

## **EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 07 MAY 2004**

**04/0052/FL: PROPOSED 30,000 SQ FT RETAIL UNIT WITH 10,000 SQ FT  
GARDEN CENTRE AND 10,000 SQ FT MEZZANINE  
AT SITE ADJACENT TO FITNESS FIRST  
QUEENS DRIVE, KILMARNOCK  
BY DAWN DEVELOPMENTS LTD**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 The applicants propose to construct a non-food retail unit of 30,000 sq ft with a 10,000 sq ft mezzanine and a 10,000 sq ft garden centre with a new car park facing onto Queens Drive. The external finish of the unit will match the visual appearance of other units on the retail park comprising a red masonry plinth and silver wall cladding. The roof will be formed from a goosewing grey cladding system. The building will present an entrance feature constructed from red masonry blockwork with an aluminium glazed frame and automatic entrance doors. The garden centre and service yard will be surrounded by a 5 metre high timber screen with a 22 metre stretch of fence along Little Bellsland Road extending from the rear elevation of the unit and in part surmounted by 2 metre high netting. The car park to the front will be punctuated by small landscaped features. The service yard will be to the rear of the site boundary onto Glenfield and Kennedy taking access from an existing service road.

1.2 The applicants have submitted a Retail Statement in support of their application which indicates that Homebase will operate from the unit selling a range of DIY goods, furniture and associated household goods. This company are a recognised bulky goods operator preferring in locational terms, a retail park environment. The statement advises that the application site is the only site in East Ayrshire where retailing is acceptable although limited to 'bulky goods' as defined in NPPG 8.

1.3 The statement advises that Queens Drive is appropriate for the use based on its designation under the Adopted Local Plan. Other development sites identified in the Local Plan are fully developed/too small or have a limited amount of car parking suitable for use by bulky goods operations. One unit in Titchfield Street dealing in wallpaper and paint operates within the town centre and there are several furniture stores although furniture comprises a relatively small part of the Homebase operation. Furniture is also sold as 'flat pack' whilst existing retailers are more traditional operators.

1.4 The applicant's statement presents anticipated benefits of the proposed development and these are suggested as follows:

#### Potential Clawback/Retailing

Homebase intend to have a presence in all 3 of the Ayrshire Local Authority areas and to-date are based in North and South Ayrshire. Homebase advise that significant use is made of their store in Ayr by Kilmarnock residents and a store in Queens Drive will help clawback some of this expenditure whilst also adding to the range of retailers at Queens Drive, providing a degree of competition with B & Q.

#### Environmental/Urban Regeneration

This portion of the larger site has remained vacant since planning consent was granted in 1996. The appearance and condition of Queens Drive is important for Kilmarnock's image and that of East Ayrshire. Homebase represents the strongest interest in the land to date allowing completion of the larger development site.

#### Accessibility

Queens Drive is served by continually improving transport links bringing the retail and leisure park and the town centre closer. Queens Drive is served by 5 bus routes and it is noted that the Council aspires to the provision of a 'hopper' bus service. Queens Drive is part of a designated cycle route.

#### Urban Design

The proposals would serve to complete Queens Drive to a standard acceptable to the Council's design guidelines.

## **2. RECOMMENDATION**

**2.1 It is recommended that the application be approved subject to the conditions indicated on the enclosed sheet and that the issuing of the Planning Decision Notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants and other interested parties on the matters set out in principle in paragraph 7.2 of the report.**

### **3. CONCLUSIONS**

3.1 As indicated at Section 5 of the report, the application is considered to be in accordance with the Approved Ayrshire Joint Structure Plan and also in accordance with the terms of the Adopted East Ayrshire Local 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 The site is an identified miscellaneous development opportunity site within the local plan and the proposed use falls within the specified categories for 'bulky goods'. The external finish and overall design is considered to be appropriate and will be in-keeping with existing units thereby ensuring continuity of development. None of the statutory consultees have objected to the development although it is recommended that a condition be attached to any grant of planning consent to ensure that goods sold from the unit are bulky goods which are unlikely to be available in the town centre. This is in order to protect the vitality and viability of Kilmarnock town centre.

