

EAST AYRSHIRE COUNCIL

SPECIAL NORTHERN LOCAL PLANNING COMMITTEE: 19 AUGUST 2010

**10/0357/PP: ENVIRONMENTAL IMPROVEMENTS TO BANK STREET
COMPRISING INSTALLATION OF BOLLARDS WITH LED LIGHTING ALONG
THE LENGTH OF BANK STREET AND FORMATION OF LOADING BAY WITH
ASSOCIATED WORKS
AT BANK STREET, KILMARNOCK**

APPLICATION BY EAST AYRSHIRE COUNCIL

Click for application details:

<http://eplanning.east-ayrshire.gov.uk/online/centralDistribution.do?action=dispatch&caseType=Application&caseNo=10/0357/PP>

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 This application relates to the provision of environmental improvements at Bank Street. The proposals comprise the following components:-

- (i) at the junction of Bank Street at Sandbed Lane, it is proposed to install two entrance bollards which will be 3 metres in height of stainless steel finish. 'Bank Street' lettering will be formed on these bollards and will be back-lit by white light and an LED downlighter. These bollards will be placed either side of the road carriageway. The same bollards will be installed at the junction of John Finnie Street/Bank Street at Co-op Funeralcare.
- (ii) at even spacing along Bank Street at either sides of the road converging, 10 stainless steel bollards will be installed of 1 metre in height which will be illuminated by a blue LED downlight. The bollards will be set within granite cubes to match the streetscape surfaces in Bank Street.
- (iii) at numbers 16 to 24 Bank Street/26 to 28 Bank Street, on the side of the Laigh Kirk, a new vehicle lay-by will be formed with double yellow lines along the length of the lay-by to prevent indiscriminate parking. The surface of the lay-by will comprise granite cubes.

1.2 The applicant has submitted a supporting statement and advises that the aim of this project is to provide a safer and more attractive environment for

pedestrians and to prevent damage to roadways and underground services. The bollards will prevent vehicles driving onto, and thereby preventing damage to, the pavement and the essential services underneath, as it is not possible to install raised cubes along the length of Bank Street. The proposed lighting will enhance the appearance of the surrounding area during the evening and the entrance bollards will highlight Bank Street as a whole. The proposed loading bay has been provided as an alternative to delivery vehicles parking on Bank Street and causing obstruction on the road.

2. RECOMMENDATION

2.1 It is recommended that this application for planning permission should be approved subject to the conditions shown on the attached sheet.

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report, this application is considered to be in accordance with the Development Plan and, 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. In this case there are no material considerations of such weight as to suggest that the application should be refused. The consultation responses do not raise any significant issues and the representations received are not considered to raise any matters sufficient to justify a departure from the development plan.

3.2 The proposed works will result in public realm and road safety improvements which will assist in the overall town centre regeneration for Kilmarnock and East Ayrshire. Furthermore, they will improve the visual amenity of the existing streetscape using appropriate materials for the John Finnie Street and Bank Street Outstanding Conservation 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, and on the grounds of the principle of environmental improvements, the application would require to be referred to the 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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APPLICATION 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, an application for planning permission which is to be considered by the Special Northern Local Planning Committee under the Scheme of Delegation as this planning application is made by the Council.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises the length of Bank Street from its John Dickie Street/Cheapside Street junction to where Bank Street meets John Finnie Street. The site is located within Kilmarnock town centre and is within the John Finnie Street and Bank Street Outstanding Conservation Area. It is bounded by many listed buildings along Bank Street.

2.2 **Proposed Development:** This application relates to the provision of environmental improvements at Bank Street. The proposals comprise the following components:-

(i) At the junction of Bank Street at Sandbed Lane, it is proposed to install two entrance bollards which will be 3 metres in height of stainless steel finish. 'Bank Street' lettering will be formed on these bollards and will be back-lit by white light and an LED downlighter. These bollards will be placed either side of the road carriageway. The same bollards will be installed at the junction of John Finnie Street/Bank Street at Co-op Funeralcare.

(ii) At even spacing along Bank Street at either sides of the road converging, 10 stainless steel bollards will be installed of 1 metre in height which will be

illuminated by a blue LED downlight. The bollards will be set within granite cubes to match the streetscape surfaces in Bank Street.

(iii) at numbers 16 to 24 Bank Street/26 to 28 Bank Street, on the side of the Laigh Kirk, a new vehicle lay-by will be formed with double yellow lines along the length of the lay-by to prevent indiscriminate parking. The surface of the lay-by will comprise granite cubes.

2.3 The applicant has submitted a supporting statement and advises that the aim of this project is to provide a safer and more attractive environment for pedestrians and to prevent damage to roadways and underground services. The bollards will prevent vehicles driving onto, and thereby preventing damage to, the pavement and the essential services underneath, as it is not possible to install raised cubes along the length of Bank Street. The proposed lighting will enhance the appearance of the surrounding area during the evening and the entrance bollards will highlight Bank Street as a whole. The proposed loading bay has been provided as an alternative to delivery vehicles parking on Bank Street and causing obstruction on the road.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Environmental Health Service and Legal Procurement and Regulatory Services have no comments to make.

