

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 07 DECEMBER 2007

07/0801/RM: ERECTION OF CLASS ONE RETAIL UNIT WITH COFFEE SHOP AND ANCILLARY FACILITIES SERVICE YARD, ASSOCIATED CAR PARKING, ROAD WORKS, ENVIRONMENTAL IMPROVEMENTS AND REVISED ACCESS ARRANGEMENTS

**AT: WEST SHAW STREET/ HIGH GLENCAIRN STREET/ WEST NETHERTON STREET/ TITCHFIELD STREET/ MILL STREET, KILMARNOCK
BY: TESCO STORES LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The applicant's submission of reserved matters comprises the following elements:-

- A 95,000 square feet (8825sq metres) superstore.
- Physical improvements to the public road and footpath network in order to link the site to the town centre.
- Public realm improvements including landscaping and seating at the junction of High Glencairn Street/ Titchfield Street

The documents that accompany the application package include a reserved matters statement by the applicant's consultant engineers relative to the roads and transportation conditions contained within the outline planning consent, a design statement and drainage impact assessment.

1.2 The application is for the approval of reserved matters associated with planning consent 02/0005/OL and seeks detailed consent for a 95,000 square feet retail superstore (8,826 square metres). Environmental improvement works are also proposed primarily to High Glencairn Street, West Netherton Street and Titchfield Street which were stipulated in the outline consent. The proposed store is located to the western boundary of the site, immediately adjacent to the Kilmarnock Water. A 528 space customer car park is proposed within the site and disabled/parent and child provision is included. The principal access/egress to the store is from the Glencairn Retail Park/ West Shaw Street/ Mill Street junction although there will also be pedestrian and vehicular access/egress at West Netherton Street where a new mini-roundabout is proposed. Mill Street is incorporated into the application site with a bus lane and a service area is proposed to the southern boundary of the site with access/egress via West Shaw Street.

1.3 The retail unit is of a modern design, incorporating a fully glazed “curtain wall” front elevation onto the proposed store car park. To the rear the proposed store incorporates feature projecting windows. The store is proposed to be clad with clay tiles and composite cladding panels. The site lies immediately adjacent to the town centre and links between the shopping core of the town centre at King Street and the proposed superstore are proposed, comprising new surface treatments, street furniture, landscape improvements in the form of new paving, tree planting, sign posting and seating along both sides of High Glencairn Street, Titchfield Street and West Netherton Street.

2. RECOMMENDATION

2.1 It is recommended that the application should be approved subject to the conditions indicated on the attached sheet and that the decision notice not be issued until the Council is in receipt of the contribution offered by the applicant relative to the provision of two bus stops on High Glencairn Street as required under the terms of the outline consent 02/0005/OL, conditions 14(v) and 14(viii).

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report the application is in accordance with 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 There are material considerations relevant to this application as indicated in Section 6 of the report and they are generally supportive of the proposal. The principle of the proposed supermarket has already been established through the granting of outline planning consent in 2004 and as such the application before Members provides the details of the proposed supermarket building, car parking, public road network alterations and public realm improvements to High Glencairn Street, Titchfield Street and West Netherton Street.

3.3 It is considered the reserved matters application complies with the original outline planning application with respect to floor-space details, the site layout and in relation to the proposed public realm works/road improvements.

3.4 As previously advised the principle of retail development at this location has already been established through the granting of outline planning consent 02/0005/OL. This reserved matters application provides the details relevant to this proposal and as such it is considered the design of the proposed superstore is acceptable, providing a contemporary design contrast to the Howard Park and Dundonald Road Conservation Area beyond the Kilmarnock Water to the west of the application site.

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 of development, 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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BY: TESCO STORES LTD**

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 involves a retail development over 2000m² in floor area.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises the site of the former Stoddard's Carpets Mill building used for spinning and dyeing processes. It includes the public road junction into the existing Glencairn Retail Park at West Shaw Street and the public road and footpaths at High Glencairn Street, Titchfield Street and West Netherton Street. The site extends to approximately 5.98 hectares in area and the location of the proposed store is bounded to the north by residential flats and industrial/commercial property on West Netherton Street, to the South by Glencairn Retail Park to the East by a mix of commercial and residential properties on High Glencairn Street and to the West by the Kilmarnock Water and the Howard Park beyond.

