

**EAST AYRSHIRE COUNCIL**

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

**04/0054/RM: PROPOSED ERECTION OF FLATTED RESIDENTIAL DEVELOPMENT, HERITAGE CENTRE, ASSOCIATED PARKING AND ACCESS  
AT WEST LANGLANDS STREET/NORTH HAMILTON STREET/PARK STREET, KILMARNOCK**

**04/0053/LB: CONVERSION AND REFURBISHMENT OF EXISTING LISTED BUILDINGS AND DEMOLITION OF ANCILLARY STRUCTURES AT CALEDONIA WORKS, WEST LANGLANDS STREET, KILMARNOCK BY KLIN HOLDINGS LTD**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 **Proposed Development:** A Reserved Matters consent is sought for the construction of 62 flatted dwellings and the development of a heritage centre. Listed Building Consent is also sought for the proposed conversion and refurbishment of the existing listed building together with the demolition of associated structures.

The development comprises the following details:-

- 21 flatted units at Ground Floor;
- 23 flatted units at First Floor;
- 14 flatted units at Second Floor;
- 4 flatted units at Third Floor.

This can be summarised as:

- 18 flatted units in the New Build;
- 44 flatted units in the Converted Listed Building.

The development comprises a mix of 1, 2 and 3 bedroom flatted units. A total of 62 residents parking spaces are proposed within the internal courtyard.

1.2 The majority of the buildings within the internal courtyard will be demolished leaving the general structure of the red brick buildings which front West Langlands Street and North Hamilton Street. The majority of the industrial warehouse buildings onto Park Street are proposed to be demolished which will

allow the erection of a new building. This new building will be 4-storey in height, accommodating 18 flatted units and will be of modern industrial design and materials to reflect the industrial heritage of the site. It encompasses the use of a metal apex roof with split faced concrete masonry at ground floor level and the use of zinc/lead substitute cladding on the floors above onto Park Street. The elevation onto the internal courtyard encompasses the use of zinc panels at third floor level and render on other parts of the building. Windows are of various sizes and shapes to reflect the industrial design of the building.

1.3 The majority of the buildings within the internal courtyard will be demolished leaving the general structure of the red brick buildings which front West Langlands Street and North Hamilton Street. The majority of the industrial warehouse buildings onto Park Street are proposed to be demolished which will allow the erection of a new building. This new building will be 4-storey in height, accommodating 18 flatted units and will be of modern industrial design and materials to reflect the industrial heritage of the site. It encompasses the use of a metal apex roof with split faced concrete masonry at ground floor level and the use of zinc/lead substitute cladding on the floors above onto Park Street. The elevation onto the internal courtyard encompasses the use of zinc panels at third floor level and render on other parts of the building. Windows are of various sizes and shapes to reflect the industrial design of the building.

1.4 In the refurbishment and conversion of the existing store and red brick buildings to flatted units, it is proposed to retain as many as possible of the original features and details as possible. The original windows where possible will be restored and natural slate will be used on the roof, with additional new slates used to match the existing in appearance, texture, colour and size and randomly dispersed among original slates. The existing cast iron roof lights will be removed and replaced with conservation style low profile casement roof lights to reflect the industrial character of the building. The hipped roof of part of the building onto North Hamilton Street will be altered to be more consistent with the buildings on either side and the roofline. The observatory dormer onto West Langlands Street will be retained and restored, with the existing dormer adjacent to the red brick building removed and the slate roof extended to match existing. The elevations of the stone and red brick building where facing the internal courtyard will reflect the industrial design and materials of the new building onto Park Street. Materials proposed are an external insulation and render system at ground floor level and zinc metal cladding on the floors above with Patna copper effect metal cladding on stairwells. The use of zinc as an elevation material reflects the engineering/industrial heritage of these buildings is environmentally "green" material, contemporary and will reflect daylight within the courtyard.

## **2. RECOMMENDATION**

**2.1 It is recommended that the planning application No: 04/0054/RM be approved subject to the conditions indicated on the attached sheet.**

**2.2 It is recommended that the Listed Building No: 04/0053/LB should be approved subject to the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997 and subject to the conditions indicated on the enclosed sheet.**

## **3. CONCLUSIONS**

3.1 As is indicated at Section 5 of the report the applications are considered to be 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 applications should be approved unless material considerations indicate otherwise.

