

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 17 AUGUST 2007

**07/0314/RM: PROPOSED 4 STOREY OFFICE DEVELOPMENT,
PUBLIC SQUARE, ENVIRONMENTAL IMPROVEMENTS AND CAR PARK IN
HIGH STREET WITH ASSOCIATED ACCESS
AT FOREGATE NORTH CAR PARK, GREEN STREET/HIGH STREET,
KILMARNOCK
BY: EDISTON PROPERTIES LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Following the granting of outline planning consent, approval of reserved matters is sought for an office development and car park. The outline consent also included public realm works and improvements to the adjacent multi-storey car park which will form part of a further separate reserved matters application in due course. Members are asked to consider this application comprising the following components:

High Street Car Park

The proposed car park details indicate 74 car parking spaces, including 4 disabled spaces to be accessed and egressed from High Street.

Office Building

A net office floorspace of 48,986 sq ft is proposed. The northern elevation is curved over the three storeys, making extensive use of glazing and respecting the curve of Green Street. To the southern elevation and furthest away from the listed viaduct the building rises to four storeys in height, respecting the massing of the adjacent multi-storey car park. To the western elevation is the main entrance providing a four storey glazed entrance feature, whilst the eastern elevation also provides substantial glazing.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report, the application is considered to accord with the relevant terms of the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

3.2 As indicated at Section 6 of the report there are material considerations relevant to this application. The concerns of the objectors are noted, however they are not considered to be of sufficient weight to justify a recommendation of refusal. Whilst the comments of objectors, including The Scottish Civic Trust, with regards to the impact the proposed development will have on established views of the adjacent listed viaduct/church are noted, it is the case that the principle of an office development at 3-4 storeys in height was established at the time of granting outline consent. As such the proposed building has been designed to reflect the architectural style of the early 21st century and it is hoped that the contemporary design of the office building will add interest and add quality to the townscape to the north of the town centre. The building will provide a successful contrast to the listed structures/buildings in the vicinity without providing a pastiche of the historic buildings in the location.

3.3 The proposals demonstrate a modern contemporary design for the office development. This site is very prominent in terms of the Kilmarnock townscape and the development will provide an important enduring addition to the Kilmarnock built environment, representing a new landmark building which reflects the architectural quality of the 21st century. The design and siting of the building has, it is considered, taken cognisance of the adjacent listed viaduct and listed buildings in close proximity as the height of the building does not exceed 3 storeys on the northern elevation which is closest to the viaduct and utilises a significant amount of glazing to reduce its overall scale and impact.

3.4 The proposed development would lead to a key site identified within the Kilmarnock Town Centre Strategy gaining detailed planning permission and would provide much needed quality office space to this part of the town centre, with the undoubted economic benefits of additional workers being located there.

3.5 As noted previously the principle of the development has already been established and this reserved matters application seeks to establish the design of the new office development. It should be noted that further reserved matters applications are to be submitted for the public realm improvements indicated in the Outline Consent.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, and should that refusal be based on a matter of principle the application will require to be referred to the Principal Planning Committee.

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 reserved matters planning application which is to be considered by the northern Local Planning Committee under the scheme of delegation as it is a major application.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises two areas. The first site relates to the Foregate North and South pay and display surface car parks within the town centre of Kilmarnock. The second site is a landscaped area of open space comprising grass and trees at High Street. The site at Foregate is bound by Green Street and the B listed viaduct to the north and the bus station and Foregate Square/Burns Mall to the south. To the east lies Green Street on the one-way system and to the west is the Clydesdale Bank building and the Foregate. The application site at High Street is bound by landscaped open space, the Kay Park and the Kilmarnock Water to the north, east and south. To the west is High Street, beyond which are residential properties.

2.2 **Proposed Development:** Following the granting of outline planning consent, approval of reserved matters is sought for an office development and car park. The outline consent also included public realm works and improvements to the adjacent multi-storey car park which will form part of a further separate reserved matters application in due course. Members are asked to consider this application comprising the following components:

High Street Car Park

The proposed car park details indicate 74 car parking spaces, including 4 disabled spaces to be accessed and egressed from High Street.