3.3 The applicant is also willing to enter into a Section 75 Legal Agreement to make financial contributions towards the following:-

- provision of a hopper bus service to serve Queens Drive, and
- provision of traffic signals at the roundabouts at Old Mill Road/Lawson Street, Queens Drive/Hurlford Road.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control and if that decision was arrived at on the basis of the principle of the development, the application will require to be referred to the Development Services Committee as this would be a significant breach of Council Policy.

**Alan Neish**

**Head of Planning, Development and Building Standards**

**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

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### Report by Head of Planning, Development and Building Standards

#### 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 Central Local Planning Committee under the scheme of delegation because it is a larger application of area significance which is in accordance with the East Ayrshire Local Plan.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises vacant ground within Queens Drive to the south east of Kilmarnock. The site is fairly level and extends to 1.942 hectares in area. The site is bound to the north by Fitness First and associated car parking, to the south by Little Bellsland Road beyond which is the Asda superstore and car park, to the west lies the Glenfield and Kennedy factory and vacant land which was recently granted planning permission for an office development and to the east is Queens Drive.

2.2 **Proposed Development:** The applicants propose to construct a non-food retail unit of 30,000 sq ft with a 10,000 sq ft mezzanine and a 10,000 sq ft garden centre with a new car park facing onto Queens Drive. The external finish of the unit will match the visual appearance of other units on the retail park comprising a red masonry plinth and silver wall cladding. The roof will be formed from a goosewing grey cladding system. The building will present an entrance feature constructed from red masonry blockwork with an aluminium glazed frame and automatic entrance doors. The garden centre and service yard will be surrounded by a 5 metre high timber screen with a 22 metre stretch of fence along Little Bellsland Road extending from the rear elevation of the unit and in part surmounted by 2 metre high netting. The car park to the front will be punctuated by small landscaped features. The service yard will be to the rear of the site boundary onto Glenfield and Kennedy taking access from an existing service road.

2.3 The applicants have submitted a Retail Statement in support of their application which indicates that Homebase will operate from the unit selling a range of DIY goods, furniture and associated household goods. This company are a recognised bulky goods operator preferring in locational terms, a retail park environment. The statement advises that the application site is the only site in East Ayrshire where retailing is acceptable although limited to 'bulky goods' as defined in NPPG 8.

2.4 The statement advises that Queens Drive is appropriate for the use based on its designation under the Adopted Local Plan. Other development sites identified in the Local Plan are fully developed/too small or have a limited amount of car parking suitable for use by bulky goods operations. One unit in Titchfield Street dealing in wallpaper and paint operates within the town centre and there are several furniture stores although furniture comprises a relatively small part of the Homebase operation. Furniture is also sold as 'flat pack' whilst existing retailers are more traditional operators.

2.5 The applicant's statement presents anticipated benefits of the proposed development and these are suggested as follows:

#### Potential Clawback/Retailing

Homebase intend to have a presence in all 3 of the Ayrshire Local Authority areas and to-date are based in North and South Ayrshire. Homebase advise that significant use is made of their store in Ayr by Kilmarnock residents and a store in Queens Drive will help clawback some of this expenditure whilst also adding to the range of retailers at Queens Drive, providing a degree of competition with B & Q.

#### Environmental/Urban Regeneration

This portion of the larger site has remained vacant since planning consent was granted in 1996. The appearance and condition of Queens Drive is important for Kilmarnock's image and that of East Ayrshire. Homebase represents the strongest interest in the land to date allowing completion of the larger development site.

#### Accessibility

Queens Drive is served by continually improving transport links bringing the retail and leisure park and the town centre closer. Queens Drive is served by 5 bus routes and it is noted that the Council aspires to the provision of a 'hopper' bus service. Queens Drive is part of a designated cycle route.

## Urban Design

The proposals would serve to complete Queens Drive to a standard acceptable to the Council's design guidelines.

### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 Transco have no adverse comments to make regarding the proposed development.

***Noted.***

3.2 Scottish Water have no objections to the proposed development although it is recommended that early contact be made with them and that a SUDS drainage scheme be implemented. Scottish Water have also confirmed that surface water connections will be allowed to the existing sewers although the developer will be required to provide detailed drainage proposals.

