submitted to and approved in writing by the Planning Authority in consultation with Historic Scotland. In this regard, the submitted details of the proposed windows shall also include the provision of a sample window to be installed on site confirming the agreed method of opening and frame dimensions and shall provide clarification of how the window operates relative to any proposed internal safety rail. The above windows shall thereafter be provided as agreed by the Planning Authority.

REASON: In order to ensure that the design, finish and method of opening of all proposed windows are appropriate to the age and character of the listed building and are in-keeping with the proportions of the existing windows scheduled for replacement.

18. Notwithstanding the terms of Condition No. 17 above, all windows shall be timber framed on the John Finnie Street elevation. Prior to any work commencing on site, details of the materials for all windows on the Strand Street elevation are not approved and shall be submitted to and approved in writing by the Planning Authority under the terms of Condition 17 above.

REASON: In the interests of the visual and general amenity of the Outstanding Conservation Area and in order to protect the character of the listed buildings.

19. All pipe work and ventilation outlets shall be erected to the interiors or inner elevations of the listed building and shall not be visible from the elevations facing onto John Finnie Street and Strand Street.

REASON: In the interests of the visual and general amenity of the area and in order to protect the character of the listed buildings.

20. Notwithstanding the approved plans, details of the proposed rooflight windows on the John Finnie Street elevation are not hereby approved. Prior to any work commencing on site, details of the design, specification and how these windows will be fitted flush into the plane of the roof, shall be submitted to and approved in writing by the Planning Authority. The rooflight windows shall be installed on site as approved and shall be maintained thereafter.

REASON: In the interests of the visual and general amenity of the Outstanding Conservation Area and in order to protect the character of the listed buildings.

21. Notwithstanding the approved plans, details of the proposed plant equipment to be located on the roof of the proposed development shall be submitted to and approved in writing by the Planning Authority. All equipment shall be installed as approved and shall be maintained thereafter unless with the prior written approval of the Planning Authority.

REASON: In the interests of the visual and general amenity of the Outstanding Conservation Area and in order to protect the character of the listed buildings.

22. Notwithstanding the approved plans, details of the design and layout for barrier free access to the pedestrian entrances to the proposed development from John Finnie Street and Strand Street shall be submitted to and approved in writing by the Planning Authority. The agreed access details approved under the terms of this Condition shall be formed on site prior to the building being brought into use and shall be maintained thereafter.

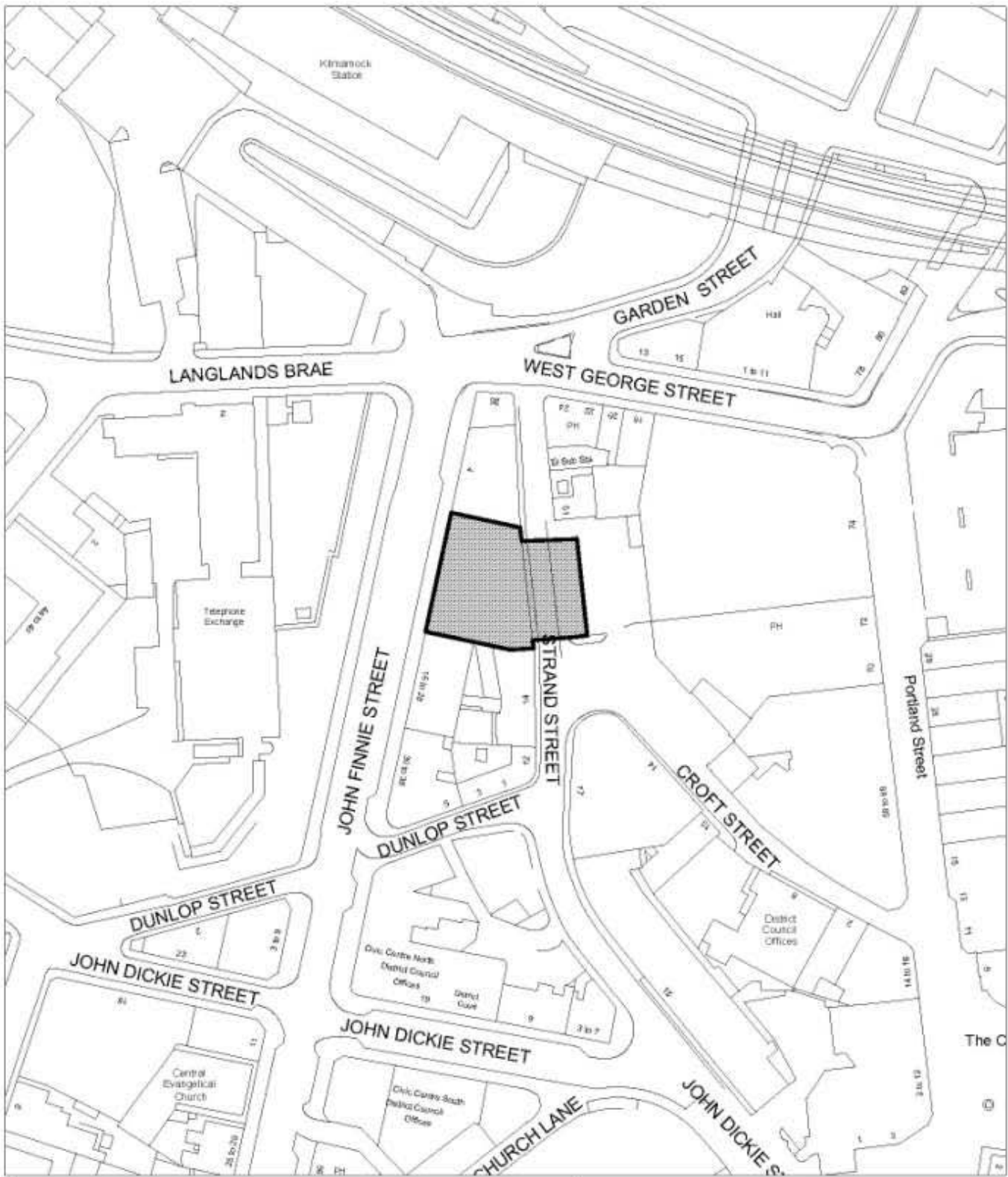
REASON: In order to ensure barrier free access to this building.

23. Notwithstanding Condition No. 5 above, prior to any works commencing on site, details at a scale no less than 1:20 shall be submitted to and approved in writing by the Planning Authority showing the interface of the front façade of 6-14 John Finnie Street and the new upper floors and roof extension to clarify how this will be constructed and how the existing facade and new extension will join together.

REASON: In the interests of the architectural character of this listed building.

## REASON FOR THIS DECISION

The application is considered to be appropriate in terms of the Development Plan and there are relevant material considerations which are supportive of the development. None of the material considerations indicate that consent should be refused.




Title/Location     **John Finnie Street & Strand Street**  
**Kilmarnock**  
**Application No. 10/0233/PP & 10/0234/LB**

**East Ayrshire Council**  
 Department of Neighbourhood Services  
 Planning & Economic Development Service  
 6 Croft Street  
 Kilmarnock KA1 1JB  
 Tel: (01563) 576790     Fax: (01563) 576774  
 E-Mail : [Planning@east-ayrshire.gov.uk](mailto:Planning@east-ayrshire.gov.uk)  
 Com Date: 24/06/2010



Key



**Application Site**

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