3.2 East Ayrshire Council's Roads & Transportation Service has no objections.

3.3 The West of Scotland Archaeology Service advises that this project raises no substantive archaeological issue.

3.4 The Architectural Heritage Society of Scotland considers that these proposals will be a considerable enhancement to Bank Street and will contribute positively to the general upgrading of the conservation area.

3.5 Historic Scotland has no comments to make.

3.6 East Ayrshire Council Conservation Area Regeneration Scheme notes that development within a conservation area should take cognisance of the need to preserve and enhance the character and appearance of the area, advising that the bollards and their associated lighting could be seen as an enhancement of the appearance of the conservation area, with a modern design preferential when no historic examples exist.

The stainless steel design of the proposal has been selected as a modern intervention to provide a contrast between the existing historic streetscape and a good modern design.

3.7 East Ayrshire Council's Information Technology & Asset Management Service has not responded to their consultation.

3.8 East Ayrshire Access Panel has objected to the proposal, noting that guidance in British Standards 8300 recommends that bollards should contrast in colour with the surrounding area, and that a 150mm contrasting band should be included at the top of any bollard, to minimise physical conflict between street furniture and people with sight impairments.

The proposed style of the bollards is in line with other areas of the town centre, picking up on the key lighting projects. Due to the design of the proposed bollard, it is not possible to light a band of colour around the top, but the LED lights will illuminate downwards into the roadway away from the pedestrian footpath.

3.9 Bonnyton Community Council has objected to the application, citing that the proposal will be visually obtrusive, will lead to loss of amenity and have a detrimental impact on the character and appearance of Bank Street, and is an over-reaction to the current parking problem.

These general matters have been already objected to, and are addressed in Section 4 below.

3.10 SP Power Systems has no comments to make on the proposed development.

3.11 Scotland Gas Networks has no objections and make comment concerning their apparatus.

An advisory note can be attached to any consent granted for the development recommending that the applicant makes early contact with SGN.

3.12 Scottish Water has no objections but make comments concerning their apparatus located within the area.

An advisory note can be attached to any consent granted for the development recommending that the applicant makes early contact with Scottish Water.

4. REPRESENTATIONS

4.1 Neighbour notification was undertaken and the application was advertised in the local press. Ten objections were received from nine parties, and one letter was also received on behalf of eight of the retailers in the area. This is in addition to the objections received from the Access Panel and Bonnyton Community Council as noted above.

4.2 The grounds of objection are, in summary:

- (i) that physically providing a loading bay on Bank Street will block the footway no matter where it is located in Bank Street;

Following various public meetings over the last year, the consensus of local traders was to locate the loading bay in Bank Street, albeit this was originally proposed outside the Goldberry Arms, and then amended to the other side of Bank Street adjacent to the Laigh Kirk. Of the traders and businesses responding, 23 were positive on the Bank Street lay-by, with 3 traders preferring a location on College Wynd instead.

Siting the bay in College Wynd, however, would lead to removal of three parking spaces, and servicing would still have to cross Bank Street to reach the commercial premises for deliveries on foot. Currently commercial bins sit on College Wynd at the rear of the Civic Centre South nearer John Finnie Street, and Cleansing Services have confirmed that not all premises in the vicinity have the capacity to store commercial bins within their own premises. Notwithstanding this, even without the presence of these bins, the Council's Roads Section have indicated that the turn from Bank Street into College Wynd for a larger articulated vehicle would not be possible.

- (ii) that the proposed scheme is an expensive and inappropriate over-reaction to traffic problems;

Bank Street currently provides level access between the footway and roadway. The Roads and Transportation Service however, is spending significant sums on the repair of the high quality public realm works on a regular basis, due to damage from vehicles. It is intended that the proposed bollards will address this point and reduce the on going maintenance and reduce maintenance costs overall. It has been found in other areas of public realm works which have separation between vehicles and pedestrians that less damage occurs. It is clear that physical separation of traffic and pedestrians is required in Bank Street, as vehicles continue to drive onto the

footway, and where indiscriminate parking is commonplace adjacent to the Laigh Kirk.

- (iii) the proposal is premature in light of the proposed relocation of major council offices to the premises earmarked in the vicinity; and

Whilst the Council is working towards the relocation of officers to refurbished buildings in the town centre, there are no definitive dates for this, and the current proposal will seek to rectify the on-going problems with vehicles that are resulting in on going maintenance costs to the Council.

- (iv) the bollards will not contribute to the overall Conservation area ideals and aims.

The stainless steel design of the proposal has been selected as a modern intervention to provide a contrast between the existing historic streetscape and a good modern design. Planters would cause more conflict for pedestrians to negotiate than the slim design of the bollards.

