

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 4 DECEMBER 2009

09/0607/PP – INSTALLATION OF AIR QUALITY MONITORING STATION AT JOHN FINNIE STREET, KILMARNOCK BY EAST AYRSHIRE COUNCIL

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposals comprise a metal box akin to the design and format of those used for telecommunication installations. Its dimensions comprise a width of 1.1m, a depth of 0.65m and a maximum height of 1.25m. The box will be finished in heavy duty, dark green fibre glass to blend in with the embankment behind. Specifically it is proposed to locate the structure beside one of the large scale variable message signs where it is hoped that the structure will shelter behind this sign.

1.2 The applicants have advised that the Council's Environmental Health Service must monitor air quality under EEC Directives in areas where there is high air quality pollution and this structure will allow the gathering of accurate data of air quality pollutants. In this respect John Finnie Street has been identified as an area where queuing traffic causes high levels of traffic fumes. This information is collated and used by the Council's Roads and Transportation Division which is then sent to the Scottish Government who monitor/evaluate air quality throughout Scotland. The information will also be passed to the Air Quality Archive who will use the information to publish real-time statistical data on air quality, on-line. Air Quality Archive also provide statistical returns on national and local air quality trends.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 Sections 25 and 37 (2) of the Town and Country Planning (Section) 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 Adopted Ayrshire Joint Structure Plan (2007) and the Adopted East Ayrshire Local Plan (2003).

3.2 The application is considered to be compliant with the Adopted East Ayrshire Local Plan and therefore the application should be approved unless material considerations indicate otherwise. In this respect, the application is also appropriate in terms of the Alteration to the Local Plan (Finalised Version with Modifications).

3.3 No letters of representation have been received. In terms of the impact upon nearby listed buildings, the application site is not immediately in front of any such building and it will also be screened by the larger scale and visually dominant, existing variable message sign. The western side of John Finnie Street where it is proposed to locate the structure, is flanked by the BT embankment and the structure will therefore not adversely impact upon the visual quality of John Finnie Street. If Members choose to grant consent, this development will allow the Council to effectively monitor air quality levels on a busy traffic route through Kilmarnock town centre in a matter which will not negatively impact on the built heritage.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development then the application will not require to be referred to Full Council as that would not be a significant departure from Council 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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**09/0607/PP – INSTALLATION OF AIR QUALITY MONITORING STATION
AT JOHN FINNIE STREET, KILMARNOCK
BY EAST AYRSHIRE COUNCIL**

Report by Head of Planning and Economic Development

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for planning permission which is to be considered by the Northern Local Planning Committee under the scheme of delegation as the Council is the applicant.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises an area of the footpath on John Finnie Street in front of the embankment bordering the BT complex. The application site is located within the John Finnie Street and Bank Street Outstanding Conservation Area. It is not located immediately outside any listed buildings. The BT embankment is bound by a red sandstone wall and currently being treated to eradicate Japanese Knotweed.

2.2 **Proposed Development:** The proposals comprise a metal box akin to the design and format of those used for telecommunication installations. Its dimensions comprise a width of 1.1m, a depth of 0.65m and a maximum height of 1.25m. The box will be finished in heavy duty, dark green fibre glass to blend in with the embankment behind. Specifically it is proposed to locate the structure beside one of the large scale variable message signs where it is hoped that the structure will shelter behind this sign.

2.3 The applicants have advised that the Council's Environmental Health Service must monitor air quality under EEC Directives in areas where there is high air quality pollution and this structure will allow the gathering of accurate data of air quality pollutants. In this respect John Finnie Street has been identified as an area where queuing traffic causes high levels of traffic fumes. This information is collated and used by the Council's Roads and Transportation Division which is then sent to the Scottish Government who monitor/evaluate air quality throughout Scotland. The information will also be passed to the Air Quality Archive who will use the information to publish real-time statistical data on air quality, on-line. Air Quality Archive also provide statistical returns on national and local air quality trends.

3. CONSULTATIONS RECEIVED

3.1 East Ayrshire Council Roads and Transportation Division have no objections.

Noted.

3.2 Bonnyton Community Council has not replied at the time of writing.

Noted.

3.3 Conservation Area Regeneration Scheme (CARS) have no objections to this proposal as the location that has been identified is regarded as the most acceptable option. Given its temporary nature, it is considered that provided consent is fixed to this location and is limited to a maximum of 3 years, it would not be detrimental to the quality of the Conservation Area.

Noted.