2.2 **Proposed Development:** The applicant's submission of reserved matters comprises the following elements:-

- A 95,000 square feet (8825sq metres) superstore.
- Physical improvements to the public road and footpath network in order to link the site to the town centre.
- Public realm improvements including landscaping and seating at the junction of High Glencairn Street/ Titchfield Street

The documents that accompany the application package include a reserved matters statement by the applicant's consultant engineers relative to the roads and transportation conditions contained within the outline planning consent, a design statement and drainage impact assessment.

2.3 The application is for the approval of reserved matters associated with planning consent 02/0005/OL and seeks detailed consent for a 95,000 square feet retail superstore (8,826 square metres). Environmental improvement works are also proposed primarily to High Glencairn Street, West Netherton Street and Titchfield Street which were stipulated in the outline consent. The proposed store is located to the western boundary of the site, immediately adjacent to the Kilmarnock Water. A 528 space customer car park is proposed within the site and disabled/parent and child provision is included. The principal access/egress to the store is from the Glencairn Retail Park/ West Shaw Street/ Mill Street junction although there will also be pedestrian and vehicular access/egress at West Netherton Street where a new mini-roundabout is proposed. Mill Street is incorporated into the application site with a bus lane and a service area is proposed to the southern boundary of the site with access/egress via West Shaw Street.

2.4 The retail unit is of a modern design, incorporating a fully glazed “curtain wall” front elevation onto the proposed store car park. To the rear the proposed store incorporates feature projecting windows. The store is proposed to be clad with clay tiles and composite cladding panels. The site lies immediately adjacent to the town centre and links between the shopping core of the town centre at King Street and the proposed superstore are proposed, comprising new surface treatments, street furniture, landscape improvements in the form of new paving, tree planting, sign posting and seating along both sides of High Glencairn Street, Titchfield Street and West Netherton Street.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Gas Networks (SGN) have forwarded a copy of their record plan and requested early contact with the applicant.

An advisory note can be attached requiring the applicants to make contact with SGN.

3.2 East Ayrshire Council Roads and Transportation Division have been consulted in two capacities, namely, traffic and flooding and their response is as follows:-

Traffic

The road network improvements proposed within the existing public roads shall require to be completed prior to the commencement of development on-site;

- A condition survey of the adjacent roads shall be undertaken jointly with the Council’s Roads and Transportation Division prior to the commencement of development on-site. The applicant will be held responsible for the repair of any subsequent damage to the public road network that occurs during the construction phase. The applicant will be required to immediately repair any damage which the Council’s Roads Division considers necessary in the interests of public safety;

- A suitable temporary traffic management design should be submitted prior to the commencement of development on-site to ensure adjoining property owners are permitted to continue their business without obstruction during construction;
- The materials and exact details of the public realm improvements require to be approved by the Council's Roads and Transportation Division;
- Road construction consent will, be required for the proposed alterations to the existing road network.

The Roads and Transportation Division have not objected to the details submitted in the Reserved Matters Statement and they have provided confirmation that some of the details will be subject to further detailed design and approval at the Road Construction Consent stage. An advisory note attached to any consent can make the applicant aware of this.

The Roads Division have further advised that Condition 14: Part (v) of the outline planning consent 02/0005/OL, which states "Additional northbound and southbound bus stops with raised kerbs and shelters shall be provided on High Glencairn Street", cannot be achieved due to technical difficulties, including adjustments to on-street parking facilities by the Council and this has only come to light after outline planning consent was granted.

The Roads Division state that this condition could be discharged instead through a contribution by the applicant. The applicant's agent has confirmed in writing that they are willing to make a voluntary contribution to the Council's Roads Division relating to bus stop provision serving the site prior to the issuing of any grant of planning consent. This figure would be equal to the cost of providing two bus stops.

Flooding

- Pre and post development flood inundation mapping for the 1 in 50, 1 in 100 and 1 in 200 year flood events indicating extent and depth of inundation to ordnance datum should be provided as this is required to consider the implications upstream and downstream of the development site and through the Howard Park and beyond.
- Details of the proposed treatment and disposal of surface water discharge should be submitted for consideration.
- Confirmation of SEPA and Scottish Water approval of the proposals must be submitted.

Appropriate conditions were attached to the grant of outline planning consent (02/0005/OL) relating to the requirements of the Council's Roads and Transportation Division in terms of flooding matters. The conditions of the outline planning consent still apply and the applicant will be required to comply with these if this proposal is to progress as part of the fulfillment of conditions prior to commencing works on site.

