

EAST AYRSHIRE COUNCIL

**NORTHERN LOCAL PLANNING COMMITTEE 20 JUNE 2008
07/1061/FL: DEMOLITION OF EXISTING VACANT FOODSTORE, ERECTION
OF 5 NON FOOD RETAIL UNITS, ONE UNIT COMBINED RETAIL AND
LEISURE, PLUS FAST FOOD RESTAURANT AND ASSOCIATED ROADS,
SERVICING AND PARKING ALTERATIONS
AT: GLENCAIRN RETAIL PARK, HOLMQUARRY ROAD, KILMARNOCK
BY ASHFLAME GLENCAIRN PARK LIMITED**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Planning permission is sought to erect 5 non food retail units, one unit combined retail and leisure unit plus a fast food restaurant, and associated roads, servicing and parking alterations, on the site of the vacant Safeway premises. The site is identified in the adopted East Ayrshire Local Plan as edge of town centre. The applicant has demonstrated sequentially that no similar floorspace exists within the town centre. The proposal would bring one of the key sites identified within the Town Centre Strategy for redevelopment into productive use.

2. RECOMMENDATION

2.1 Planning permission is sought for the erection of 5 non-food retail units; one unit of combined retail and leisure use; a fast food restaurant; and associated roads, servicing and parking alterations. There is already a fast food restaurant existing within the retail park. As the retail floorspace is over the threshold of 2,000 square metres, the application is required to be referred for Committee determination under the scheme of delegation. For the major part of the development, maximum floorspace figures proposed are:

Unit 11 Ground Floor	22,500 sq ft / 2090 sq m (leisure)
Unit 11 First Floor	22,000 sq ft / 2045 sq m (retail)
Unit 12	20,000 sq ft / 1860 sq m (retail)
Unit 13	20,000 sq ft / 1860 sq m (retail)
Unit 14	15,000 sq ft / 1395 sq m (retail)
Unit 15	15,000 sq ft / 1395 sq m (retail)
Total	114,500 sq ft / 10,645 sq m

2.2 Each of the units is calculated as including a mezzanine floor; however, mezzanines will not be provided as a matter of course, but instead will be used

according to each retailers requirements, should such flexibility be required. In this way individual retailers have a space which can be adapted if necessary, without the need to seek alternative premises. This is represented in the application form floorspace figures, which calculate some 7,500 sq m of further floorspace in addition to the floorspace of the former Safeway premises.

3. CONCLUSIONS

3.1 As indicated in the report, the application is broadly in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

3.2 As per Section 6 of the report there are material considerations relevant to the application and in this instance due to the nature of the site, proposal, planning history and wider economic development context, it is considered on balance that these are of sufficient weight to merit the approval of the application.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, the application will require to be referred to the Principal Planning Committee, as there would be a breach of Council Policy.

Alan Neish
Head of Planning & 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.

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE 20 JUNE 2008 07/1061/FL: DEMOLITION OF EXISTING VACANT FOODSTORE, ERECTION OF 5 NON FOOD RETAIL UNITS, ONE UNIT COMBINED RETAIL AND LEISURE, PLUS FAST FOOD RESTAURANT AND ASSOCIATED ROADS, SERVICING AND PARKING ALTERATIONS AT: GLENCAIRN RETAIL PARK, HOLMQUARRY ROAD, KILMARNOCK BY ASHFLAME GLENCAIRN PARK LIMITED

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 full planning application which is to be considered by the Northern Local Planning Committee under the scheme of delegation, due to the fact that a statutory consultee has objected to the application, which, if approved, would be required to be referred to the Scottish Ministers, under the terms of the Town and Country Planning General Development Procedure Order 1992.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site covers most of the northern part of the area commonly known as Glencairn Retail Park, which is bounded by Low Glencairn Street, Holmquarry Road, West Shaw Street and Burnside Street, immediately south of Kilmarnock town centre. This northern part of the retail park currently has the former Safeway store in situ, which has been vacant since Safeway was bought over by Morrisons in 2004, and the new Morrisons store opened that year at West Langlands Street.

