

## **EAST AYRSHIRE COUNCIL**

**NORTHERN LOCAL PLANNING COMMITTEE: 5 MARCH 2010**

**10/0048/PP: ENVIRONMENTAL IMPROVEMENTS INCLUDING RE-SURFACING, LITTER BINS AND LANDSCAPING AT STRAND STREET KILMARNOCK;**

**10/0049/PP: ENVIRONMENTAL IMPROVEMENTS INCLUDING RE-SURFACING, NEW BOLLARDS, DIRECTIONAL SIGNAGE AND HANDRAILS AT JOHN FINNIE STREET, KILMARNOCK;**

**10/0055/PP: ENVIRONMENTAL IMPROVEMENTS INCLUDING RE-SURFACING, TRAFFIC CALMING AND REPAIR WORKS TO SANDSTONE WALL AT NELSON STREET AND ST MARNOCK PLACE KILMARNOCK; and**

**10/0056/PP: ENVIRONMENTAL IMPROVEMENTS INCLUDING RAILINGS AT SANDBED STREET, KILMARNOCK BY EAST AYRSHIRE COUNCIL**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 Under the application for [i] the Strand Street area, it is proposed to renovate the bollards and railings at the steps at the northern end of the Strand as it joins West George Street. The steps themselves are proposed to be finished in granite, with gateway engraving: 'Strand', similar to that in other areas throughout the town centre. The roadway section from these steps to the end of the car park bays on Strand will be finished in granite setts, similar to that in the vicinity. The footpath on the western edge along the building line will be surfaced in red granite with the grey granite cubes, similar to other footway treatments in the area. Footway improvements are also proposed around the western edge of the bonded warehouse and on the other side of Strand from the corner of John Dickie to Dunlop Street. Within this overall area, new lighting is also proposed commensurate with that already existing throughout the John Finnie and Bank Street Conservation Area.

1.2 Within [ii] the Kilmarnock Railway Station area, the proposal includes resurfacing tarmac area with granite cubes replacing outdated street furniture with more in-keeping items, such as railings, signposts, litter bins and signage which will match that of the John Finnie and Bank Street Conservation Area. Within this overall area, new lighting is also proposed.

1.3 With regard to [iii] Nelson Street and St Marnock Place, it is proposed to undertake improvements to the road and footway from the John Finnie Street junction, along the length of Nelson Street to the footbridge across the Kilmarnock Water. It is also proposed to repaint the footbridge and floodlight it, and include a traffic calming surface on the other side of the bridge at Sandbed Street.

1.4 Under [iv] the application for Sandbed Street, the proposed works include removing graffiti from all building facades along Sandbed Street; replacement of the railing along the banks of the wall of the Kilmarnock Water; and repair the wall as necessary.

## **2. RECOMMENDATION**

**2.1 It is recommended that these four applications for planning permission should be approved subject to the conditions indicated on the attached sheets.**

## **3. CONCLUSIONS**

3.1 As indicated in Section 5 of the report the applications are in accordance with the Development Plan. The repair and restoration of walls and bridges in the vicinity will not only ensure the longevity of these structures within the Conservation Area, but also result in the public realm being re-developed with a positive contribution to adjacent listed buildings and to the Outstanding Conservation Area as a whole. The works have other regeneration implications for Kilmarnock and East Ayrshire noting that the visual improvements will facilitate a welcoming feature for visitors and residents in these central locations. 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.

3.2 There are no material considerations relevant to the applications as indicated in Section 6 of the report which would suggest that they should be refused and the consultation responses are supportive of the proposals. The proposed works utilise external finishes which respect the traditional character and architectural features of Kilmarnock's town centre and the John Finnie Street and Bank Street Outstanding Conservation Area, noting that they are also in keeping with the existing street furniture and streetscape works that have previously been undertaken.