3.3 Scottish Power Energy Networks have no objection to the proposal although advise that they have equipment within the area. Scottish Power reserves the right to protect and/or deviate their apparatus/cables at the applicant's expense.

An advisory note can be attached advising the applicant to contact Scottish Power at an early date.

3.4 Scottish Water have no objections to the proposed development although advise that any grant of planning consent does not guarantee a connection to their infrastructure until a satisfactory solution is found. Due to the size of the development Scottish Water advise that it is necessary for them to assess the impact of the development on their existing infrastructure and request the applicants contact their Development Planning Team to discuss the development further.

An advisory note requesting the applicant makes early contact with Scottish Water can be attached to any grant of planning consent.

3.5 East Ayrshire Council Property Services have no objections to the proposed development although advise that the Council's ICT and CCTV cabling runs through the site under the former public road at Mill Street. Property Services advise that this infrastructure will require protection throughout construction or to be relocated. Any costs associated with this will require to be met by the applicant and the Council will require a right of access over the land for future maintenance.

An advisory note requesting the applicant makes early contact with East Ayrshire Council's Property Services can be attached to any grant of planning consent.

3.6 East Ayrshire Council Environmental Health and Licensing Division have no objections in principle but offer several comments as follows:

- Noisy work during construction should be restricted to 7am-7pm Monday to Friday; 8am-1pm on a Saturday and no noisy work on a Sunday;
- Noise from construction work and when the store is operational should not cause the underlying background noise level LA90(1hour) to rise by more than 3dB(A);
- Delivery times should be restricted to 7am-7pm Monday to Saturday and 8am-1pm on a Sunday;

- All fumes from cooking facilities should be suitably filtered prior to their discharge to the external air;
- All drainage should be completed to the satisfaction of SEPA and/or Scottish Water;
- All waste arising from construction works should be disposed of to the satisfaction of the Waste Management Authority and otherwise by burning;

In relation to land contamination, Environmental Health and Licensing advise that where there may be a potential for soil contamination to be present at a site, they recommend that the following requirements be applied prior to development works commencing:

- No development shall begin on site (with the exception of site investigative works), until a comprehensive contaminated land investigation has been submitted to, and approved in writing by, the Planning Authority.
- The investigation shall be conducted in line with BS 10175: 2001 code of practice for “The investigation of potentially contaminated sites” and will contain details of proposals to deal with contamination (if present) to include:
 - (i) The nature, extent and type(s) of contamination on the site;
 - (ii) A site specific risk assessment of all relevant pollutant linkages.
 - (iii) Remedial measures to treat/remove contamination to ensure the site is fit for the use proposed.
 - (iv) Measures to deal with unsuspected contamination discovered during construction works;
- If the application is approved under the above, prior to any further site development, the developer shall submit a report, confirming that any remedial works have been carried out in accordance with the remediation plan.
- Planning Applications and Land Potentially Affected by Contamination (Guidance Notes for Applicants) should be forwarded to the applicant/s for their information.

Appropriate conditions were attached to the grant of outline planning consent (02/0005/OL) relating to the requirements of the Council's Environmental Health and Licensing Section. These conditions of the outline planning consent still apply if reserved matters consent is granted for this application.

3.7 The East Ayrshire Access Panel have no adverse comments in respect of the proposed development.

Noted.

3.8 The Grange/Howard Community Council; Piersland/Bentinck Community Council; Scottish Environment Protection Agency (SEPA) & East Ayrshire Council's Outdoor Amenities Section have not replied to their consultations at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 No letters of objection have been received relating to the proposed development following the statutory neighbour notification process and public advertisement of the proposals.

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 are 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 (EALP).

5.2 Members are advised that the principle of retail development at this location has already been established through the granting of outline planning permission. For the purposes of the determination of this reserved matters application, the relevant policies are therefore as follows:-

Approved Ayrshire Joint Structure Plan

5.3 Policy **COMM6** states that the three Councils shall promote the viability and vitality of town centres in various ways, one of which is pertinent to this application:

B provide development of a size and scale appropriate to the function of the centre and serve the needs of its catchment

As indicated in Schedule 3, the Structure Plan provides updated figures for retail capacity in East Ayrshire. The Structure Plan figures indicate that East Ayrshire has an over-provision of convenience floor space, meaning there is no requirement for the development of additional convenience retail. However, the Structure Plan figure was derived when the now vacant Safeway store was still trading, which could imply there is now some capacity. As the original application was approved on the basis that the existing Safeway store would close down, it can be considered that the situation is still broadly the same as it was in 2004.