- (v) the area around Bank Street should be pedestrianised. There are cellars underneath the street that should be protected.

Vehicular access is allowed to the area prior to 10.30am and after 16.30pm for servicing. Pedestrianisation of Bank Street would impede vehicular access to College Wynd. Whilst there are no plans at present to pedestrianise the area, this could be considered at a later date subject to public support and the successful promotion of a Traffic Regulation Order. The current proposal to physically separate vehicles from pedestrians would allow for the footways to remain clear for pedestrian use, whilst still allowing traffic circulation. In this way any cellars would also be protected.

5. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

Adopted East Ayrshire Local Plan (EALP)

5.1 Policies ENV4 and ENV8 are relevant in the determination of this application. Policy ENV4 seeks to ensure that all development within or affecting setting of a conservation area or listed buildings, will be sympathetic to the area or building concerned.

5.2 Policy ENV8 states that this Council will encourage developers to ensure that designs are architecturally innovative and sensitive to the area in which they

are proposed and that their proposals adopt appropriate traffic safety measures to minimise pedestrian and vehicular conflict.

The design of the bollards, whilst modern, is sleek and unobtrusive as street furniture, whilst providing the function of separating vehicles from the footway area. The design is considered sensitive enough to sit within the historic setting of Bank Street and not detract from the surrounding listed buildings or historic streetscape. It is therefore considered that the proposed development is consistent with the policy provisions of the adopted local plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the Alteration to the East Ayrshire Local Plan Finalised Version with Modifications, consultation responses and representations, planning history, the Scottish Historic Environment Policy (SHEP), and the supplementary planning guidance comprising the Conservation Area Management Plan and Kilmarnock's Town Centre Strategy.

Alteration to the East Ayrshire Local Plan Finalised Version with Modifications

6.2 ENV 7 of the Alteration is very similar to the current ENV 4 of the adopted plan, concerning development in Conservation Areas.

The response is therefore the same as that for Policy ENV 4, above at Section 5.

6.3 Policy ENV 11 notes that opportunities should be taken to secure a more accessible environment, including consideration in development proposals for those with mobility and sensory impairment, elderly people or for people with children. Furthermore, this policy advocates the use of traffic safety measures which minimise the conflict between the pedestrian user and vehicles.

The proposal in this instance has attracted an objection from the Access Panel in the design, however, overall, it is anticipated that the segregation achieved by the bollards between pedestrians and vehicles will lead to enhanced safety for all pedestrians.

6.4 Policy RTC 12 supports improvements to town centres that encourage and enhance environmental improvements.

It is considered the proposal meets with the terms of this policy.

Supporting Statement by Applicant

6.5 The applicant noted that prior to the submission of the application, a number of meetings and talks were held to ascertain the adjacent retailers' views on the proposal, at which the consensus was to provide a lay-by on Bank Street. At each of these, the majority of the traders and businesses canvassed showed that consensus was to have the loading bay located in Bank Street, with the exception of 3 retailers, who preferred the location for this to be College Wynd. Overall, however, the primary reason proposed for the development is to deter car drivers from driving onto the footway area in terms of public safety and to deter damage to the public realm works in place, whilst allowing the servicing of adjacent commercial properties. The applicant has advised that it is not possible in this instance to install kerbing due to the technical services underneath.

Since the submission of the application, many of the businesses originally engaged in consultation have submitted objections to the proposal. The Council, as applicant, has carried out community consultation and developed the current proposals in line with the these original views of the traders in and around Bank Street. However, in response to the objections received, the Council has explored the possibility of locating a lay-by in College Wynd, albeit this option has been found not to be suitable or appropriate.

Consultation Responses and Representations

6.6 The majority of the consultations returned raise no outstanding issues that cannot be addressed by planning conditions or advisory notes, should Members decide to grant consent.

The objection from the Access Panel on the principle of the design in relation to visually impaired people is noted. Whilst it is not possible to light a band of colour around the top, the bollards will illuminate downwards into the roadway and will still delineate the footway from the roadway. It is considered that barrier free design presently operating in Bank Street has not deterred indiscriminate parking and presently the conflict with pedestrians. Nonetheless, it is considered that the representations received are not of sufficient weight to justify refusal of the application contrary to the provisions of the development plan.

Planning History

6.7 There is no planning history that would warrant the refusal of this application.

Conservation Area Management Plan

6.8 In March 2009, this Council approved the Conservation Area Management Plan as Supplementary Planning Guidance which is a material planning consideration for any application within the Outstanding Conservation Area. This document states that the Council recognises that an 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.

The proposal will sit unobtrusively within the historic environment of Bank Street as a modern addition, and it is considered will not detract from this.

Kilmarnock Town Centre Strategy

6.9 The proposals are in keeping with the aims of the Kilmarnock Town Centre Strategy which seeks to improve all of the various functions that the town centre provides.