2.2 The application site does not include the southern part of the retail park, which has existing units which are currently trading, including Focus DIY (recently vacated), JJB Sports, Aldi Foodstore, Instore, TK Maxx, Pizza Hut and Halfords. These are the subject of a recent grant of planning consent for the refurbishment of facades and upgrade in appearance. This terrace of units will remain in built form, as existing, with the exception of the Halfords unit, which will be relocated to the east in a standalone unit, adjacent to other similar retailers and commercial vehicle uses at Kennedy Street. In all, the refurbishment of the existing units, the relocation of the Halfords unit, and the current application, form a suite of proposals to redevelop the entire retail park. Other areas outwith the boundary of the application site are the vacant petrol filling station to the south of the retail park, and the properties which front onto Low Glencairn Street.

2.3 The application site is accessed from the public roads at Holmquarry Road and at West Shaw Street. Servicing has been, and is proposed to continue to be taken from Burnside Street. The site measures approximately 4.6ha. Surrounding uses are industrial, with large scale operational sites for the Council and Scottish Power to the south, south west, and east of the retail park, and commercial to the immediate east on Low Glencairn Street. The site is within Ward 3: Kilmarnock West and Crosshouse.

2.4 **Proposed Development:** Planning permission is sought for the erection of 5 non-food retail units; one unit of combined retail and leisure use; a fast food restaurant; and associated roads, servicing and parking alterations. There is already a fast food restaurant existing within the retail park. As the retail floorspace is over the threshold of 2,000 square metres, the application is required to be referred for Committee determination under the scheme of delegation. For the major part of the development, maximum floorspace figures proposed are:

Unit 11 Ground Floor	22,500 sq ft / 2090 sq m (leisure)
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Total	114,500 sq ft / 10,645 sq m

2.5 Each of the units is calculated as including a mezzanine floor; however, mezzanines will not be provided as a matter of course, but instead will be used according to each retailers requirements, should such flexibility be required. In this way individual retailers have a space which can be adapted if necessary, without the need to seek alternative premises. This is represented in the application form floorspace figures, which calculate some 7,500 sq m of further floorspace in addition to the floorspace of the former Safeway premises.

2.6 **Planning History:** BMK was previously located on the site, and carpet works had been in existence since the mid 1800's in this location. The BMK building was demolished in 1996. The Safeway store was erected in 1985, and continued trading until the new store was opened at West Langland Street in 2004. The store operated under a Class 1 (Retail) consent with a condition limiting operation to food goods only. Application 05/0888/FL, to allow the existing Class 1 retail unit to be used for non food retail was approved by the Council, although the application was subsequently withdrawn by the applicants.

2.7 Consent was also granted for 30,000 sq ft of additional floorspace on the site of the BMK office building in Burnside Street in 1998, which although

unimplemented, was renewed in 2003, therefore this consent is still possible of implementation. The area has been recognised by the Council as a suitable location for retail use.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Grange Howard Community Council: - No response

Noted

3.2 Ayrshire Joint Structure Plan Committee: -Policy COMM6 of the approved Ayrshire Joint Structure Plan states that the three Ayrshire Councils should promote viability and vitality of town centres in six ways, of which part D of COMM6 is pertinent in this instance. Proposals will be supported that:

(D) "adopt a sequential approach to the approval of retail and commercial leisure development with new investment directed first to town centres and then edge of centre locations."

3.3 The principle of the proposal should be considered consistent with Policy COMM6, if the Council is satisfied that there are no sequentially preferable locations available within the town centre that are capable of accommodating a proportion of non bulky goods floorspace which is identified in Schedule 6 of the Structure Plan. It is considered that this site will contribute to meeting the Structure Plan requirements for bulky goods retailing.

3.4 The applicant has submitted a Planning and Retail Statement that supports the view that there is not adequate or appropriate floorspace in the town centre to support this proposal. As Glencairn Retail Park is just outwith the town centre boundary, it is considered to be an edge of centre site. Sequentially, this proposal accords with Structure Plan Policy COMM6.

3.5 East Ayrshire Council's Roads and Transportation Division: - No objections subject to the following conditions.

(a) The applicant shall submit a Traffic Assessment of the development for the written approval of the Council, and no works shall commence on site until the written approval is given. The applicant shall contact the Planning Authority to determine the exact scope of the Traffic Assessment, in respect of the issues which require to be addressed.