4. REPRESENTATIONS

4.1 No letters of representations have been received.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 For the purposes of this application, the Development Plan comprises the Adopted Ayrshire Joint Structure Plan (2007) and the Adopted East Ayrshire Local Plan (2003).

Approved Ayrshire Joint Structure Plan

5.2 There are no specific policies in the Approved Ayrshire Joint Structure Plan to assess the development against.

Adopted East Ayrshire Local Plan

5.3 The relevant Policy in this regard is Policy ENV4.

The proposed monitoring station is compliant with policy ENV4 of the Adopted Local Plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the East Ayrshire Local Plan Finalised Version with Modifications, the consultation responses, and amenity considerations in respect of the location of this site within the John Finnie Street and Bank Street Outstanding Conservation Area.

Alteration to the East Ayrshire Local Plan Finalised Version with Modifications.

6.2 The relevant policy in the Alteration to the Local Plan is ENV4.

The application is considered to comply with Policy ENV 4.

Consultation Responses

6.3 None of the consultation responses recommend that the application should be refused. Of specific relevance are the comments that have been received from the CARS Team.

6.4 In this respect it is noted that they consider the proposed structure to be appropriate and in a location which will not jeopardise the works of the CARS Project by adversely impacting upon the listed buildings in John Finnie Street nor the Outstanding Conservation Area in general.

Representations

6.5 No letters of representation have been received.

Implications for John Finnie Street and Bank Street Outstanding Conservation Area.

6.6 The application site is located within the John Finnie Street and Bank Street Outstanding Conservation Area and is opposite B listed buildings which are also part of a wider Group A listing and the location of the site is the most appropriate in terms of balancing the unit's function against the merits of the built environment.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council relative to this application.

8. CONCLUSIONS

8.1 Sections 25 and 37 (2) of the Town and Country Planning (Section) Act 1997 require that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.2 The application is considered to be compliant with the Adopted East Ayrshire Local Plan and there are no material changes which indicate otherwise.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions 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 then the application will not require to be referred to Full Council as that would not be a significant departure from Council Policy.

Alan Neish
Head of Planning and Economic Development

9 November 2009

FMF/KW

LIST OF BACKGROUND PAPERS

1. Application forms and plans
2. Statutory Notices and Certificates
3. Representations
4. Consultation Responses
5. Approved Ayrshire Joint Structure Plan
6. Adopted East Ayrshire Local Plan
7. Finalised Draft with Modifications East Ayrshire Local Plan.

Anyone wishing to inspect the above papers should contact Fiona Finlay, Principal Planning Officer on 01563 376798.

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 09/0607/PP

Location	John Finnie Street Kilmarnock East Ayrshire
Nature of Proposal:	Installation of air quality monitoring station
Name and Address of Applicant:	Mr William Gilchrist Environmental Health East Ayrshire Council Western Road Depot Kilmarnock
Name and Address of Agent	

Officer's Ref: Fiona Finlay
01563 576798

The above Planning Permission application should be Approved with Conditions

1. Prior to any work commencing on site and notwithstanding the approved plans, a final exact location for the air monitoring station equipment within the application site shall be submitted for approval in writing by the Planning Authority and the works shall be undertake thereafter as approved.

Reason: In the interests of visual amenity.

2. Prior to any work starting on site details and samples of the external colour scheme for the air monitoring station shall be submitted to and approved in writing by the Planning Authority and shall thereafter be formed on site as approved.

Reason: In the interests of Visual amenity.

3. If any unsuspected contamination is encountered during the development, the Planning Authority shall be contacted and any remedial

measures to address the risk of exposure to key receptors submitted to and approved by the Planning Authority in writing. Confirmation shall thereafter be submitted and that the contamination has been addressed.

Reason: In the interests of public safety.

4. Planning permission is granted for a limited period of 3 years from the date hereof, and the use shall be discontinued and the land restored to its former condition in accordance with a scheme to be agreed by the Planning Authority, at the expiration of this period unless a further scheme is granted.

Reason: In the interests of amenity.