3.2 As is indicated at Section 6 of the report there are material considerations relevant to these applications. The demolition of the warehouse buildings onto Park Street, the internal façade of the other buildings and the ancillary structures are considered acceptable as this will allow the redevelopment of the remaining listed buildings. The proposed alterations to the listed buildings seek to preserve, enhance and incorporate features which contribute positively to the character and appearance of the listed building. The new build onto Park Street and within the internal courtyard is considered to be of an appropriate sensitive and innovative design which complements in design terms the adjacent listed buildings.

3.3 The development will take vehicular access from West Langlands Street and will contribute to the continuing revitalisation of this part of Kilmarnock together with the new superstore and environmental improvement works. The development fails to meet the specific public and private open space standards as required by the EALP. It is however considered that there is sufficient justification in this instance to accept this situation due to the location of the development site, its relationship with surrounding properties and the nature of the development which would secure the removal of a derelict listed building. The proposed development will add considerably to the amenity of the area by developing derelict listed buildings and replacing them with a well designed modern residential development and heritage centre which respects the industrial heritage of the site.

## **CONTRARY DECISION NOTE**

Should the Committee agree that the applications be refused contrary to the recommendations of the Head of Planning, Development and Building Standards then the applications would not require to be referred to the Development Services Committee as this would not be a significant breach of 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.**

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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 reserved matters application and a listed building application which is to be considered by the Local Planning Committee under the scheme of delegation as it is a large scale application of area significance and subject to objections.

#### **2. APPLICATION DETAILS**

2.1 **Site Description:** The applications' site is 0.52 hectares in area and comprises the buildings and curtilage of the former Caledonia Works. The Caledonia works site was previously used by Hunslet and Barclay for engineering works associated with locomotives. In latter years the majority of the engineering works transferred to their new purpose built industrial unit on the north side of West Langlands Street and the buildings were primarily used for office accommodation which was eventually transferred to the new site. The buildings and site have been vacant for approximately 2 years.

2.2 The application site for the reserved matters application also includes the site of the new Morrison's Superstore, West Langlands Street, Langlands Brae and West George Street which have recently undergone environmental improvement works. This application site reflects the same application site as the outline planning approval (Planning Application No: 01/0560/OL approved the erection of an 85,000 sq ft food superstore and petrol filling station with

Environmental Improvements and Flatted Residential Development with Heritage Centre on 25 October 2002).

**2.3 Proposed Development:** A Reserved Matters consent is sought for the construction of 62 flatted dwellings and the development of a heritage centre. Listed Building Consent is also sought for the proposed conversion and refurbishment of the existing listed building together with the demolition of associated structures.

The development comprises the following details:-

- 21 flatted units at Ground Floor;
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This can be summarised as:

- 18 flatted units in the New Build;
- 44 flatted units in the Converted Listed Building.

The development comprises a mix of 1, 2 and 3 bedroom flatted units. A total of 62 residents parking spaces are proposed within the internal courtyard.

2.4 The majority of the buildings within the internal courtyard will be demolished leaving the general structure of the red brick buildings which front West Langlands Street and North Hamilton Street. The majority of the industrial warehouse buildings onto Park Street are proposed to be demolished which will allow the erection of a new building. This new building will be 4-storey in height, accommodating 18 flatted units and will be of modern industrial design and materials to reflect the industrial heritage of the site. It encompasses the use of a metal apex roof with split faced concrete masonry at ground floor level and the use of zinc/lead substitute cladding on the floors above onto Park Street. The elevation onto the internal courtyard encompasses the use of zinc panels at third floor level and render on other parts of the building. Windows are of various sizes and shapes to reflect the industrial design of the building.

2.5 In the refurbishment and conversion of the existing store and red brick buildings to flatted units, it is proposed to retain as many as possible of the original features and details as possible. The original windows where possible will be restored and natural slate will be used on the roof, with additional new slates used to match the existing in appearance, texture, colour and size and randomly dispersed among original slates. The existing cast iron roof lights will be removed and replaced with conservation style low profile casement roof lights to reflect the industrial character of the building. The hipped roof of part of the building onto North Hamilton Street will be altered to be more consistent with the

buildings on either side and the roofline. The observatory dormer onto West Langlands Street will be retained and restored, with the existing dormer adjacent to the red brick building removed and the slate roof extended to match existing. The elevations of the stone and red brick building where facing the internal courtyard will reflect the industrial design and materials of the new building onto Park Street. Materials proposed are an external insulation and render system at ground floor level and zinc metal cladding on the floors above with Patna copper effect metal cladding on stairwells. The use of zinc as an elevation material reflects the engineering/industrial heritage of these buildings is environmentally “green” material, contemporary and will reflect daylight within the courtyard.