## **CONTRARY DECISION NOTE**

Should the Committee agree that the applications be refused contrary to the recommendation of the Head of Planning and Economic Development, and on the grounds of the principle of environmental improvements the applications would require to be referred to the full Council consistent with the Scheme of Delegation because that would be a significant departure from 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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**10/0056/PP: ENVIRONMENTAL IMPROVEMENTS INCLUDING RAILINGS AT SANDBED STREET, KILMARNOCK**

**BY EAST AYRSHIRE COUNCIL**

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

**1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present for determination, four applications for planning consent, which are to be considered by the Northern Local Planning Committee under the scheme of delegation as this Council is the applicant.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The four sites are at various locations within Kilmarnock town centre; [i] in the Strand Street area, where it is proposed to implement works to the area from the corner of John Dickie Street northwards along the Strand and also returning eastwards down Croft Street taking in most of the curtilage of the bonded warehouse on the corner; [ii] the area around the curtilage of Kilmarnock Railway Station on Langland's Brae, Garden Street, and extending down West George Street to the Viaduct; [iii] Nelson Street from John Dickie Street to the Kilmarnock Water, and across the footbridge to Sandbed Street; and [iv] Sandbed Street from the footbridge to Cheapside Street.

2.2 **Proposed Development:** Under the application for [i] the Strand Street area, it is proposed to renovate the bollards and railings at the steps at the northern end of the Strand as it joins West George Street. The steps themselves are proposed to be finished in granite, with gateway engraving: 'Strand', similar to that in other areas throughout the town centre. The roadway section from these steps to the end of the car park bays on Strand will be finished in granite setts, similar to that in the vicinity. The footpath on the western edge along the building line will be surfaced in red granite with the grey granite cubes, similar to other footway treatments in the area. Footway improvements are also proposed around the western edge of the bonded warehouse and on the other side of Strand from the corner of John Dickie to Dunlop Street. Within this overall area, new lighting is also proposed commensurate with that already existing throughout the John Finnie and Bank Street Conservation Area.

2.3 Within [ii] the Kilmarnock Railway Station area, the proposal includes resurfacing tarmaced area with granite cubes replacing outdated street furniture with more in-keeping items, such as railings, signposts, litter bins and signage which will match that of the John Finnie and Bank Street Conservation Area. Within this overall area, new lighting is also proposed.

2.4 With regard to [iii] Nelson Street and St Marnock Place, it is proposed to undertake improvements to the road and footway from the John Finnie Street junction, along the length of Nelson Street to the footbridge across the Kilmarnock Water. It is also proposed to repaint the footbridge and floodlight it, and include a traffic calming surface on the other side of the bridge at Sandbed Street.

2.5 Under [iv] the application for Sandbed Street, the proposed works include removing graffiti from all building facades along Sandbed Street; replacement of the railing along the banks of the wall of the Kilmarnock Water; and repair the wall as necessary.

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

3.1 Bonnyton Community Council have not responded to their consultations at the time of writing this report.

***Noted.***

3.2 East Ayrshire Council Environmental Health Division and Roads Transportation Division have no comments or objections.

***Noted.***

3.3 The Architectural Heritage Society of Scotland have indicated their support for the proposal.

***Noted.***

3.4 The West of Scotland Archaeological Service have noted no substantive archaeological issues are raised.

***Noted.***

3.5 The East Ayrshire Access Panel have not responded to their consultations at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 No letters of objection have been received.

***Noted.***

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

##### Adopted East Ayrshire Local Plan (EALP) (2003)

5.1 Policy ENV4 states that 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 overall design for the proposal and palette of materials selected have been carefully considered in relation to the surrounding John Finnie Street and Bank Street Outstanding Conservation Area and the listed buildings in the vicinity. It is noted that civic amenity bodies indicate their support for the proposed works. The works will be commensurate with the existing high quality public realm works in the surrounding area, and in this respect, the proposal accords with Policy ENV 4.***

5.2 Through Policy ENV7, 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 proposals have been presented following discussions with the Planning Division with regard to the justification for the proposed design, scale and materials. It is considered that the proposals are appropriate for the Outstanding Conservation Area and will complement existing street furniture and streetscape works.***

## **6. 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, the planning history of the sites and the supplementary planning guidance comprising the Conservation Area Management Plan.