The proposed works aim to enhance the existing streetscape works in Bank Street and attract visitors to this area by creating a visually attractive and safe pedestrian environment whilst continuing to allow vehicles access in accordance with the Town Centre Strategy.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 As a result of being the applicant, the Council has an 'interest' in these proposals under the current Scheme of Delegation. If Members choose to grant planning permission, however, in this instance there is no requirement to notify the Scottish Government under Circular 3/2009 'Notification of Planning Applications'.

7.2 There are financial implications as these proposals seek consent for works that are implemented through allocated East Ayrshire Council funds.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report, this application is considered to be in accordance with the Development Plan and, 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. In this case there are no material considerations of such weight as to suggest that the application should be refused. The consultation responses do not raise any

significant issues and the representations received are not considered to raise any matters sufficient to justify a departure from the development plan.

8.2 The proposed works will result in public realm and road safety improvements which will assist in the overall town centre regeneration for Kilmarnock and East Ayrshire. Furthermore, they will improve the visual amenity of the existing streetscape using appropriate materials for the John Finnie Street and Bank Street Outstanding Conservation Area.

9. RECOMMENDATION

9.1 It is recommended that this application for planning permission should be approved subject to the conditions shown on the attached sheet.

CONTRARY DECISION NOTICE

Should the Committee agree that the application 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 application would require to be referred to the Council consistent with the Scheme of Delegation because that would be a significant departure from policy.

Alan Neish
Head of Planning and Economic Development

10 August 2010
FMF/FR
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form/Plans.
2. Statutory Letters/Certificates.
3. Consultation Responses.
4. Letters of Representation
5. Adopted East Ayrshire Local Plan (2003).
6. Alteration to the East Ayrshire Local Plan, Finalised Draft with Modifications (2009).

7. Conservation Area Management Plan.
8. Kilmarnock Town Centre Strategy.

Anyone wishing to inspect the above papers please contact Fiona Finlay, Principal Planning Officer, on 01563 576798.

Implementation Officer: Dave Morris

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 10/0357/PP

Location	Bank Street Kilmarnock East Ayrshire
Nature of Proposal:	Environmental improvements to Bank Street comprising installation of bollards with LED lighting along the length of Bank Street and formation of loading bay with associated works.
Name and Address of Applicant:	East Ayrshire Council Greenholm Street Kilmarnock KA1 4DJ
Name and Address of Agent	Robert Cooper Greenholm Street Kilmarnock KA1 4DJ

Officer's Ref: Fiona Finlay
01563 576798

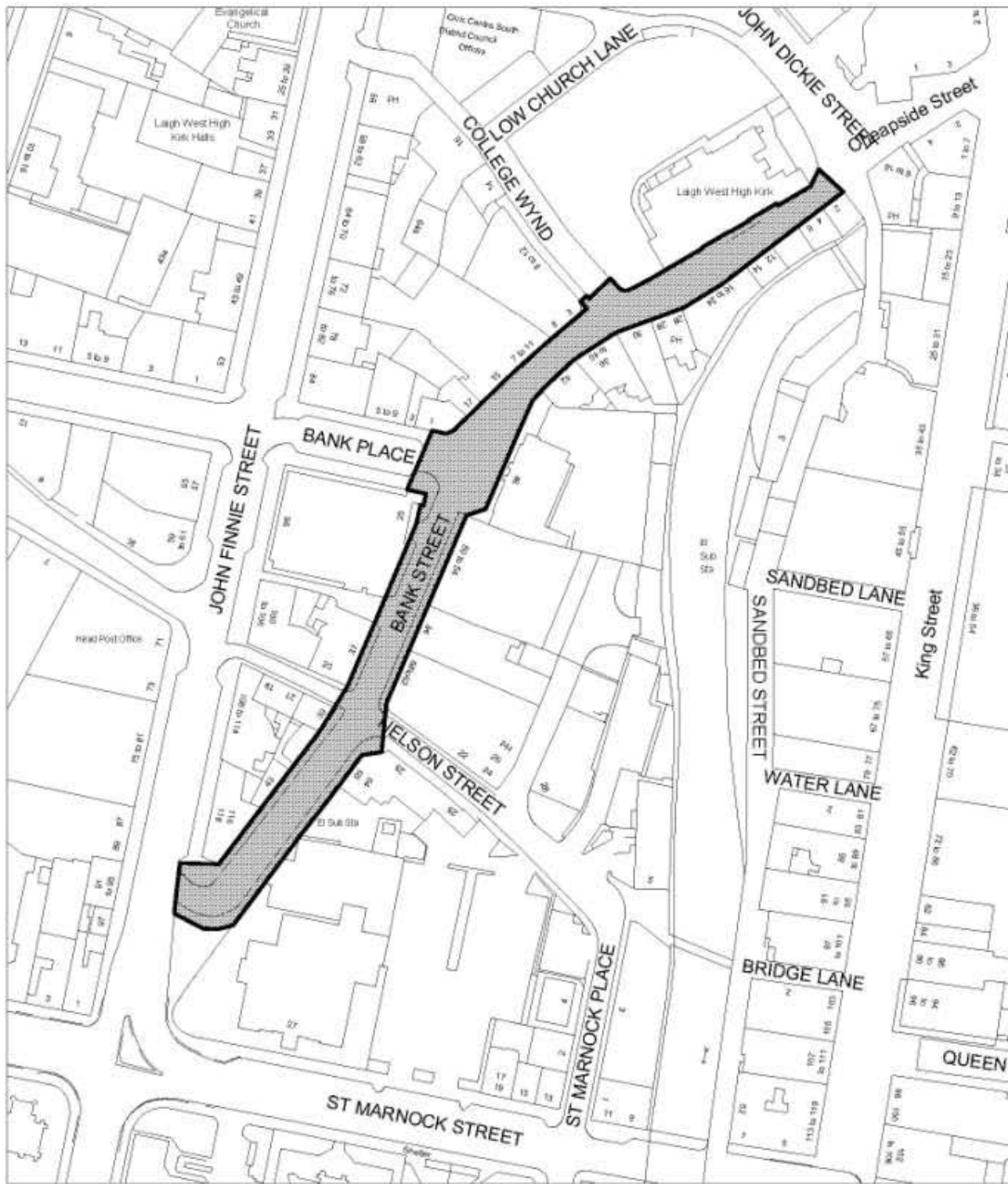
The above Planning Permission application should be APPROVED subject to the following condition:



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 work shall thereafter be undertaken on site in accordance with the approved details.

Reason: In the interests of both visual amenity and the character of the John Finnie Street and Bank Street Outstanding Conservation Area.

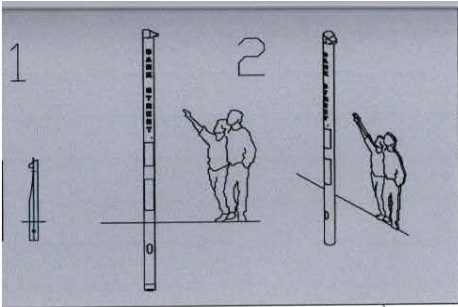
Reason for the Decision

The proposed development complies with the provisions of the development plan and in this instance there are no material considerations of such weight as to justify refusing the development contrary to these provisions.



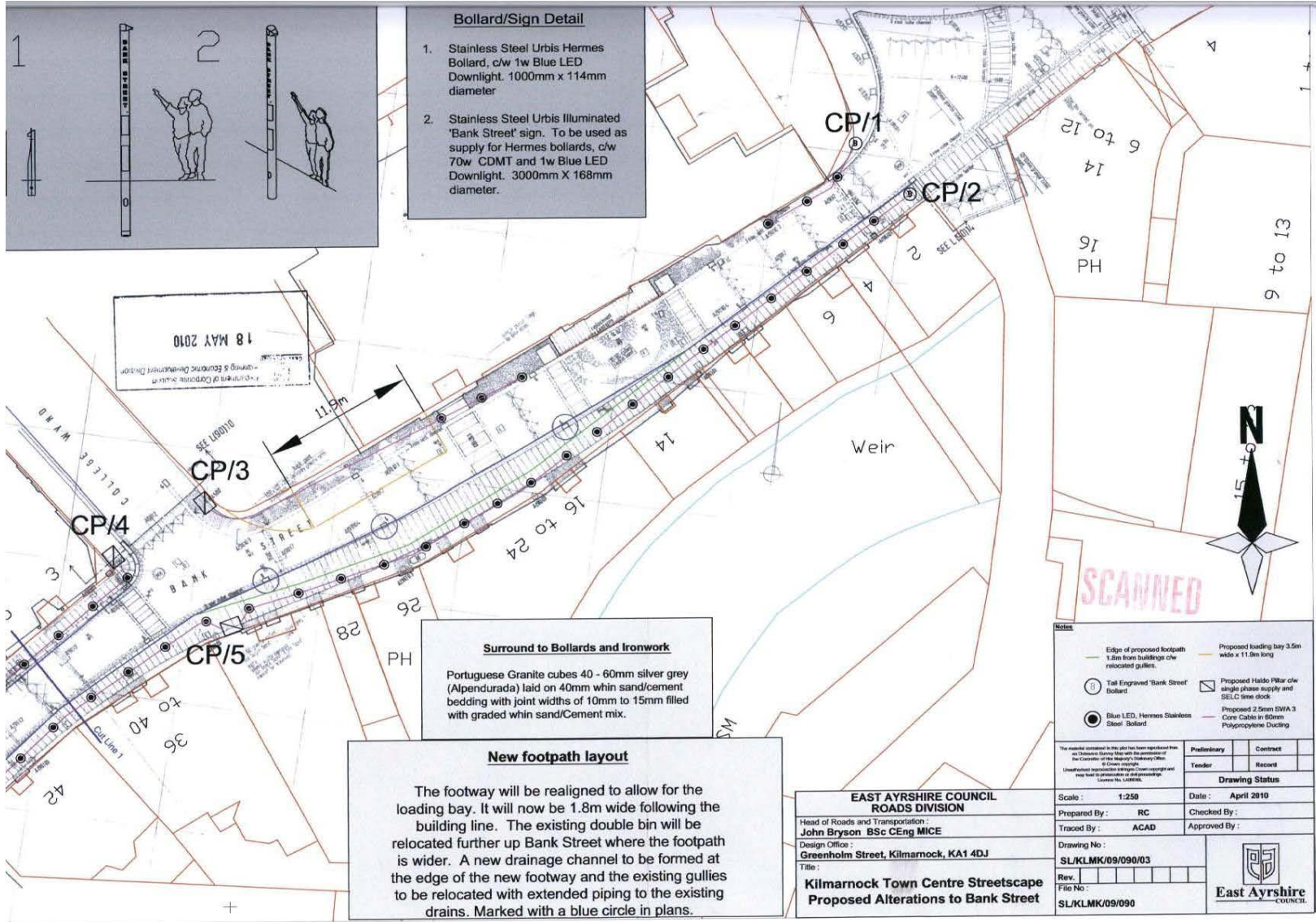
<p>Title/Location Bank Street</p> <p> Kilmarnock</p> <p> Application No. 10/0357/PP</p>	<p>East Ayrshire Council</p> <p>Department of Neighbourhood Services Planning & Economic Development Service. 6 Croft Street Kilmarnock KA1 1JB Tel: (01563) 576790 Fax: (01563) 576774 E-Mail : Planning@east-ayrshire.gov.uk Com Date: 19/08/2010</p>
<p>Key</p> <p> Application Site</p>	<p style="text-align: center;"></p>