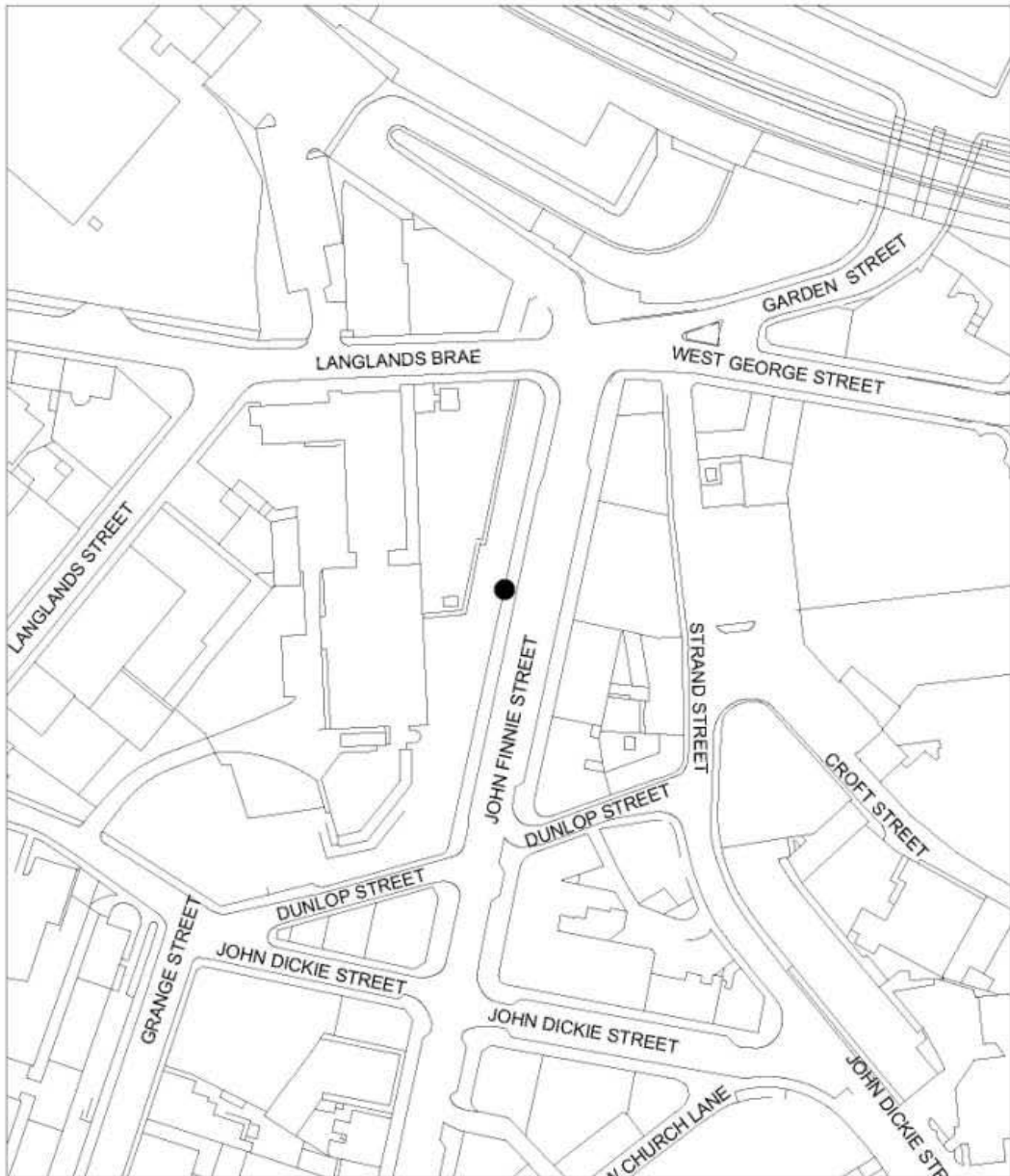
5. If the apparatus hereby approved becomes redundant, all equipment shall be removed within three months of being no longer required and the ground reinstated in accordance with a scheme to be submitted to and approved in writing by the Planning Authority prior to the commencement of any reinstatement works on site.



Reason: To enable the Planning Authority to review the situation in the interest of visual amenity.

Notes

1. Early contact is recommended with Scotland Gas Networks at 95 Kilbirnie Street, Glasgow, G5 8JD to discuss if their apparatus will be affected.

2. Early contact is recommended with Scotland Power at Power Systems, Data Management (correspondence), St. Vincent Crescent, Glasgow to discuss if their apparatus will be affected.



<p>Title/Location John Finnie Street Kilmarnock Application No. 09/0607/PP</p>	<p>East Ayrshire Council Planning & Economic Development Division. 6 Croft Street Kilmarnock KA1 1JB Tel: (01563) 576790 Fax: (01563) 576774 E-Mail : Planning@east-ayrshire.gov.uk Com Date: 04/12/2009 Checked By</p>
<p>Key</p> <p> Application Site</p>	<p style="text-align: center;"></p>

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