A Traffic Assessment has been now been received and is acceptable to the roads and Transportation Division.

3.6 East Ayrshire Council Roads Division Flooding Section: - No objections subject to a suspensive condition that no works can commence on site until a revised Flood Risk Assessment is submitted to the satisfaction of the Planning Authority.

These matters can be addressed by conditions

3.7 East Ayrshire Council's Outdoor Amenities Division: - No response

Noted

3.8 East Ayrshire Council's Environmental Health Division: - No objections in principle to the development subject to the following comments:

1. Noisy work on the site during construction should be restricted to 7am to 7pm Monday to Friday, 8am – 1pm on a Saturday, and no noisy work on a Sunday.
2. Noise from the works during construction should at no time cause the underlying background noise level LA90(1hour) to rise by more than 3dB(A).
3. All waste arising from the construction works should be disposed of to the satisfaction of the Waste Management Authority and otherwise than by burning.
4. All drainage should be completed to the satisfaction of Scottish Water and/or SEPA.
5. I wish to recommend the inclusion of a condition in any consent restricting the hours of use of the service yard to the rear of Units 11-15. given the proximity of housing in Fairyhill Road, to protect the amenity of the area and minimise the risk of noise nuisance.

These matters can be addressed by conditions

3.9 East Ayrshire Council's Environmental Health (Contaminated Land) Division: - No objections subject to the following conditions:-

- a. Following demolition of the existing buildings, a Phase 2 site investigation report should be submitted to the Council detailing the nature, extent and type(s) of contamination (if present) at the site. The report should identify the risks arising from potential exposure to these contaminants and remedial actions formulated to mitigate such risks.
- b. On completion of all remedial works a Remediation Verification report should be supplied to the Council detailing all remedial actions which were carried out at the site. This report should be formulated in line with CLR 11 Model Procedures for Land Contamination (Chapter 4, Output 5).

These matters can be addressed by conditions; the Phase 2 site investigation report has now been submitted to the Council.

3.10 West of Scotland Archaeology Service – No objections to the proposal and no substantive archaeology issue is raised by the application.

Noted.

3.11 Transco: - No objections. Comments made regarding the presence of gas mains and contact details provided.

This matter can be addressed by an advisory note

3.12 Scottish Power: - has no objections to the application, but it should be noted that an operational substation and/or overhead lines and/or underground apparatus are located in the vicinity of the development,

This matter can be addressed by an advisory note

3.13 West of Scotland Water/Sewerage Authority: – No response.

Noted.

3.14 Scottish Environment Protection Agency (SEPA): - SEPA have objected to the application as it considers the information supplied to be insufficient to address concerns on flooding. SEPA have stated they might review this position, subject to the provision of further information. The applicant, however, is not in a position to supply this information at present, and would be satisfied for the matter to be dealt with by suspensive condition. With the likelihood of the construction of the flood defence works on the adjacent Tesco site to the north of the application site, it may transpire that additional flood prevention works for the application site are not necessary, as the anticipated Tesco works will offer the application site the required protection. However, SEPA has to consider that the Tesco works are not yet completed and therefore has to assess the current application on its own merits.

3.15 SEPA therefore object to the application, on the grounds that the proposal may place buildings and people at flood risk contrary to the advice given under Scottish Planning Policy (SPP) 7 Flooding. SPP7 does however, state that where flood prevention works are under construction, a suspensive condition might be appropriate. The Council, therefore, is bound under the Notification of Applications Direction 2007, to notify the Scottish Ministers if it is intended to grant permission for development which has been the subject of consultation with SEPA under the GDPO (Article 15(1)(h)(i)) where SEPA has advised against the granting of planning permission.

4. REPRESENTATIONS

4.1 The application has been advertised in the local press and no representations were received.

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 Ayrshire Joint Structure Plan (2007) and the Adopted East Ayrshire Local Plan (2003).