2.6 The proposed heritage centre is proposed on the ground floor of the red brick building, with flatted units proposed on the floors above. The main purpose of the heritage centre is to allow the community and potential tourists the opportunity to experience the bygone age of railway engineering. The intention is to offer an educational establishment, workshop and training facilities for school children and engineering apprentices. Within the Heritage Centre, artefacts will be installed, including an original Barclay locomotive which will be in situ within the existing rails within the Heritage Centre. A large picture window is proposed on the east gable elevation which will allow exhibits to be viewed when the centre is not open. The existing gantry and crane assembly will be re-located and the existing railings within the ground surface will remain in situ.

## **2. CONSULTATIONS AND ISSUES RAISED**

3.1 East Ayrshire Council Roads and Transportation Division have no objections provided the footway is widened adjacent to the junction of West Langlands Street and North Hamilton Street.

***It is, considered that the requirement for this footway can be conditioned should Members choose to grant consent.***

3.2 Scottish Water objects due to the cost of providing infrastructure to serve the development being outwith their “reasonable cost” obligations. They would remove their objection if the applicant bears the cost of the increase in capacity of Scottish Water’s existing infrastructure to accommodate this development and/or promotes a scheme that does not compromise the quality and quantity of discharge from the existing sewerage system.

***A condition can be attached to any grant of planning consent advising the applicant to meet the requirements of Scottish Water.***

3.3 Scottish Environment Protection Agency have no objection to the proposed development provided that all foul drainage is connected to the public sewer. They request that the applicant obtains written assurance from

Scottish Water that additional flow from the site will not cause the premature operation of consented storm overflows. They recommend that surface water is treated from the site in accordance with the principles of Sustainable Urban Drainage System. There are no details describing the site history or the site condition. SEPA would expect the Council to require a risk assessment to be undertaken in terms of Pan 33 which should consider whether or not contaminants are entering or are likely to enter controlled waters and at what concentration and any required remedial action to be undertaken prior to redevelopment.

The design of the drainage system will be site specific and dependent upon the contaminants at the site, the remediation strategy and the risks posed by any residual contamination in addition to the normal design considerations.

The development should also have regard to the National Waste Strategy, Local Area Waste Plan and suitable provision should be made with regard to space for waste storage at individual properties and the development as a whole.

***The above requirements of SEPA with regard to the Risk Assessment and SUDS have been addressed by conditions already attached to the outline planning consent and which will require to be purified before development commences on site. With regard to the provision for waste storage, the applicant has amended the site layout to take into account the comments of East Ayrshire Council Waste Management with regard to refuse and re-cycling areas.***

3.4 East Ayrshire Council Environmental Health and Waste Management have offered the following comments:-

- (a) In view of the previous industrial use of the site and its proximity to the former town gas works, a full site investigation should be undertaken, checks should be undertaken of the buildings to be demolished and those to be converted into flats to ensure that any potentially hazardous or contaminated materials are safely removed and disposed of;
- (b) There is existing housing directly around the road from the site at both North Hamilton Street and Park Street and measures should be adopted to ensure that no nuisance is caused to local residents from site activities (eg dust), bing or noise especially outwith normal dayshift operations).
- (c) Adequate bin storage provision to be provided for the development and recycle bin accommodation.

***The careful removal of any potentially hazardous or contaminated materials from the buildings to be demolished or those to be converted are matters which would be addressed through the Building Standards process. A condition can be attached to any grant of the planning consent to restrict the hours of construction to prevent nuisance to adjacent residential properties. The applicant has amended the site layout to accommodate a refuse and recycling area of 24 no. 1280 litre hoppers to meet the requirements of the Council's Waste Management Division.***

3.5 Transco, Power Systems and the Coal Authority have no objections to the proposed development.

***Noted.***

3.6 Bonnyton Community Council has objected to the proposed development due to the loss of amenity to neighbouring properties and in the interests of safety and road safety.

***The principle of the development has already been established and it is not considered to have an adverse effect on the amenity of the area or on neighbouring properties. The development has been designed to be in keeping with the character of the listed building and the surrounding area. It has been designed to minimise its impact on adjacent residential properties. Members are also advised that East Ayrshire Council's Roads and Transportation Division have no objections to the proposals as it meets their requirements. The Transport Assessment for the Outline Planning Permission referred to in Section 6.3 considered the residential development in relation to the capacity of the surrounding streets.***

3.7 North West Kilmarnock Community Council, the Architectural Heritage Society of Scotland and West of Scotland Archaeology Service have not responded to their consultation letter at the time of writing this report.