Office Building

A net office floorspace of 48,986 sq ft is proposed. The northern elevation is curved over the three storeys, making extensive use of glazing and respecting the curve of Green Street. To the southern elevation and furthest away from the listed viaduct the building rises to four storeys in height, respecting the massing of the adjacent multi-storey car park. To the western elevation is the main entrance providing a four storey glazed entrance feature, whilst the eastern elevation also provides substantial glazing.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Environmental Health Division have advised of the need for an intrusive site investigation to assess the potential for risks from chemical contamination at the site prior to the commencement of development on-site.

The requirements of Environmental Health can be addressed by attaching suitably worded conditions should Members choose to grant consent.

3.2 The Scottish Environment Protection Agency (SEPA) have not formally responded to their consultation at the time of writing this report. Further to their initial communication, SEPA requested additional information to show the levels of the site. Whilst they accepted that the risk of flooding is likely to be low they requested a drawing showing the level of each site in relation to the normal water level in the Kilmarnock Water. No further responses has been received and it is noted that the council's Roads Division have no objections in respect of flooding as detailed in paragraph 3.5.

Noted.

3.3 Piersland/Bentinck Community Council have not responded to their consultation letter at the time of writing this report.

Noted.

3.4 East Ayrshire Council's Legal Services have no adverse comments to make regarding the proposed development.

Noted.

3.5 East Ayrshire Council's Roads and Transportation Division have commented as follows:

Traffic

- A detailed traffic management plan requires to be submitted, including all phases of development and providing details of how Green Street will be kept open during the construction works and should demonstrate how pedestrian movement in the area is controlled in a safe manner;
- Details of the road construction on Green Street must be provided to ensure it is suitable for this location;
- The footpaths to the proposed car park will require to be constructed to adoptable standard with associated drainage and lighting;
- The Construction of the car park at High Street utilising porous block paving would not be acceptable for adoption by the Roads Division;
- The illumination of Foregate North car park and the adjacent road is by floodlights. As such new street lighting will be required.

Flooding

- With respect to their flooding responsibilities the Roads Division advise that the peak water levels for the 1 in 100 year and 1 in 200 year flood events are predicted to remain within the Kilmarnock Water channel at cross sections adjacent to the proposed office development. Therefore the proposed office development site is not considered to be at risk of flooding from the Kilmarnock Water during the predicted 1% and 0.5% annual probability flood events.

The developer has provided written confirmation that a block paved solution may not be suitable for the resurfacing of Green Street and therefore a solution will be developed in conjunction with the Council that permits the desired access via Green Street through the construction period;

They advise that the revised road design for Green Street including its construction will be developed in close liaison with the Council and will be submitted for approval by the Roads and Transportation Division, consequently a solution will be developed which is in accordance with the Council's requirements;

The applicant further advises that the traffic management plan will be developed so that it addresses the safe management of pedestrian traffic;

Regarding proposed levels, the developer has confirmed that a levels strategy has been developed that enables surface water to drain away from the building except where there is ramped access to the basement bin centre, in this location it is intended that suitable drainage is provided to collect any surface water run off;

The proposed method of construction of the car park is yet to be agreed however, it is accepted by the developer that should the car park be eligible for adoption then its construction details and SUDS design will be developed accordingly;

The design team are developing street lighting proposals for the road adjacent to the development and for the car park to the south of the new office building. It is intended that any lighting designed to illuminate the existing road around the development will be designed in accordance with the Council's requirements.

The Roads Division have considered the applicants response to their requirements in detail and have confirmed that the outstanding matters can be addressed by suitably worded conditions attached to any grant of planning consent.

3.6 The Scottish Civic Trust object to the proposed development as they are of the opinion that the viaduct is not just a Category B- Listed Building but is also a major landmark in this part of Kilmarnock Town Centre. As a result they consider that the proposed building would be detrimental to the setting of the viaduct and its significance within the locality. They also object to the loss of green space on High Street to form the new car park and note that this site is not identified for such a use on the Adopted East Ayrshire Local Plan.