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- Bollard/Sign Detail**
1. Stainless Steel Urbis Hermes Bollard, c/w 1w Blue LED Downlight. 1000mm x 114mm diameter
 2. Stainless Steel Urbis Illuminated 'Bank Street' sign. To be used as supply for Hermes bollards, c/w 70w CDMT and 1w Blue LED Downlight. 3000mm X 168mm diameter.

18 MAY 2010
 Planning & Economic Development Division
 East Ayrshire Council



Surround to Bollards and Ironwork

Portuguese Granite cubes 40 - 60mm silver grey (Alpendurada) laid on 40mm whin sand/cement bedding with joint widths of 10mm to 15mm filled with graded whin sand/Cement mix.

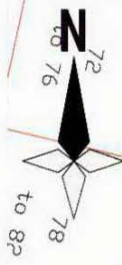
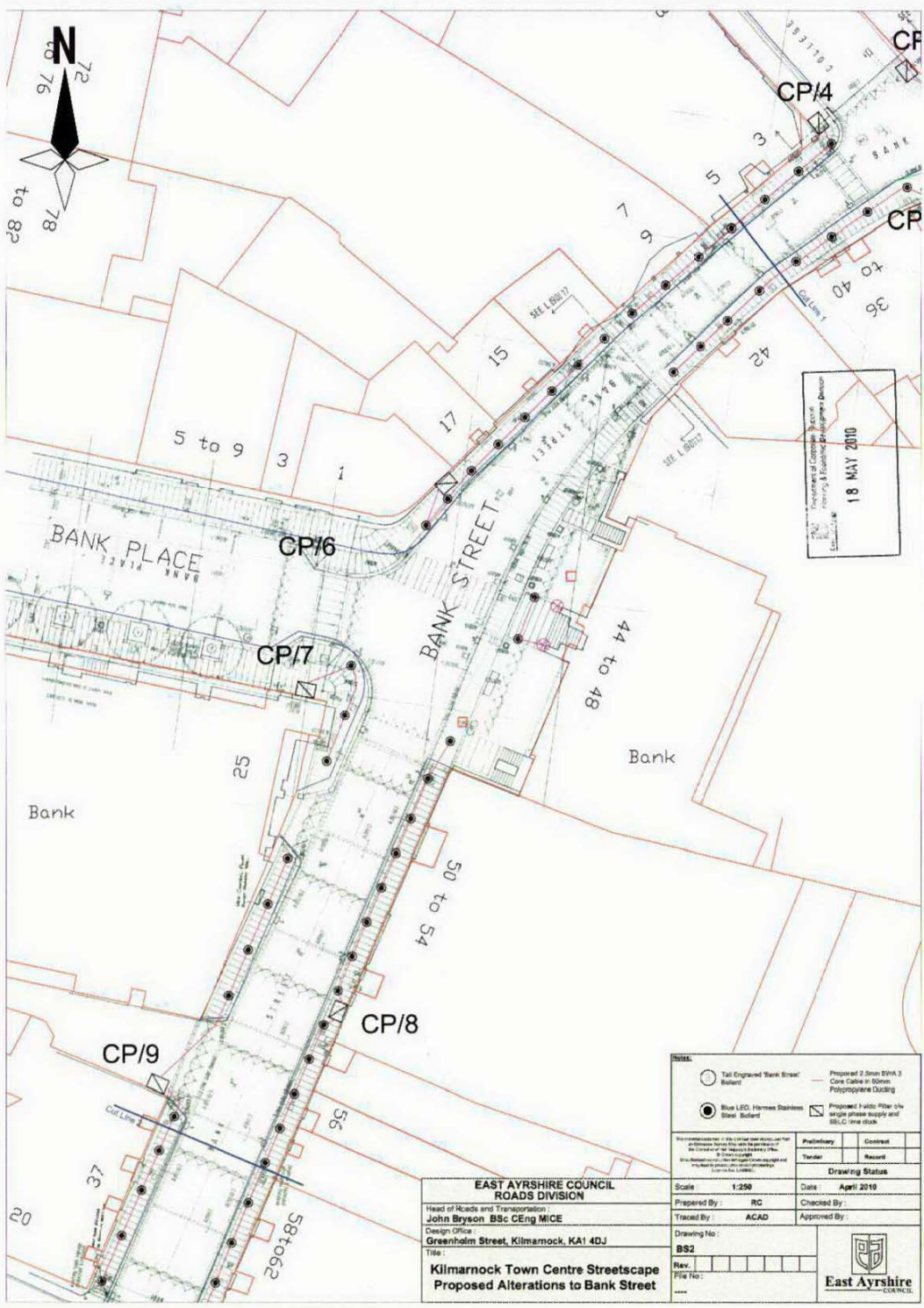
New footpath layout