***Noted. The SUDS scheme can be controlled by condition should Members choose to grant consent.***

3.3 Scottish Environment Protection Agency have not objected provided all foul drainage is connected to the public sewer and that permission is conditional on the implementation of a SUDS scheme. SEPA also advise that the site lies within the flood plain of the River Irvine and the applicant should be requested to provide clarification that the development is secure from an appropriate flood event, additional measures required to minimise flood risk, the impact on local flood storage and confirmation that the flow capacity of the flood flow pathway along Little Bellsland Road is not materially affected by the development. SEPA have further advised that they would not object to the of imposition of a condition as detailed in Section 3.6 of this report relative to the flood risk of the site.

***Members are referred to Sections 3.2 and 3.6 of this report which detail the comments of Scottish Water and the Council's Roads and Transportation Division.***

3.4 The Piersland Bentinck Community Council and The Coal Authority have not responded to their consultation at the time of writing this report.

***Noted.***

3.5 Outdoor Services have no objections to make although require the submission of a landscaping scheme.

***The applicant has advised the intention to punctuate the car park with tree planting and introduce areas of landscaping facing onto Queens Drive. Should Members choose to grant consent the provision of landscape details can be conditioned.***

3.6 East Ayrshire Council's Roads and Transportation Division were consulted on traffic and flooding grounds and have advised as follows:-

#### Traffic

The Transport Assessment submitted has demonstrated the following:-

- Whilst overall in conjunction with nearby Fitness First there would be a deficit level of parking provision, it is considered that sufficient parking exists in view of the measures to encourage non-car based travel, ie staff travel plan, hopper bus service and pedestrian/cycle units. (The Roads and Transportation Division have advised they will also provide waiting and loading restrictions on Queens Drive to prevent indiscriminate parking).
- The introduction of traffic signals linked to the town centre SCOOT system should be implemented. Any planning permission should be linked to a legal agreement to secure a financial contribution towards such traffic signals.
- The following must be provided:-
  - cycle parking and disabled parking spaces;
  - a staff travel plan;
  - appropriate linkages from the development through the site to the adjacent pedestrian, cycle and bus stop facilities;
  - a pedestrian link across Little Bellsland Road to the adjacent Asda supermarket.

***It is considered that the contribution to the hopper bus service and road improvements can be implemented by a Section 75 Legal Agreement as detailed in Section 7 of this report. The applicant has advised that he is agreeable to entering into the Agreement. All other matters can be conditioned should Members agree to grant consent.***

#### Flooding

No objection is offered to the proposed development although clarification is required from the developer prior to any work commencing on site to ensure that there will not be an adverse effect from flood risk on neighbouring properties.

***It is considered that this clarification can be obtained through a condition should Members choose to grant consent.***

3.7 The Scottish Executive Trunk Roads (Network Management Division)(TRNMD) have no objection although they recommend a condition not allowing occupation of the property until a Staff Travel Plan has been submitted to and approved in writing by the Planning Authority and the TRNMD.

***Noted. Should Members choose to grant consent it is recommended that such a condition be incorporated.***

#### **4. REPRESENTATIONS**

4.1 No letters of representation have been 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 Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (1985).

##### Approved Ayrshire Joint Structure Plan

5.2 The proposed development requires to be assessed against Policies L9 and L10 of the Approved Ayrshire Joint Structure Plan. In summary, Policy L9 refers to retail developments above 1500 square metres gross floorspace adopting a sequential approach to site selection and assessing its effect on the viability, vitality and character of the town centre.

***The proposed development has been assessed against Policy L9 and is not considered to raise any strategic concerns about the development. Furthermore, the application site is an identified retail opportunity site in the Adopted East Ayrshire Local Plan.***

5.3 Policy L10 recommends restricting the type of retail floorspace at existing and proposed out of centre retail warehouse developments to the sale of DIY, furniture, carpets, electrical and gardening goods.

***It is recommended that a condition is attached to any grant of planning consent to reflect the terms of the policy.***

## Adopted East Ayrshire Local Plan

5.4 Policy RTC 2 states that the types of developments detailed in Schedule 5 of the local plan will be considered acceptable in principle on those opportunity sites identified by the local plan.