Adopted East Ayrshire Local Plan (EALP)

5.4 Policy **ENV7** states that all developers will be expected to comply fully with the Council's existing and emerging Design Guidance and Policy 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.

It is considered that the design of the store, in particular the proposed feature projecting windows which will overlook the Kilmarnock Water and Howard Park will provide a high quality contemporary contrast to the conservation Area beyond as per Section 5.5 below.

5.5 Policy **RTC5** states that, in assessing all out-of-centre retail and other Schedule 5 development proposals, the Council will have regard to certain stated factors.

As the proposed development has already been granted outline consent, only two of the factors are relevant to this reserved matters application:

(vi) whether the design of the proposed building would be acceptable;

The design of the unit is generally considered to be of a standard supermarket style, with a large glazed frontage and standard cladding around building. The use of brown/buff cladding is however in contrast to most "standard" Tesco stores, indicating that there have been efforts to adapt the design to reflect the characteristics of the local area, in particular the red sandstone found on McLelland Drive/ Dundonald Road, located within the Conservation Area immediately to the west of the application site beyond the Kilmarnock Water. The feature projecting windows to the rear of the proposed superstore, overlooking Howard Park, will add interest to this elevation of the building and provide a contemporary design feature to compliment the visual quality of the Howard Park and the Dundonald Road Conservation Area beyond.

(vii) the effect of the proposal on the environmental quality, character and amenity of the area; and

The site is currently vacant and has a poor amenity value and, the development of the site will ultimately improve its appearance. In addition soft landscaping, particularly along the boundary with Kilmarnock Water, is crucial in ensuring that any visual impact of the new superstore on the adjacent Dundonald Road Conservation Area and Howard Park is minimised. It is, however considered that the design of the store, in particular the proposed feature projecting windows which will overlook the Kilmarnock Water and Howard Park, will provide a high quality contemporary contrast to the Dundonald Road Conservation Area beyond.

5.6 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 proposed superstore is located adjacent to the Kilmarnock town centre and proposals to upgrade the pedestrian footway network, which form part of this reserved matters application, will ensure a more accessible environment to and from the town centre. The introduction of traffic safety measures on West Netherton Street and West Shaw Street have been welcomed by the Council's Roads and Transportation Division. It is noted that the Council's Roads Division have been significantly involved throughout the outline planning stage leading to the submission of this reserved matters application to ensure that the development is appropriate in terms of road safety. It is considered that the commitment of the development to sustainability will be primarily pursued through the Building Warrant. It is also noted that the design of the proposed superstore, particularly the western elevation, adds design features of interest which will compliment, rather than detract, from the setting of the Howard Park and Dundonald Road Conservation Area beyond.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultation responses and representation detailed in Section 3 of the report, the Kilmarnock Town Centre Strategy; SPP8 "Town Centres and Retailing" and the planning history of the site.

Consultation Responses

6.2 The consultation responses have been addressed in Section 3 of the report and are not considered to raise any issues that would warrant the refusal of this application.

Kilmarnock Town Centre Strategy

6.3 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 or proposals to be considered. A key aim of the Strategy is to resist out-of-centre retail development, in order to safeguard the retail function of the town centre. The Strategy sets out a vision for the town centre and a programme of actions to strengthen and transform the town centre. It identifies key sites within the town centre for retail and other development and outside it. The Strategy recognises that retail, housing and other

key uses at edge-of-centre locations can provide potential synergistic benefits to the town centre by improving run down environments, increasing footfall and activity and inspiring local and developer confidence in the town. The town centre strategy identifies the former Stoddard's site on Mill Street for a "high quality residential-led mixed use development including elements of office/ commercial and retail". The outline planning consent 02/0005/OL was however approved prior to the adoption of the Kilmarnock Town Centre Strategy and is, therefore, given more weight than the strategy as the outline consent has not lapsed.

SPP8 "Town Centres and Retailing"

6.4 Scottish Government guidance recognises the important role town centres have in society and the Government is committed to protecting and enhancing the vitality and viability of town centres. Town Centres offer a range, quality and convenience of services and activities that are attractive not only to the local population and visitors but also to investors. The guidance advocates the sequential test approach for selecting sites for new retail development, with first preference to town centre sites followed by edge-of-centre sites and only then by out-of-centre sites in locations that are easily accessible by a choice of means of transport.