The principle of a 3 storey, rising to 4 storey building, at this site, with a new car park at High Street, has already been established upon the granting of the outline planning consent. The site, whilst not identified within the Adopted East Ayrshire Local plan, is identified in the Council's most recent policy statement for the town centre; The Kilmarnock Town Centre Strategy.

3.7 Historic Scotland comment that the Council should be satisfied that established views of the Old High Kirk steeple are not obscured by the development.

The proposals are of a modern design which it is considered will enhance and complement the surrounding buildings and townscape by adding contrast and interest to the vicinity. The extensive use of

glazing creates a frontage that will not compete in visual terms with the viaduct thereby maintaining the viaduct's primary visual importance. Clearly the views of the Old High Kirk Steeple would be obscured to a person standing immediately to the south of the building, likewise the view of the steeple would be obscured by the Clydesdale Bank or Bus Station buildings by a pedestrian immediately in front of either building. It is acknowledged that this is an important site, strategically located within the town centre and particularly important given the proximity to adjacent listed buildings. The principle of a 3 storey, rising to 4 storey building, at this site has already been established upon the granting of the outline planning consent. It should be noted that the first storey element of the building is at a lower level than the viaduct due to the sloping nature of the site and it is also at the point furthest away from the viaduct.

4. REPRESENTATIONS

4.1 There are 7 objectors to the proposed development, including the response received from The Scottish Civic Trust addressed at 3.6 above. The points raised are as follows:-

4.2 There are enough parking facilities both at the multi-storey and at Portland Street Car Parks.

The car park proposed at High Street is to provide for long-stay parking for office workers. One of the main aims of the development is also to encourage greater use of sustainable travel especially given its location adjacent to the bus and railway stations.

4.3 The proposals will affect the setting of listed or historic buildings such as Mason and Murphy; Arches; Grand Hall; Palace Theatre; Henderson Church and the landscaped area at Kilmarnock Water.

It is acknowledged that the location of the proposed office development is an important site, strategically located at a gateway to the town centre. It is therefore vital that the design is of excellent quality, particularly given the impact on nearby listed buildings. It is considered the proposals provide a modern design solution being preferable to any more conventional approach because a development from that sought to be more traditional, in-keeping with the viaduct and Church, could result in a pastiche attempt that would be inferior in comparison to the quality of these listed structures. It is considered that the contemporary design will enhance and complement the surrounding buildings and townscape and will provide a bold design statement for this area of the town centre. The

proposal is clearly an architectural solution that reflects early 21st Century and will seek to provide a development that is ultimately in keeping with the objectives of recent publications by the Scottish Executive in Developing a Policy on Architecture for Scotland thereby adding contrast and character to the surrounding area.

4.4 How will the car park be accessed? The last plans the objector viewed were for a mini-roundabout at the junction of Strawberrybank, Dean Lane and High Street. The objector understands this has been rejected?

The proposed car park does not include a roundabout and will instead include a direct road junction access onto High Street. The access/egress arrangements reflect what was proposed at the outline approval.

4.5 Is the proposed car park to provide parking for the new office development or the general public?

The car park proposed at High Street is to provide for long-stay parking for office workers within the new development. A condition of any grant of Planning Consent will request details of the security controls to restrict access.

4.6 Will East Ayrshire Council be managing the car park and will it be locked at night to prevent “boy racers” congregating there as they do at the Foregate North Car Park at present.

The Car park will be maintained by the developer with a condition on any grant of planning consent providing security controls to restrict access.

4.7 There are other areas such as the old garage site at Wellington Street which could be utilised as a car park rather than a green site.

This is a reserved matters application following the principle of office development being established at the outline stage. This application seeks to consider the design and site layout and Members should consider the acceptability of the development before them. The proposal will result in the loss of a small area of open space, however the larger area of open space and the Kay Park itself will be retained. It is considered that this loss is not significant in the wider context of open space provision in the immediate area.

4.8 There are other vacant or derelict sites that could be used for a new office building.

This is a reserved matters application following the principle of office development being established at the outline stage. This application seeks to consider the design and site layout and Members are advised to consider only the proposals before them.