***The application site is identified as site 164M where the Council will encourage and support the development of an appropriate retail development of DIY, furniture, carpets, electrical, garden or other bulky goods which are not generally appropriate for sale in town centre localities. The proposal is considered to be in accordance with this policy based on the information supplied by the applicant as detailed in Section 2.2 of this report.***

***There are no Roads or Transportation objections and the use will complement those adjacent as will the design of the building. The proposal is accompanied by a Transport Impact Assessment and a Retail Impact Assessment.***

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of the application are NPPG 8 Town Centres and Retailing, the statutory consultations, the planning history of the site and the design of the proposed building.

### NPPG 8 Town Centres and Retailing

6.2 NPPG 8 recognises the important role town centres play in offering a range, quality and convenience of services and activities that are attractive, not only to the local population, but also to visitors and investors. Sustaining the vitality and viability of town centres depends on continuing investment in new developments and it is recommended that Planning Authorities and developers should adopt a sequential approach to selecting sites for new retail developments.

***The proposed development lies outwith the town centre boundary and the developer has adopted a sequential approach to the selection of the site. The site is also identified in the EALP as detailed in Section 5.4 of this report as a Miscellaneous Development Opportunity site.***

## Statutory Consultations

6.3 The content of the statutory consultation responses has been addressed in Section 3 of this report. None of the statutory consultees have raised any negative issues which would warrant refusal of this application.

## Planning History

6.4 Outline planning permission was granted Ref: KL/E/OL/79/384G, following a public local inquiry on 17 September 1996, for "Restaurants with Fast Food 'Drive-thru', Car Showrooms, Servicing Facilities and Leisure Developments Consisting of Bingo, Cinema, Bowling, Sports Club and Other Outdoor and Indoor Recreational Facilities". This is the last remaining site for development within the locality which to-date includes a cinema, fast food restaurants and health and fitness club.

## Design

6.5 The external design and finishes of the proposed retail unit is considered to be acceptable. The existing properties in Queens Drive are modern in design and the proposed unit is of similar design to these buildings. It will be finished in materials which are in keeping with existing developments. The applicant also proposes to undertake a landscaping scheme which will enhance the surrounding environment and approach into Kilmarnock.

## **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 would arise should the Council agree to approve the application as it is recommended that the Council enters into a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 with the applicant landowners and other relative parties to secure obligations on the developer as detailed below. The Legal Agreement should contain the following principles:-

- i) A binding commitment to financially contribute to the Hopper Bus Service at a level to be agreed with the Council;
- ii) A financial contribution to facilitate the provision of traffic signals at the junctions of Old Mill Road/Lawson Street and Queens Drive/Hurlford Road which will be linked with the town centre SCOOT system.

## **8. CONCLUSIONS**

8.1 As indicated at Section 5 of the report, the application is considered to be in accordance with the Approved Ayrshire Joint Structure Plan and also in accordance with the terms of the Adopted East Ayrshire Local 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 The site is an identified miscellaneous development opportunity site within the local plan and the proposed use falls within the specified categories for 'bulky goods'. The external finish and overall design is considered to be appropriate and will be in-keeping with existing units thereby ensuring continuity of development. None of the statutory consultees have objected to the development although it is recommended that a condition be attached to any grant of planning consent to ensure that goods sold from the unit are bulky goods which are unlikely to be available in the town centre. This is in order to protect the vitality and viability of Kilmarnock town centre.

8.3 The applicant is also willing to enter into a Section 75 Legal Agreement to make financial contributions towards the following:-

- provision of a hopper bus service to serve Queens Drive, and
- provision of traffic signals at the roundabouts at Old Mill Road/Lawson Street, Queens Drive/Hurlford Road.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions indicated on the enclosed sheet and that the issuing of the Planning Decision Notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants and other interested parties on the matters set out in principle in paragraph 7.2 of the report.**

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control and if that decision was arrived at on the basis of the principle of the development, the application will require to be referred to the Development Services Committee as this would be a significant breach of Council Policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

28 April 2004  
(FMF/MMM)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Plan and Forms.
2. Statutory Notices and Certificates.
3. Consultation Replies.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted East Ayrshire Local Plan.
6. Retail Statement.
7. Transport Impact Assessment.
8. Previous Planning Applications.

Anyone wishing to inspect the above papers please contact Fiona Finlay on 01563 576768.