### Alteration to the East Ayrshire Local Plan (Finalised Version with Modifications)

6.2 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 overall design for the proposal and palette of materials selected have been carefully considered in relation to the surrounding John Finnie Street and Bank Street Outstanding Conservation Area and the listed buildings in the vicinity, and it is noted that civic amenity bodies indicate their support for the proposed works. The works will be commensurate with the existing high quality public realm works in the area, and in this respect, the proposal accords with Policy ENV 4.***

6.3 Through Policy 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 proposals have been presented following discussions with the Planning Division with regard to the justification for the proposed design, scale and materials. It is considered that the proposals are appropriate for the Outstanding Conservation Area. The applicants have also submitted a letter of support with their application, detailing the rationale for the new surface at the pedestrian crossings, which has been proposed to reduce accidents by delineating the crossings in a material which will not detract from the Conservation Area.***

#### Consultation Responses and Representations

6.4 The consultation responses have been addressed in Section 3 of the report and the replies received support the proposed works, or raise no outstanding issues that would warrant refusal of these applications.

6.5 No objections have been received.

#### Planning History

6.6 There is no planning history that would warrant refusal of these applications.

#### Kilmarnock Town Centre Strategy

6.7 The proposals are in-keeping with the aims of the Kilmarnock Town Centre Strategy, which states that gateways or entry points to the town have an immediate impact on the town centre's image.

#### Supplementary Planning Guidance

6.8 In March 2009 the Council approved the Conservation Area Management Plan as Supplementary Planning Guidance which is a material planning consideration for any application for Listed Building Consent within the outstanding conservation area. This document states that the Council recognises that our historic environment is a finite and non-renewable resource. Any proposals must understand that our most important heritage and townscape assets include the architecture of this Outstanding Conservation Area.

***It is noted that this application seeks to undertake conservation works to walls, railings and bridge structures, as well as the public realm works proposed, all of which will facilitate large scale environmental improvements to benefit to Kilmarnock's historic core. The application is considered to comply with this guidance.***

6.9 Scottish Historic Environment Policy lays out those principles against which to determine applications for listed building consent and for planning permission within Conservation Areas.

***The proposals are consistent with the terms of the SHEP.***

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

7.1 The Council is the applicant for these applications, however if Members choose to grant consent they do not require to be referred to the Scottish Government under Circular 3: 2009 'Notification of Planning Applications'.

7.2 There are financial implications as these proposals seek consent for the proposed works to be implemented through partnership funding comprising the Scottish Government's Town Centre Regeneration Fund and allocated East Ayrshire Council funds

## **8. CONCLUSIONS**

8.1 As indicated in Section 5 of the report the applications are in accordance with the Development Plan. The repair and restoration of walls and bridges in the vicinity will not only ensure the longevity of these structures within the Conservation Area, but also result in the public realm being re-developed with a positive contribution to adjacent listed buildings and to the Outstanding Conservation Area as a whole. The works have other regeneration implications for Kilmarnock and East Ayrshire noting that the visual improvements will facilitate a welcoming feature for visitors and residents in these central locations. 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.

8.2 There are no material considerations relevant to the applications as indicated in Section 6 of the report which would suggest that they should be refused and the consultation responses are supportive of the proposals. The proposed works utilise external finishes which respect the traditional character and architectural features of Kilmarnock's town centre and the John Finnie Street and Bank Street Outstanding Conservation Area, noting that they are also in

keeping with the existing street furniture and streetscape works that have previously been undertaken.

## **9. RECOMMENDATION**

**9.1 It is recommended that these four applications for planning permission should be approved subject to the conditions indicated on the attached sheets.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that the applications be refused contrary to the recommendation of the Head of Planning and Economic Development, and on the grounds of the principle of environmental improvements the applications would require to be referred to the full Council consistent with the Scheme of Delegation because that would be a significant departure from Policy.