4.9 The proposed High Street car park would be a white elephant and would result in the green space being ripped up and turned into a concrete eyesore.

This is a reserved matters application following the principle of office development being established at the outline stage. This application seeks to consider the design and site layout and the proposed car park at High Street is required to provide long stay car parking for the office development.

4.10 If the car park goes ahead how will pedestrians cross from the car park towards the town centre? Would there be a new pedestrian crossing installed?

The Council's Roads Division have no objections to the proposed development and have advised that crossing points at Union Street/High Street from the proposed car park to the office development need not be controlled crossings.

4.11 They object on the basis that it is essential that the route exiting the bus station remains open at all times as an alternative route would increase the operational costs significantly for the company.

The developer advises that an Autotrack Assessment has been undertaken by the design team which demonstrates that a 3m zone will be required to construct the southern elevation of the proposed building and that this zone will not impact on the use of Green Street as access to the bus station. The design team are developing a design solution for the resurfacing/remodelling of Green Street which will also facilitate access. A condition could be attached to any grant of planning consent to ensure that any proposal to restrict vehicular access via Green Street must be submitted to and approved by the Council prior to its implementation, also ensuring that the developer liaise with the bus companies advising times when the access to the bus station may require to be restricted.

4.12 They object on the basis that the road outside the Clydesdale Bank appears to be pedestrian access only; they seek confirmation of the number of car parking spaces to be lost and seek confirmation of the times of restricted traffic flow outside the branch. They also seek confirmation as to where machinery will be kept during construction work.

The developer advises that it is not intended that the road to the front of the main entrance of the proposed development will be pedestrianised, and this route will be retained in order to provide vehicular access to the bus station and existing multi-storey car park. The proposals include the removal of all existing surface car parking on the site, however it is intended that during the construction of the proposed development, the adjacent multi-storey public car park will be refurbished. At present the exact time scales (if any) for restricted traffic outside the Clydesdale Bank are yet to be determined, however it is expected that access for busses, cars and service vehicles is to be provided via Green Street during construction, and as stated at 4.11 above.

A condition attached to any grant of planning consent should ensure that any proposal to restrict vehicular access must be submitted to and approved by the Council prior to implementation. Therefore the developer advises that it is likely that any traffic restrictions on Green Street are to be limited and outside normal working hours. Site accommodation and plant are proposed to be housed on the existing surface car park to the east of the multi-storey car park.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan (1999) and the Adopted East Ayrshire Local Plan (2003). It should be noted, however, that the principle of development at this site has been agreed by the Outline Consent and that, for the purposes of this reserved matters application, the relevant policies are as follows:

East Ayrshire Local Plan (EALP)

5.2 Policies ENV1, ENV 4, ENV 8 and ENV 9 are relevant in the determination of this reserved matters application as the principle of an office development has already been established.

5.3 Policy ENV1 seeks to protect, preserve and enhance all heritage resources requiring conservation including listed buildings. The Viaduct is a listed structure and therefore this policy is of relevance. Policy ENV4 is also relevant to listed buildings and relates to the aim to ensure all development that affects the appearance or setting of the listed building, is sympathetic to the area or building concerned in terms of its layout, size, scale, design, siting, materials and colour of finish.

The proposals are clearly modern in design and have been formed to provide a modern solution to the site and a modern standard of office accommodation. The 3-4 storey structure has been established in principle through the outline consent including the height and layout of the site which respect the levels within the site and the listed viaduct. In this respect and as highlighted previously within this report, the 4 storey element is positioned away from the viaduct to ensure that the height does not impact adversely on the viaduct and the curved frontage onto Green Street respects the street layout. The design comprises a bold statement and is clearly a 21st Century solution. It is considered that if a more traditional scheme had been pursued this would perhaps have resulted in an unwelcome pastiche.