5.2 **Ayrshire Joint Structure Plan.** Policy COMM6 of the Structure Plan advocates that the three Councils adopt a sequential approach to the approval of retail and commercial leisure development with new investment directed first to town centres and then edge of centre locations. This ensures a planned approach to limit out of centre locations for retailing, and thus preserve the vitality and viability of Town Centres by directing any new proposals to town centres in the first instance. As the former Safeway site lies outwith the town centre boundary, it is considered an edge of centre site (compared with an out of centre site). With no appropriate floorspace for the proposal available in the town centre, this edge of centre site is the next preferred location for new development proposals.

5.3 **East Ayrshire Local Plan.** Policies RTC1 in general, and Policy RTC5 in particular, are appropriate in this instance. Policy RTC1 states that all development proposals will adopt the sequential approach in locating suitable sites within East Ayrshire, similar to Policy COMM6 of the Structure Plan.

5.4 Policy RTC5 states that applicants will be required to demonstrate

[i] whether proposals will affect the vitality and viability of town centres;

It is considered that the development of Glencairn Retail Park will greatly improve the attractiveness of the southern end of the town to shoppers, but this will be at some expense to the town centre. For the original Safeway store, this analysis would have been similar, and led to the restrictive condition limiting the goods sold to food only. The later decision to allow the store to trade in bulky, or comparison goods, indicated the Council's desire to ensure the retail park area remained attractive to shoppers as an existing location, and in preference to any store relocating to an out of centre location. The range of goods sold at the retail park in terms of bulky goods will have a lesser impact on the town centre, which is largely used

for food and convenience goods.

[ii] whether the scale of the development is appropriate for the location;

It is considered the scale of the proposed development is in line with what is appropriate for the location, and not dissimilar in scale to that as existing.

[iii] whether the proposal is accessible to a choice in means of transport;

It is considered that the development is relatively well connected by bus routes to the town centre and it will have appropriate car parking available.

[iv] The effect of the proposal on travel patterns, infrastructure and road works.

Responses from other consultees are included in this report.

[v] whether the proposal would be compatible with other uses in the surrounding area;

As the surrounding area is predominately retail in nature, it is considered that the proposal will be compatible.

[vi] whether the design of the proposal is acceptable;

It is considered the design of the units is akin to similar units seen across the country in many retail parks. The design is an updated format of the type currently in situ and the design of these units within the proposal will accord with that of the remaining units in the southern end of the retail park.

[vii] the effect of the proposal on the environmental quality, character and amenity of the area;

The applicant has submitted a number of applications to the Council which are part of a suite of proposals to refurbish Glencairn Retail Park and make it a more updated and attractive area to visit. The vacant Safeway store will be demolished as part of the proposal, which will ensure an area of semi-derelict land on the edge of the town centre is brought back into productive use. The area has recently been blighted by vandalism and anti-social behaviour, and it is considered that the refurbishment of the area will be of major environmental benefit.

[viii] whether the proposal is compatible with other local plan policy objectives.

It is considered that the proposal accords with the local plan policies, conditional on various outstanding issues being submitted to and approved by the Planning Authority.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 It is, however, for the Council to take into account other material considerations such as the benefit of the redevelopment of the site in relation to the surrounding area. These issues are considered in more detail below.

6.2 The principal material considerations relevant to the determination of the application are National Planning Policy and Guidance, the alteration to the East Ayrshire Local Plan, the consultation responses, any representations, the planning history of the site, the impact on the amenity of the area, the applicants supporting statement and wider economic development considerations.

6.3 Scottish Planning Policy 8: Retailing. SPP8 commits Planning Authorities to ensure the vitality and viability of town centres is achieved through the sequential approach to site selection for new development; and through the wider provision of a range of retailing, social, leisure and environmental uses to ensure a balanced and attractive town centre. SPP8 advises that developers should have regard to a number of factors, including the scope for accommodating proposals in a different built form, or adjusting or sub-dividing larger schemes to provide a better fit with existing development, and for making use of vacant and under-used land or premises.

6.4 Alteration to the East Ayrshire Local Plan. The alteration of the East Ayrshire Local Plan, currently at finalised draft stage, is not at this time a material consideration.

6.5 Consultation Responses. The consultation responses are summarised in Section 3 and do not indicate that the application should be refused, subject to the imposition of appropriate conditions on any grant of planning consent.