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

22 February 2010  
MF/RH

FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations Responses
4. Adopted East Ayrshire Local Plan.
5. Alteration to the East Ayrshire Local Plan, Finalised Draft with Modifications
6. Kilmarnock Town Centre Strategy
7. Conservation Area Management Plan

Anyone wishing to inspect the above papers please contact Marion Fergusson, Senior Planning Officer, on 01563 576769 or Fiona Finlay, Principal Planning Officer on 01563 576798.

***Implementation Officer: Dave Morris***

**East Ayrshire Council**

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

**Application No: 10/0048/PP**

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Location	Strand Street Kilmarnock East Ayrshire
Nature of Proposal:	Environmental Improvements including re-surfacing, litter bins and landscaping
Name and Address of Applicant:	East Ayrshire Council 34 John Finnie Street Kilmarnock KA1 1DD
Name and Address of Agent	

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Officer's Ref: Marion Fergusson  
01563 576769

The above Planning Permission application should be approved subject to the following condition:

1. Prior to any work commencing on site, details and samples of all external finishes shall be submitted to and approved in writing by the Planning Authority. All materials shall be formed on site as agreed under this condition and shall be maintained thereafter.

REASON: In the interests of visual amenity and in order to ensure the appropriate external finish in the surrounding area of John Finnie Street and Bank Street Outstanding Conservation Area.

**East Ayrshire Council**

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

**Application No: 10/0049/PP**

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Location	John Finnie Street Kilmarnock East Ayrshire
Nature of Proposal:	Environmental Improvements including re-surfacing, new bollards, directional signage and handrails
Name and Address of Applicant:	East Ayrshire Council 34 John Finnie Street Kilmarnock KA1 1DD
Name and Address of Agent	

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Officer's Ref: Marion Fergusson  
01563 576769

The above Planning Permission application should be approved subject to the following condition:

1. Prior to any work commencing on site, details and samples of all external finishes shall be submitted to and approved in writing by the Planning Authority. All materials shall be formed on site as agreed under this condition and shall be maintained thereafter.

REASON: In the interests of visual amenity and in order to ensure the appropriate external finish in the surrounding area of John Finnie Street and Bank Street Outstanding Conservation Area.

**East Ayrshire Council**

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

**Application No: 10/0055/PP**

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Location	Nelson Street And St Marnock Place Kilmarnock East Ayrshire
Nature of Proposal:	Environmental Improvements including re-surfacing, traffic calming and repair works to sandstone wall
Name and Address of Applicant:	East Ayrshire Council 34 John Finnie Street Kilmarnock KA1 1DD
Name and Address of Agent	

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Officer's Ref:	Marion Fergusson 01563 576769
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The above Planning Permission application should be approved subject to the following condition:

1. Prior to any work commencing on site, details and samples of all external finishes shall be submitted to and approved in writing by the Planning Authority. All materials shall be formed on site as agreed under this condition and shall be maintained thereafter.

**REASON:** In the interests of visual amenity and in order to ensure the appropriate external finish in the surrounding area of John Finnie Street and Bank Street Outstanding Conservation Area.

**East Ayrshire Council**

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

**Application No: 10/0056/PP**

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Location	Sandbed Street Kilmarnock East Ayrshire
Nature of Proposal:	Environmental Improvements including lighting and railings.
Name and Address of Applicant:	East Ayrshire Council 34 John Finnie Street Kilmarnock KA1 1DD
Name and Address of Agent	

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Officer's Ref: Fiona Finlay  
01563 576798

The above Planning Permission application should be approved subject to the following condition:

1. Prior to any work commencing on site, details and samples of all external finishes shall be submitted to and approved in writing by the Planning Authority. All materials shall be formed on site as agreed under this condition and shall be maintained thereafter.

REASON: In the interests of visual amenity and in order to ensure the appropriate external finish in the surrounding area of John Finnie Street and Bank Street Outstanding Conservation Area.