5.4 Policy ENV8 encourages developers to ensure that adequate opportunities are taken to secure a more accessible environment; introduces appropriate traffic safety measures and appropriate community safety measures; the design demonstrates a commitment to sustainable development and is architecturally innovative and sensitive to the character of the area; developments are landscaped to reflect and compliment their surroundings and proposed areas of open space are integrated wherever possible to form a linked network.

The office building is located within the Kilmarnock town centre and it is well served by a linked pedestrian network and also public transport nodes (bus and railway stations) and it is noted that the Council's Roads Division have been significantly involved to ensure that the development is appropriate in terms of road safety (section 3.5 of this report). The further reserved matters application for the public realm works will ensure that the public square layout is appropriate to ensure the safety of the community and the landscaping scheme for the car park can be designed to ensure that safety is considered for users. It is considered that the design of the office building and its commitment to sustainability will be primarily pursued through the Building Warrant although it would be appropriate for any consent to be conditioned to confirm that due regard be had to issues of sustainability.

It is considered that the design of the office building is sensitive to the surrounding area and as detailed in section 5.3 of this report represents a modern innovative solution which does not aim to echo and lessen the impact of the listed viaduct. It is lastly considered that an appropriate landscaping scheme can be required through condition primarily for the car park to reflect and compliment the parkland backdrop and that the separate reserved matters

application for the public square and public realm works will ensure a hard landscaping scheme of appropriate quality.

5.5 Policy ENV9 encourages developers to include elements of public art as an integral part of their development proposals especially within the central areas of settlements.

The outline consent for the overall development includes provision for public art and street furniture etc within the public square that is proposed. This public square will comprise a further separate application for overall public realm works to the surrounding streets with the creation of a new public square. It is not therefore considered that this application is contrary to Policy ENV9.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultation responses and letters of representation detailed in Sections 3 and 4 of the report and the site's planning history.

Consultation Responses and Representations Received

6.2 The consultation responses are detailed in Section 3 of this report. The consultation responses received are generally supportive of application and it is not considered that these warrant refusal of the application. In relation to the concerns expressed by the Scottish Civic Trust with regard to the impact the proposed development will have on established views of the viaduct/ church, it is considered that the principle of an office development at 3-4 storeys in height was established at the time of granting outline planning consent. As such the proposed building has been designed to reflect the architectural style of the early 21st century and it is judged that the contemporary design of the office building will add interest and quality to the townscape to the north of the town centre. Furthermore, it is considered that the building will provide a successful contrast to the listed structures/ buildings in the vicinity without providing a pastiche of the historic buildings in the location. Historic Scotland's comments relative to the established views experienced of the High Kirk Steeple are noted, however the views by a pedestrian immediately adjacent and south of any development or office building at this location are undoubtedly going to be lost.

6.3 The concerns of the objectors regarding the loss of car parking have not been supported by the Roads Division. In addition the views of the objectors' who claim there is sufficient car parking in the town centre are also not supported by the Roads Division as there is a long-term parking requirement for the staff of the proposed office development. Concerns expressed relative to the principle of the

development, whilst noted, are not pertinent to the consideration of this reserved matters application given that outline planning consent was granted for the proposed development in 2005.

Planning History

6.4 04/0033/OL - Proposed 3-4 Storey Office Development and Formation of Public Square and Associated Road and Access Alterations withdrawn on 03 November 2004. This development included largely the same site as the application under consideration. It did not include the site at High Street. It involved an office development of 7,100 sq metres gross floor space with 6,200 sq metres net floorspace proposed.

6.5 04/1150/OL- Proposed 3 to 4 Storey Office Development, Public Square, Environmental Improvements and Car Park in High Street with Associated Access and Improvements to Multi Storey Car Park. Approved with conditions-12/05/2005. . This development includes the same site as the application under consideration, including the proposed High Street car park and granted planning consent for the principle of office development. This reserved matters application follows on from the outline consent and Members are now asked to consider the design and site layout of the office building and car park.

Kilmarnock Town Centre Strategy

6.6 The Kilmarnock Town Centre Strategy was adopted by the Council in December 2005, and it was agreed to be a prime material consideration in the assessment of all future town centre related planning applications. As such the "Top of the Town" development site is identified within the Town Centre Strategy as a commercial/ office development. Therefore the approval of this development would underpin the aims and vision of the Town Centre Strategy.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

7.2 There are no legal implications in the determination of this application, the principle of the development having already been granted and there not being a substantial body of objections.