***Implementation Officer: Dave Morris***

040052FL

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

04/0052/FL

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Site of Proposal:	Site Adjacent to Fitness First Queens Drive KILMARNOCK
Nature of Proposal:	Proposed 30,000 sq ft Retail Unit with 10,000 sq ft Garden Centre and 10,000 sq ft Mezzanine
Name & Address of Applicant:	Dawn Developments Ltd 220 West George Street GLASGOW G2 2LB
Name & Address of Agent:	ADF Architecture and Design Cumbrae House 15 Carlton Court GLASGOW G5 9JP

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DPOs Reference: FMF/MMM

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

1. The proposed development shall be carried out in accordance with the application form received 19 January 2004 and the amended plans received 10 February 2004; the indicative planting layout and letter from ADF both received 17 February 2004; the Retail Statement received from Dawn Developments dated 04 February 2004 as supplemented by the additional information from Dawn Developments dated 26 February 2004; the letter from ADF dated 20 February 2004, the Transport Assessment dated April 2003, the "Addendum to Report" dated February 2004 and "Addendum 2 and Notes, Memoranda, Data etc" dated April and the letter from URS Corporation Ltd dated 13 February 2004.

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

2. Prior to the commencement of any works on site, details and samples of all finishes and colours to be used as external materials on the proposed development shall be submitted to and approved in writing by the Planning Authority and thereafter implemented as approved on site.

REASON In order to ensure the visual integration of the proposed development with the retail park.

3. Prior to any works commencing on site, details of the car parking, service yard and external security lighting shall be submitted to and approved in writing by the Planning Authority. Said details shall include the design, style, positioning and wattage of the external lighting scheme which shall be installed and in operation prior to the commencement of trading of the retail unit hereby approved. The external lighting shall operate thereafter without interference and disturbance in terms of light spillage to neighbouring properties.

REASON In the interests of the amenity of the surrounding area.

4. Prior to starting work on site, the location and design of the service yard gates shall be submitted to and approved in writing by the Planning Authority. The gates shall be installed as approved prior to the commencement of trading of the retail unit and retained in situ thereafter.

REASON In the interests of visual amenity.

5. Notwithstanding the approved plans, details, layout and elevations of the sprinkler tank and pump house shall be submitted to and approved in writing by the Planning Authority and shall thereafter be implemented as approved on site prior to the commencement of retail trading from the unit.

REASON In the interests of visual amenity.

6. Prior to the commencement of works on site, details including location and specifications of all refuse bins within the development site and including the provision for the collection of commercial waste, shall be submitted to and approved in writing by the Planning Authority. All refuse bins as approved, shall be installed on site prior to the commencement of trading of the non-food retail unit.

REASON In the interests of the amenity of the area.

7. Notwithstanding the plans hereby approved, and prior to the commencement of any works on site, details and samples of the finishes to all car parking and vehicle manoeuvring areas shall be submitted to and approved in writing by the Planning Authority. Particular consideration must be given to the introduction of finishes which will be compatible with the attainment of a

Sustainable Urban Drainage solution in accordance with the CIRIA Manual of March 2000.

REASON In order to ensure a visually acceptable development that is appropriate in terms of Sustainable Urban Drainage.

8. Notwithstanding the approved plans and prior to the commencement of works on site, details of the car parking layout including spaces for disabled parking and parent and child parking and service yards shall be submitted to and approved in writing by the Planning Authority and shall thereafter be implemented as approved prior to the commencement of trading from the retail unit.

REASON In order to ensure that adequate car parking and servicing facilities exist for the retail development.

9. At no time unless with the prior written consent of the Planning Authority, shall any retail trading occur or goods be stored outwith the internal floorspace of the non-food retail units with the exception of within the garden centre hereby approved.

REASON In the interests of visual amenity of the area.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1997, the range of goods to be sold from the proposed retail unit hereby approved shall be restricted to the sale of DIY, furniture, carpets, electrical, gardening or other bulky goods and the range of goods identified in Section 6 of the Retail Statement supplied by Dawn Developments dated 04 February 2004 as supplemented by the letter from Dawn Developments dated 26 February 2004 as approved under the terms of Condition 1 above from Dawn Developments.

REASON To enable the Planning Authority to retain control over the development of the site to maintain the integrity of structure and local planning policies and the vitality and viability of the town centre of Kilmarnock.