6.5 In relation to the Reserved Matters application before members and as noted at 5.2, the principle of a supermarket on this site has already been established through the granting of outline planning consent in 2004. A detailed sequential test is therefore not necessary in respect of this application.

Planning History

6.6 The site of the proposed supermarket and car park was previously occupied by Stoddard's carpets. The site has been used for industrial purposes for many years and had been the subject of various minor applications relating to the industrial usage. The site was subsequently cleared with the buildings demolished and has been vacant for a considerable period of time thereafter.

Planning Application 02/0005/OL: Erection of Class One Retail Unit with Coffee Shop and Ancillary Facilities Service Yard, Associated Car Parking, Road Works, Environmental Improvements and Revised Access Arrangements by Safeway Stores Plc was approved, subject to conditions and a Section 75 legal agreement on 15 October 2004. Condition 5 of this permission controlled the floor space of the retail unit to be a maximum of 8825m² gross, providing a net sales area of 3716m² for convenience trading only and a net sales area of 1858m² for comparison goods only.

The above planning application is the outline planning consent associated with this reserved matters application before Members for determination. It established the principle for the retail development as proposed on this site.

Planning Application 07/0825/OL: Renewal of Planning Permission 02/0005/OL by Tesco Stores Ltd was approved, subject to conditions on 12 November 2007.

The above planning application sought to renew the original outline consent and therefore extend the time period of the outline planning consent which was granted on 15 October 2004 for a further 3 years.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

7.2 Legal implications may arise further to the applicant's commitment to make a contribution relative to the cost of providing two bus stops and depending on the mechanism agreed.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report the application is in accordance with 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 There are material considerations relevant to this application as indicated in Section 6 of the report and they are generally supportive of the proposal. The principle of the proposed supermarket has already been established through the granting of outline planning consent in 2004 and as such the application before Members provides the details of the proposed supermarket building, car parking, public road network alterations and public realm improvements to High Glencairn Street, Titchfield Street and West Netherton Street.

8.3 It is considered the reserved matters application complies with the original outline planning application with respect to floor-space details, the site layout and in relation to the proposed public realm works/road improvements.

8.4 As previously advised the principle of retail development at this location has already been established through the granting of outline planning consent 02/0005/OL. This reserved matters application provides the details relevant to this proposal and as such it is considered the design of the proposed superstore is acceptable, providing a contemporary design contrast to the Howard Park and Dundonald Road Conservation Area beyond the Kilmarnock Water to the west of the application site.

9. RECOMMENDATION

9.1 It is recommended that the application should be approved subject to the conditions indicated on the attached sheet and that the decision notice not be issued until the Council is in receipt of the contribution offered by the applicant relative to the provision of two bus stops on High Glencairn Street as required under the terms of the outline consent 02/0005/OL, conditions 14(v) and 14(viii).

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

FV/DVM

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 of development, the application will require to be referred to the Principal Planning Committee.

List of Background Papers

1. Application form, plans and statutory notices/certificates;
2. Public Advertisements;
3. Statutory Consultations;
4. Approved Ayrshire Joint Structure Plan;
5. Adopted East Ayrshire Local Plan;
6. Kilmarnock Town Centre Strategy Document;
7. SPP8- Town Centres and Retailing;
8. Planning Application 02/0005/OL

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

Implementation Officer: Dave Morris

Location: West Shaw Street/High Glencairn Street/West Netherton Street/Titchfield Street/Mill Street, KILMARNOCK

Nature of Proposal: Proposed Erection of Class 1 Retail Unit with Coffee Shop and Ancillary Facilities, Service Yard, Associated Car Parking, Road Works, Environmental Improvements & Revised Access Arrangements at West Shaw Street, West Netherton Street & High Glencairn Street, KILMARNOCK

Name & Address of Applicant: Tesco Stores plc

Name & Address of Agent: Pritchett Planning Consultancy
PO Box 8052
EDINBURGH
EH16 5ZF

DPO's Ref: BD/

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

1. Notwithstanding the submitted plans, the proposed development hereby approved shall remain to be carried out in accordance with the outline planning consent Ref No. 02/0005/OL dated 15 October 2004 and its associated conditions as follows:

Conditions 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25 and 26.