8. CONCLUSIONS

8.1 As indicated at Section 5 of the report, the application is considered to accord with the relevant terms of the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act

1997, the application should be approved unless material considerations indicate otherwise.

8.2 As indicated at Section 6 of the report there are material considerations relevant to this application. The concerns of the objectors are noted, however they are not considered to be of sufficient weight to justify a recommendation of refusal. Whilst the comments of objectors, including The Scottish Civic Trust, with regards to the impact the proposed development will have on established views of the adjacent listed viaduct/church are noted, it is the case that the principle of an office development at 3-4 storeys in height was established at the time of granting outline consent. As such the proposed building has been designed to reflect the architectural style of the early 21st century and it is hoped that the contemporary design of the office building will add interest and add quality to the townscape to the north of the town centre. The building will provide a successful contrast to the listed structures/buildings in the vicinity without providing a pastiche of the historic buildings in the location.

8.3 The proposals demonstrate a modern contemporary design for the office development. This site is very prominent in terms of the Kilmarnock townscape and the development will provide an important enduring addition to the Kilmarnock built environment, representing a new landmark building which reflects the architectural quality of the 21st century. The design and siting of the building has, it is considered, taken cognisance of the adjacent listed viaduct and listed buildings in close proximity as the height of the building does not exceed 3 storeys on the northern elevation which is closest to the viaduct and utilises a significant amount of glazing to reduce its overall scale and impact.

8.4 The proposed development would lead to a key site identified within the Kilmarnock Town Centre Strategy gaining detailed planning permission and would provide much needed quality office space to this part of the town centre, with the undoubted economic benefits of additional workers being located there.

8.5 As noted previously the principle of the development has already been established and this reserved matters application seeks to establish the design of the new office development. It should be noted that further reserved matters applications are to be submitted for the public realm improvements indicated in the Outline Consent.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, and should that refusal be based on a matter of principle the application will require to be referred to the Principal Planning Committee.

Alan Neish
Head of Planning and Economic Development

BD/IIMB

FV/DVM

9 August 2007

LIST OF BACKGROUND PAPERS

1. Consultation Responses.
2. Statutory Notices/Certificates.
3. Letters of Representation.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted East Ayrshire Local Plan.
6. Planning Applications: 04/ 0033/OL; 04/1150/OL
7. Kilmarnock Town Centre Strategy

Anyone wishing to inspect the above papers please contact Barry Douglas on 01563 576770.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Site of Proposal: Foregate North Car Park
Green Street
KILMARNOCK KA1 1LU

Nature of Proposal: Proposed Four Storey Office Development
Public Square, Environmental Improvements
and Car Park in High Street with associated
access.

Name & Address of Applicant: Ediston Properties Ltd
115 George Street
EDINBURGH
EH2 4JN

Name & Address of Agent: Cooper Cromar
Newton House
457 Sauchiehall Street
GLASGOW
G2 3LG

DPO' Reference: BD/IMB

The above RESERVED MATTERS application should be granted subject to the following conditions:-

1. The proposed development shall be carried out in accordance with the application form submitted on 12 April 2007, neighbour notification plan received on 26 April 2007; the amended site, autotrack routes and levels plans submitted on 23 July 2007 and the amended floor plans and elevations submitted on 06 July 2007.

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

2. Notwithstanding the submitted plans, the proposed development hereby approved shall remain to be carried out in accordance with the outline planning consent Ref No. 04/1150/OL dated 12 May 2005 and its associated conditions as follows: (with associated general headings):-

- (a) Condition 4: SUDs
- (b) Condition 5: Roads and footpaths free of mud and other material
- (c) Condition 7: Scheme to deal with site contamination
- (d) Condition 8: Remediation Scheme to deal with contamination
- (e) Condition 9: Flood Risk Assessment
- (f) Condition 11: External Lighting Scheme
- (g) Condition 12: Details of Boundary Treatment and Advertisements
- (h) Condition 13: Archaeological Investigation
- (l) Condition 14: Implementation of the High Street Car Park
- (j) Condition 15: Pedestrian linkages/multi-storey/message signs
- (k) Condition 16: Green Travel Plan

REASON In order to ensure that the approved development complies with the terms of the outline consent.