11. Prior to any work commencing on site and in accordance with the terms of the letter dated 20 February 2004 from ADF as approved under the terms of Condition 1, details and specification of a pedestrian crossing on Little Bellsland Road shall be submitted to and approved in writing by the Planning Authority. The crossing shall thereafter be formed as approved on site prior to the commencement of trading from the retail unit.

REASON In the interests of safe pedestrian access within the retail park.

12. Notwithstanding the approved plans detailed in Condition 1 the mesh screen along the southern boundary of the garden centre is not approved. Before the commencement of construction on site, details and samples of the boundary treatment shall be submitted to and approved in writing by the Planning Authority and shall thereafter be implemented as approved on site prior to the commencement of trading from the retail unit.

REASON In the interests of visual amenity.

13. Prior to the commencement of any works on site and in accordance with the letter from ADF dated 16 February 2004 approved under the terms of Condition 1 above, details of a landscaping scheme and a maintenance scheme for all landscaped areas shall be submitted to and approved in writing by the Planning Authority. All landscaped areas shall thereafter be laid out and maintained as approved no later than the first available planting season following the completion of the development. The landscaping scheme shall provide for a dense and varied level of planting to all landscape areas including those areas of ground bounding Queens Drive, the Asda Petrol Filling Station and Little Bellsland Road.

REASON In order to ensure a visually acceptable development.

14. Before any work commences on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved in writing by the Planning Authority. The Sustainable Urban Drainage System shall thereafter be formed and maintained on site in accordance with the approved details prior to the commencement of trading from the unit.

REASON To ensure that adequate drainage is provided.

15. During construction, the developer of the site shall ensure that adequate and continuing measures are taken to ensure that roads and footpaths adjoining the site are maintained free from mud and other material carried from the site by construction and any other vehicles.

REASON In the interests of public and road safety.

16. No part of the development shall be occupied until a Staff Travel Plan (STP) has been submitted to and approved in writing by the Planning Authority in consultation with the Scottish Executive TRNMD. The Travel Plan will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan and the retail unit hereby approved shall operate thereafter in accordance with the terms of the approved STP.

REASON In order to be consistent with the requirements of NPPG 17 and PAN 57 titled "Transport and Planning".

17. No work shall commence on site for the proposed development hereby approved until the Planning Authority has been supplied with and has approved in writing, confirmation that the proposed development will not have an adverse effect on existing neighbouring properties in terms of flood risk.

REASON In order to ensure that the site will not adversely affect any existing neighbouring properties in terms of flood risk.

18. Prior to any work commencing on site details of the location and design of the cycle parking area and stands shall be submitted to and approved in writing by the Planning Authority and shall thereafter be implemented as approved on site prior to the commencement of trading from the unit.

REASON In order to promote environmentally sound modes of transport to the proposed development.

19. Prior to any work commencing on site details of the linkages from the development through the site to the adjacent pedestrian, cycle and bus stop facilities shall be submitted to and approved in writing by the Planning Authority. These measures shall thereafter be implemented as approved prior to the commencement of trading from the retail unit.

REASON In order to promote environmentally sound modes of transport to the proposed development.

#### NOTES:-

1. Scottish Water have advised that the applicant should contact Scottish Water at an early date at their offices at 35 Glenburn Road, Prestwick (Tel No 0845 601 8855).
2. Copies of the consultation responses received from Transco and the Coal Authority are attached to this decision. The applicant is strongly advised to note the content of same and make the necessary contacts at an early date.
3. The developer is strongly advised to make early contact with the Roads and Transportation Division at Greenholm Street, Kilmarnock (Tel 01563 576310) to arrange the necessary Traffic Regulation Orders.
4. The consultation response of Scottish Environment Protection Agency has raised the following issues which require to be addressed:-

- a) All foul drainage, trade effluent and potential service off must be connected to the Local Authority sewer. SEPA would furthermore wish sight of a written assurance from Scottish Water that any additional burden to the sewerage system will not cause premature operation of existing down stream storm overflow arrangements.
5. The developer shall make early contact with the Scottish Environment Protection Agency and Scottish Water to confirm their request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.
6. 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.
7. Notwithstanding the approved plans and the provisions of the Town and Country Planning (Control of Advertisement)(Scotland) Regulations 1984, no fascia signs, adverts or projecting signs shall be erected on the premises or within the application site, without the prior express written consent of the Planning Authority.
8. 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.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**