6.6 Flooding: The site is in close proximity to the Kilmarnock Water and thus raises issues with regard to flooding. The adjacent site across West Shaw Street to the immediate north of the application site, is due to be developed shortly as a new Tesco store, [02/0005/OL, renewed by 07/0825/OL, and 07/0801/RM]. This site was originally planned to be the new Safeway store until Safeway was bought over by Morrisons. The site was sold to Tesco as there was consent in principle to construct a supermarket. The Tesco development proposed a flood defence wall, constructed to the satisfaction of the Council, which will, in effect, form the flood defence for the application site also, and this is recognised by both the Council's flooding staff and SEPA.

6.7 SEPA did not object to the 2002 application on flooding grounds. A number of suspensive conditions were attached to the 2002 consent to allow the principle of the development to be established, subject to the submission of detailed matters, including flood prevention works. The current application, however, had to be assessed on its own merits, in the event that the Tesco development did not go ahead, and no flood defences were built. SEPA recognises this, but is obliged to object to the application for this reason. In the event of an approval, therefore, this application must be referred to the Scottish Ministers under the terms of current planning legislation. Construction work on the Tesco site is imminent.

6.8 Representations. No representations to the application were received.

6.9 Impact on the Amenity of the Area. It is considered that the proposed development, subject to conditions, will represent an improved retail resource to the area, and will bring back into productive use one of the Councils key sites for regeneration in the town centre area. The site and surrounding area is currently experiencing detriment in terms of vandalism and anti-social behaviour due to the length of time it has lain derelict. There are considered to be no over-riding detrimental impacts arising from the development in terms of residential or visual amenity, subject to the imposition of suitable conditions.

6.10 Planning History. Application 05/0888/FL, to allow the existing Safeway retail unit to be used for non food retail was approved by the Council, although this application was subsequently withdrawn by the applicants. This effectively means that in 2005, the Council view was that an open Class 1 consent was acceptable for this site.

6.11 Furthermore, planning consent was also granted for 30,000 sq ft of additional floorspace on the site of the BMK office building in 1998, which although unimplemented, was renewed in 2003, therefore this consent is still valid.

6.12 The site has clearly been identified for retailing use. It is considered that continued non development of this highly visible site will endanger the image of Kilmarnock as a successful place to live, work and shop. This site is therefore one of the key sites within the Town Centre Strategy for redevelopment, and its redevelopment is fundamental to the economy of the town and in terms of the environmental benefits of having active traders on site.

6.13 Kilmarnock Town Centre Strategy It is one of the strategic aims of the Town Centre Strategy to improve and enhance the environmental character, appearance and amenity of the town centre and surrounding areas. One of the key solutions advocated within the strategy is to use development opportunities for this site to improve the physical environment, with the associated benefits that would come from that, such as improved perception and image of the area.

6.14 With any medium sized settlement, one of the principal aims is to ensure the continued importance of increasing the vitality and viability of the town centre in contrast to providing development at other locations. As Kilmarnock already loses significant amounts of retail expenditure to Glasgow and to other centres outwith East Ayrshire, failure to improve retail provision in the town will leave Kilmarnock increasingly susceptible to competition from other centres. The development of large areas of new housing land to meet anticipated demand provides the opportunity for Kilmarnock to increase the catchment population of the town centre. The redevelopment of this key site will provide a range of retailers, some of which are currently not located in the town, which will assist in ensuring an attractive mix of shops and leisure uses is available.

6.15 Applicant's Supporting Letter The applicant has submitted information in support of the application, by way of a supporting Planning and Retailing Statement, which addresses a number of factors. It is suggested that many of the proposed retailers [although none are finalised tenants as yet] will be of comparative nature, specialising largely in bulky goods. The applicants have confirmed in writing that the site will be suitable for, and marketed to bulky goods retailers, and therefore it is considered that the proposed development will contribute towards the large requirement for bulky goods retailing as identified in the joint Structure Plan.