3. Prior to any development commencing on site, details of an extensive landscaping scheme and tree planting around the perimeter, and within the approved car park at High Street shall be submitted to and approved in writing by the Planning Authority. The landscaping scheme shall be implemented as approved no later than the first available planting season following the car park being brought into use.

REASON In the interests of visual amenity.

4. Notwithstanding the approved plans, details and samples of all external materials, including the surface materials proposed to the road surface at Green Street and the approved High Street car park, shall be submitted to and approved by the Planning Authority in writing, prior to the commencement of any development on site. All materials shall thereafter be implemented and maintained as approved.

REASON In the interests of visual amenity.

5. Notwithstanding the approved plans and prior to the commencement of any development on site, details of the operation and design of the proposed control entry system to the High Street car park, shall be submitted to and approved in writing by the Planning Authority. The approved system shall thereafter be implemented prior to the car park being brought into use.

REASON To ensure that the High Street car park is retained as car parking dedicated to the office development hereby approved.

6. Notwithstanding the approved plans, a traffic management scheme, taking into account pedestrian and vehicular (including bus and taxi) traffic at the application site and in the vicinity shall be submitted to and approved by the Planning Authority, in writing, prior to the commencement of development on site. The approved scheme shall thereafter be implemented as approved throughout the period of construction. Any revisions to the approved scheme shall be agreed in advance with the Planning Authority.

REASON In the interests of road safety.

7. Notwithstanding the approved plans and the terms of Condition 6 above, any proposals to restrict vehicular access/egress to the bus station via Green Street shall be notified to the Planning Authority in writing (the notification shall specify the works to be undertaken and the length of time access/egress will be affected), to be received at least 5 working days in advance of any restrictions and shall follow consultation with the bus and taxi operators and shall include their response.

REASON In the interests of road safety and to ensure the continued safe and effective use of Kilmarnock Bus Station.

8. Prior to any work commencing on site details of how the design of the development demonstrates a commitment to sustainable development.

REASON In order to ensure a development which respects sustainable principles.

NOTES:-

1. Prior to the commencement of any works on site for the development hereby approved, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.

2. The developer shall make early contact with Scottish Water (0845 601 8855) to confirm their request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. Scottish Water require this development to be drained in accordance with the recommendations contained in the CIIA manual on SUDS. Early contact with Scottish Water is also recommended relative to connection to the public water and sewerage systems. There is a strategic water main within the development site which will be required to be diverted at the developers expense.

3. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.
4. It is recommended that the applicant makes early contact with Scottish Gas Networks (SGN) (Tel 0141 418 4084) prior to the commencement of works on site regarding the provision of gas mains in the vicinity.
5. It is recommended that the applicant contacts Network Rail (Tel 0141 555 4162) regarding their basic requirements in order to maintain their statutory obligation on ensuring the availability of safe train paths. A note is attached to the decision notice.
6. The proposed car park is located on land previously occupied by old tenemental housing and Mill Street. The developer should address any unforeseen ground issues that might arise during site excavation and preparation works. Any queries in this connection should be directed to the Council's Contaminated Land Officer on 01563 554016.
7. Any maintenance or Community Service Account held land which may be damaged by this application should be reinstated to the satisfaction of the Outdoor Amenities Manager or his nominee.
8. Early contact by the Developer with Network Rail is recommended in respect of the impact of the development particularly during the construction phase on the railway or Network Rail's Regional Asset Protection Engineer, 4th Floor, Buchanan House, 58 Port Dundas Road, Glasgow G4 0LG (Tel: 0141 335 3574).
9. SEPA have recommended that the developer be aware of their Pollution and Prevention guidelines and which is available at www.sepa.org.uk.

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