The footway will be realigned to allow for the loading bay. It will now be 1.8m wide following the building line. The existing double bin will be relocated further up Bank Street where the footpath is wider. A new drainage channel to be formed at the edge of the new footway and the existing gullies to be relocated with extended piping to the existing drains. Marked with a blue circle in plans.

- Notes**
- Edge of proposed footpath 1.8m from buildings c/w relocated gullies.
 - Proposed loading bay 3.5m wide x 11.9m long
 - Tail Engraved 'Bank Street' Bollard
 - Proposed Halls PHW c/w single phase supply and SELC time clock
 - Blue LED, Hermes Stainless Steel Bollard
 - Proposed 2.5mm E/WA 3 Core Cables in 60mm Polypropylene Ducting

The materials mentioned in this plan have been registered from the Contractors' Register held with the permission of the Controller of the Register, Industry Office, 10, Green Street, Glasgow G1 3JF. The contractor responsible for the design and construction of the works is: **ACAD**.

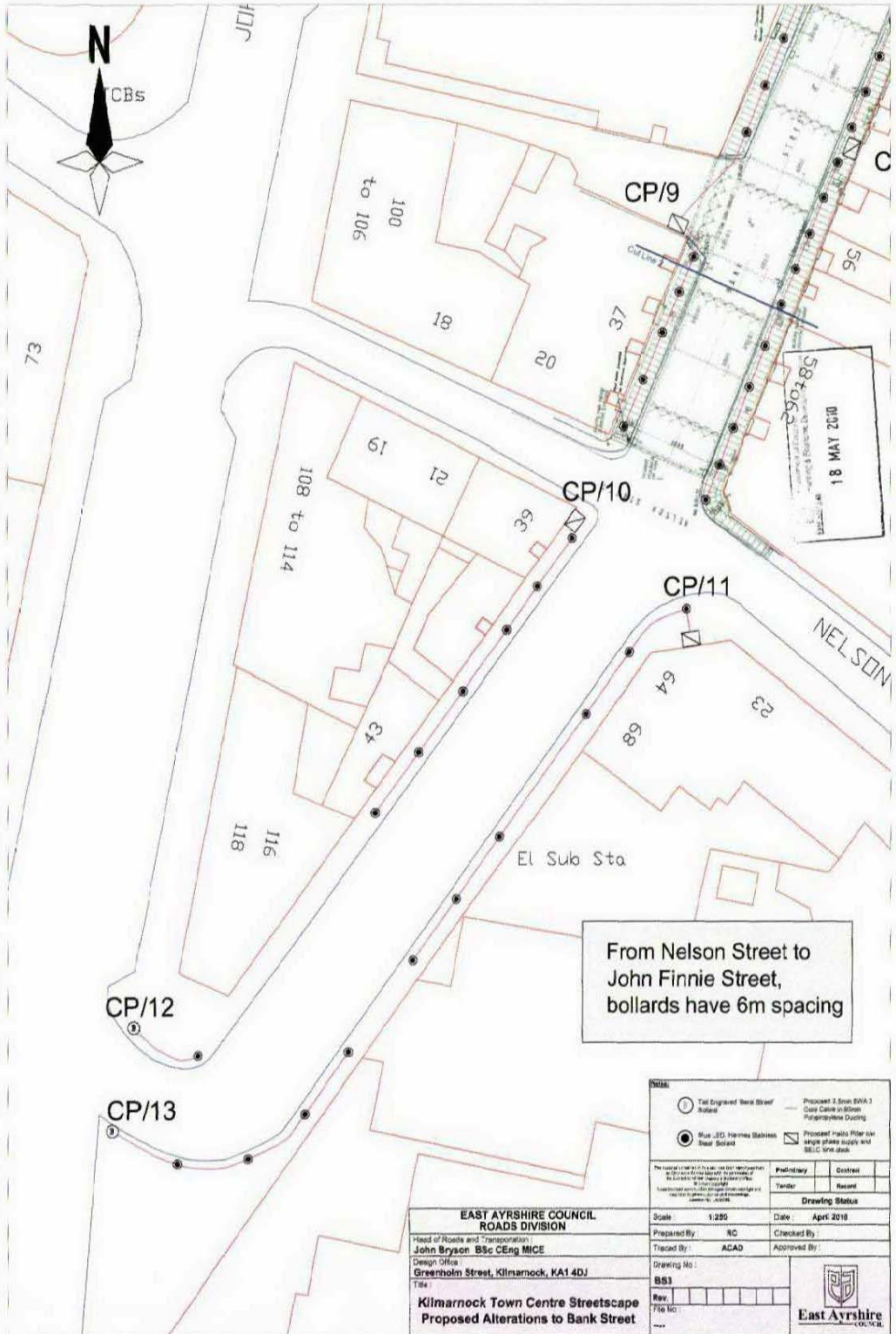
EAST AYRSHIRE COUNCIL		Scale: 1:250		Date: April 2010	
ROADS DIVISION		Prepared By: RC		Checked By:	
Head of Roads and Transportation: John Bryson BSc CEng MICE		Traced By: ACAD		Approved By:	
Design Office: Greenholm Street, Kilmarnock, KA1 4DJ		Drawing No: SL/KLMK/09/090/03		Rev.:	
Title: Kilmarnock Town Centre Streetscape Proposed Alterations to Bank Street		File No: SL/KLMK/09/090		East Ayrshire COUNCIL	
Preliminary		Contract		Drawing Status	
Tender		Recent			