A study of town centre floorspace was undertaken to identify if there were any suitable sites within the town centre for the proposal; however, this was not the case. The site at Glencairn represents an edge of centre site, rather than an out of centre site, so in sequential terms, is the next best option for siting retail development. Consents for surrounding sites, whether implemented or not, were also taken into account in terms of the impact on the town centre, and it is considered that this will not be significant and there is sufficient capacity in available expenditure within the Kilmarnock catchment to allow for this development. It is expected that some amount of trade diversion will come from the Queen's Drive area; however, it is anticipated that this proposal would also stem the amount of expenditure leakage that goes outwith East Ayrshire. The health of the town centre as a viable location for retailing continues to be supported by the range of uses and services also operating in that area, such as public houses and entertainment, offices and business uses. The nature of retail trading existing in the town centre is largely convenience trading and therefore it is considered the current proposal for comparison retailing at Glencairn Retail Park, will not have a significant effect on the viability of the town centre. The applicants have also indicated their willingness to enter into a voluntary agreement to contribute a sum to the Council's traffic management system.

The Council has followed the correct procedures in the processing of this application which has been assessed on its own merits taking into account the development plan and all other material considerations.

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 for the Council in the determination of this application, however, as an objection from SEPA remains on file, the application must be referred to the Scottish Ministers in the event of its approval.

8. CONCLUSIONS

8.1 As indicated in the report, the application is not considered contrary to the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

8.2 As per Section 6 of the report there are material considerations relevant to the application and in this instance due to the nature of the site, proposal, planning history and wider economic development context it is considered on balance that these add sufficient weight to merit the approval of the application. It is considered that the issues raised by SEPA's objection on flooding grounds can be mitigated by the use of conditions.

9. RECOMMENDATION

9.1 It is recommended that the Planning Application be approved subject to the conditions indicated on the attached sheet and that, because of the outstanding SEPA objection the application is notified to the Scottish Ministers in terms of Article 15 of the (General Development Procedure) (Scotland) Order 1992 and the (Notification of Planning Alterations) (Scotland) Direction 2007.

CONTRARY DECISION NOTICE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development it will require to be referred to the Principal Planning Committee, as this would represent a significant breach of Council Policy.

Alan Neish
Head of Planning, and Economic Development

12 June 2008 (MF/SA)
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Consultation Responses.
3. Adopted East Ayrshire Local Plan (2003).
4. Approved Ayrshire Joint Structure Plan (2007).
5. Kilmarnock Town Centre Regeneration Strategy
6. Planning Permission 02/0005/OL
7. Planning Permission 07/0825/OL
8. Planning Permission 07/0801/RM
9. Planning Permission withdrawn 05/0888/FL
10. Applicant's Supporting Statement.
11. Halcrow Flood Assessment Safeway plc 2002
12. Glencairn Flood Strategy Report Stage 1
13. Glencairn Drainage Strategy Report Stage 1
14. Glencairn Contamination Remediation Strategy Report Stage 1
15. Glencairn Retail Park Transport Statement

Anyone wishing to inspect the above papers please contact Marion Fergusson, Senior Planning Officer, on 01563 576769.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

07/1061/FL

Site of Proposal:	Glencairn Retail Park, Holmquarry Road, Kilmarnock
Nature of Proposal:	Erection of 5 Non Food Retail Units, One Unit combined Retail and Leisure, Fast Food Restaurant and associated Roads, Servicing and Parking Alterations.
Name & Address of Applicant:	Ashflame Glencairn Retail Park Ltd, Gallacher House Gallacher Way Warwick, CV34 6AF

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

1. The development shall be implemented in accordance with the information submitted in the application forms and accompanying plans.

REASON To ensure the development is carried out in accordance with the approved plans.

2. Prior to any works commencing on site, a revised Flood Risk Assessment together with any mitigation works to alleviate Flood Risk and secure Flood Prevention and including the phasing of the mitigation works relative to implementation of the development, shall be submitted to and approved in writing by the Planning Authority. Development shall be strictly undertaken in accordance with the details approved further to this condition.

REASON: In the interests of mitigating Flood Risk in the area and in order to retain proper control over the development proposal.

3. The applicant shall ensure that surface water from the site is treated in accordance with the principles of the Sustainable Urban Drainage Scheme manual C697 which was published by CIRIA in March 2007.

REASON: In the interests of the sustainable urban drainage of the site.

4. The junction improvements proposed at Holmquarry Road shall be constructed prior to commencement of the works hereby approved. Full details shall be submitted for the written approval of the Planning Authority.