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

2. Notwithstanding the terms of Condition 1 above, Condition 15 of outline consent 02/0005/OL dated 15 October 2004 is hereby amended to read as follows:-

"Prior to the opening of the retail unit hereby approved, all implementation proposals detailed in Condition 14 above and contained within the Transport Assessment and Accessibility by Sustainable Modes Report, programmes of GTP measures and staff

numbers required for implementation, shall be executed on site in accordance with the approved details and to the satisfaction of the Planning Authority.”

REASON: In order to clarify the terms of condition 15 of outline consent 02/0005/OL.

3. Notwithstanding the terms of Condition 1 above, Condition 13 of outline consent 02/0005/OL dated 15 October 2004 is hereby amended to read as follows:-

“Prior to any construction works commencing on site, the measures approved to address the contamination of the site approved under the terms of condition 12 above, shall be implemented to the satisfaction of the Planning Authority.”

REASON: In order to clarify the terms of condition 13 of outline consent 02/0005/OL.

4. Notwithstanding the plans hereby approved and the terms of planning consent 02/0005/OL, the following details shall be submitted to and approved by the Planning Authority, in writing, prior to the commencement of development on-site and implemented as approved thereafter prior to the opening of the approved Superstore:

- (A) The maintenance arrangements for all environmental improvement works;
- (B) The means of drainage & sewage disposal;
- (C) Public transport displays;
- (D) The height & design of all external lighting columns and fittings including all additional external lighting;
- (E) The details, samples and colours of the proposed external materials for the store, all boundary treatment including the floodwall, and all surface treatments of vehicular and pedestrian access/egress, manoeuvring and footpath areas;
- (F) Details and specifications of the design and colours of all litter bins, tree grilles, tree species, street furniture and surface treatments for the environmental improvements works;
- (G) A landscaping scheme confirming all species, numbers and layout of trees and planting including a detailed maintenance schedule.

REASON: To ensure the approved Reserved Matters application complies with the terms of the original outline planning consent and in the interests of visual amenity.

NOTES:-

1. It is recommended that the applicant makes early contact with the East Ayrshire Council's Property Services prior to the commencement of any works on site regarding the diversion or protection of the Councils ICT/ CCTV cabling under Mill Street. Mr Iain Edenborough, Senior Surveyor, can be contacted on 01563 576189 or by iain.edenborough@east-ayrshire.gov.uk.
2. 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.
3. 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 CIRIA 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.
4. 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.
5. 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.
6. It is recommended that the applicant makes early contact with Scottish Power (Tel 0141 567 4155) prior to the commencement of works on site regarding the diversion or protection of their infrastructure.
7. SEPA have recommended that the developer be aware of their Pollution and Prevention guidelines and which is available at www.sepa.org.uk.
8. The developer shall make early contact with East Ayrshire Council's Roads and Transportation Division over the following matters:
 - A condition survey of the adjacent roads shall be undertaken jointly with the Council's Roads and Transportation Division prior to the commencement of development on-site. The applicant will be held responsible for the repair of any subsequent damage to the public road network that occurs during the construction phase. The applicant will be required to immediately repair any damage which the Council's Roads Division considers necessary in the interests of public safety;

- A suitable temporary traffic management design should be submitted prior to the commencement of development on-site to ensure adjoining property owners are permitted to continue their business without obstruction during construction;
- The materials and exact details of the public realm improvements require to be approved by the Council's Roads and Transportation Division;
- Road construction consent will be required for the proposed alterations to the existing road network.

Mr John Trakalo, Area Roads Engineer, can be contacted on 01563 576359 or by john.trakalo@east-ayrshire.gov.uk

9. Condition 12 of outline planning consent 02/0005/OL refers to a contamination report and in this report the applicant is strongly advised to make early contact with the Council's Contaminated Land Officer (Chris Johnson – chris.johnson@east-ayrshire.gov.uk or on 01563 554016). The required contaminated report shall be conducted in line with BS 10175; 2001 code of practise for 'The investigation of potentially contaminated sites' and will contain details of proposals to deal with contamination (if present) to include:

- (i) The nature, extent and type(s) of contamination on the site;
- (ii) A site specific risk assessment of all relevant pollutant linkage.
- (iii) Remedial measures to treat/remove contamination to ensure the site is fit for the use proposed.
- (iv) Measures to deal with unsuspected contamination discovered during construction works.