Implementation of Kilmarnock Town Centre Streetscape Alterations
 Planning & Engineering Department
 18 MAY 2010

EAST AYRSHIRE COUNCIL
ROADS DIVISION
 Head of Roads and Transportation:
John Bryson BSc CEng MICE
 Design Office:
Greenholm Street, Kilmarnock, KA1 4DJ
 Title:
**Kilmarnock Town Centre Streetscape
 Proposed Alterations to Bank Street**

Drawing Status	
Preliminary	Contract
Tender	Record
Scale: 1:250 Prepared By: RC Traced By: ACAD Date: April 2010 Checked By: Approved By:	
Drawing No: BS2 Rev. _____ P/W No.: _____	
 East Ayrshire <small>COUNCIL</small>	



From Nelson Street to John Finnie Street, bollards have 6m spacing

<ul style="list-style-type: none"> ⊙ Tail Engraved Road Stud ⊙ Blue JCB Hornes Safety Seal Bollard 	<ul style="list-style-type: none"> — Proposed 2.5m BVA-3 Cast Cable in Bitum Polypropylene Ducting ⊠ Proposed Poles for size single phase supply and BSEC line work 																						
<p><small>The Council is not responsible for any errors or omissions in this drawing. It is the responsibility of the client to ensure that the drawing is used for the intended purpose and that all necessary permissions are obtained from the relevant authorities.</small></p>	<table border="1"> <tr> <th>Prepared By</th> <th>Checked By</th> </tr> <tr> <td>RC</td> <td></td> </tr> <tr> <th>Titled By</th> <th>Revised By</th> </tr> <tr> <td>ACAD</td> <td></td> </tr> <tr> <th colspan="2">Drawing Status</th> </tr> <tr> <td>Scale: 1:250</td> <td>Date: April 2010</td> </tr> <tr> <td>Prepared By: RC</td> <td>Checked By:</td> </tr> <tr> <td>Titled By: ACAD</td> <td>Approved By:</td> </tr> <tr> <td>Drawing No: BS1</td> <td></td> </tr> <tr> <td>Rev: _____</td> <td></td> </tr> <tr> <td>File No: _____</td> <td></td> </tr> </table>	Prepared By	Checked By	RC		Titled By	Revised By	ACAD		Drawing Status		Scale: 1:250	Date: April 2010	Prepared By: RC	Checked By:	Titled By: ACAD	Approved By:	Drawing No: BS1		Rev: _____		File No: _____	
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EAST AYRSHIRE COUNCIL
ROADS DIVISION
 Head of Roads and Transportation
John Bryson BSc CEng MICE
 Design Office:
 Greenholm Street, Kilmarnock, KA1 4DJ

Kilmarnock Town Centre Streetscape
Proposed Alterations to Bank Street