REASON: In the interests of traffic safety and circulation of this locus.

5. Noisy work on the site during construction shall be restricted to 7am to 7pm Monday - Friday, 8am - 1pm on Saturdays and no noisy work on a Sunday.

REASON To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity.

6. Noise from the works during construction should at no time cause the underlying background noise level LA90(1hour) to rise more than 3dB(A).

REASON To prevent noise and disturbance.

7. All waste arising from the construction works shall be disposed of to the satisfaction of the Waste Management Authority and otherwise than by burning.

REASON In order to meet the requirements of SEPA, and in the interests of the required waste management associated with the development.

8. The use of the service yard to the rear of Units 11-15 shall be limited to 7am to 11pm.

REASON In order to protect the amenity of the surrounding residential area and minimise the risk of noise nuisance.

9. Following demolition of the existing buildings, a Phase 2 site investigation report should be submitted to the Council detailing the nature, extent and type(s) of contamination (if present) at the site. The report should identify the risks arising from potential exposure to these contaminants and remedial actions formulated to mitigate such risks.

REASON: To ensure potential risks are fully assessed and remediation measures implemented to the Authority's satisfaction.

10. On completion of all remedial works a Remediation Verification report should be submitted to and approved by the Council detailing all remedial actions

which were carried out at the site. This report should be formulated in line with CLR 11 Model Procedures for Land Contamination (Chapter 4, Output 5).

REASON: To ensure potential risks are fully assessed and remediation measures implemented to the Authority's satisfaction.

11. Before any works start on site, details of the future management and aftercare of the proposed landscaping and planting shall be submitted to and approved in writing by the Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details.

REASON In the interests of visual amenity and to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

12. Prior to the commencement of any construction works on site, details of the foul drainage proposals shall be submitted to and approved by the Planning Authority. Thereafter the foul drainage scheme shall be installed on site in accordance with the approved details prior to the opening of the store.

REASON To ensure a satisfactory foul drainage system is provided for the development.

13. Details of the proposed site lighting shall be submitted to and agreed in writing by the Planning Authority, prior to any work commencing on site. Thereafter, the approved lighting shall be installed and operational prior to the opening of the store.

REASON In the interests of traffic safety within the site.

14. Samples of the Kingspan composite panels shall be submitted to and approved in writing by the Council prior to the commencement of development.

REASON In order to retain control of the visual amenity of the development.

15. No plant or plant housing shall project through the roof profile of the proposed units.

REASON In order to retain control of the visual amenity of the development.

16. The application shall submit for the written approval of the Planning Authority a Travel Plan for the development, within six months of the date of this decision notice, and thereafter implement the plan as agreed.

REASON To enable the Planning Authority to consider these aspects in detail.

NOTES TO APPLICANT

1. The removal of waste off site must be in accordance with the waste management regulations and the developer should contact SEPA with regard to the relevant requirements relating to the transport of controlled waste by registered carriers and the furnishing and keeping of duty of care waste transfer notes.
2. The developer is advised to contact Scottish Water Planning and Development Services team for permission to connect to the public water network and to discuss whether the existing water supply may need upgrading in view of the proposed development, prior to any work commencing on site.
3. The developer is advised to contact the Council's Roads and Transportation Division with regards to obtaining road construction consent prior to the commencement of the development.
4. The developer is advised to contact Scottish Power with regard to any of their apparatus located at the site, prior to any work commencing on site. (Reference WAY/PA/KK/0010), contact Robin Richmond, Scottish Power, Greenholm Street, Kilmarnock, KA1 4YE, 01563 494043.
5. The developer is advised to contact Scotland Gas Networks with regard to any of their apparatus located at the site in order to prevent any damage to Scottish Gas Networks plant, prior to any works commencing on site. Contact Scotland Gas Networks at 95 Kilbirnie Street, Glasgow G5 8JD telephone 0141 418 4093 (Reference SC/26.01.08/NA54942/86146). The plant protection department of Scotia Gas Networks has also requested that they are contacted prior to work commencing on site and the contact is Mr B Quigley, Network Technician, Riverbank House, Burnside Street, Kilmarnock, KA1 4EU tel 01563 573462.