***Noted.***

3.8 Historic Scotland have made the following informal comments in respect of the listed buildings and demolition of ancillary buildings and are pleased with the applicant's commitment to the building and its character in terms of their approach to the overall concept of restoring the complex. They believe that if the following points can be addressed, the development would be transferred from one that is rather unsatisfactory in terms of the resultant architectural character and historic quality of the building to an exceptional achievement by all parties concerned that will be a future source of pride to the town.

## Restoration of Red Brick Office Building

The proposals for the red brick office building leave it largely unaltered externally but require clarification on the following points:-

- An assessment of the condition of the windows to determine their retention or replacement with a copy of the survey report passed to Historic Scotland for comment.

***A comprehensive survey of all windows will be carried out and where possible original windows will be restored, however, where replacement windows are required, then the original will be replicated in appearance, material and opening method. This can be addressed by attaching a condition to any grant of planning consent.***

- Retention of external doors and glazed inner door.

***The applicant has indicated that the two front doors and inner door with etched glass will be retained.***

- Retention of the metal trusses in the roof space.

***The roof trusses will be retained and exposed but will be entirely within privately owned properties and therefore public access will not be available as requested by Historic Scotland.***

- Details of the working and how the heritage centre is to be achieved.

***The applicant has been in discussion with heritage groups and is confident of reaching agreement with those who have expressed an interest in running the centre. There is an archive of Andrew Barclay material held by Glasgow University which has to date been supportive of the proposals. The design incorporates a large picture window allowing viewing of the exhibits even when the centre is not manned.***

- Retention of the Observatory dormers is welcomed.

***A condition can be attached to any grant of planning consent to ensure that the dormers are repaired or reinstated as existing.***

## Restoration of Warehouses

- The design of the windows should maintain the appearance of the existing windows. The existing windows are a grid of 35 or more pieces made from

what appears to be cast iron and they are concerned that the delicacy of the metal grid will not be achievable in timber. Stick on type astragals are not acceptable for use on listed buildings and the opening method of the windows should be re-considered.

***A comprehensive survey of all windows will be carried out and where possible original windows will be restored, however where replacement windows are required, then the original will be replicated in appearance, material and opening method. The results of the survey and detailed proposals will be submitted for the approval of the Planning Authority. Conditions can be attached to ensure that suitable scale elevational and sectional details are submitted to meet the above requirements.***

- The pitched roof over the 4 bay section facing onto North Hamilton Street is retained so the variety of the facades fenestration can be reached in terms of the historic development of the building.

***The applicant has indicated that it would not be possible to achieve this. However they have submitted a compromise solution which results in the roof being of a lower height and pitch to the main roof on North Hamilton Street, thereby alluding to the building's historic development. This amendment is considered acceptable.***

- Details of the treatment of the eaves and guttering of the street frontages of the warehouses have not been provided. Concealed vents should be considered to obviate the need for slate vents on the outer pitches of the roofs.

***The eaves will not have fascias and all vents will be concealed. Gutters will be mounted on rafter ends.***

- Further details of the roof lights are required.

***Conservation style roof lights will be used and details will be submitted for the approval of the Planning Authority further to a condition.***

- Concern is expressed at the lack of explanation about the proposal to rationalise the roof to North Hamilton Street. It is acknowledged that the amended proposal is better in that it highlights the fact that some changes have taken place. The view has been taken that retention of the facades and demolition of the centre buildings is a suitable compromise to enable the scheme to proceed as the key aim has always been to ensure that the outer elevations should continue to form part of the history of the building and seen through the warehouse roofs.

**Noted.**

- No clarification has been provided whether slate vents (by the ridge) can be omitted from the outer pitches of the roof and reinstated to the inner pitches at this level.

***The applicant has advised that the position regarding the installation of slate vents cannot be clarified until the Building Warrant process is underway. It would be prudent to address this by a planning condition.***

- It is not clear which parts of the gantry are to be retained and re-erected on site prior to the commencement of demolition.

***This matter can be dealt with by a planning condition should Members choose to grant consent.***

Repair Specification

- Confirmation is required that the replacement of slate on the roof pitches facing the road will be partial rather than wholesale.

***The applicant anticipates extensive rot repairs to rafter ends and roof light installations which will virtually remove all slates. To avoid the old/new contrast they propose to strip all slates to the warehouses and re-use original slates on the outer pitches of roofs. The inner pitch will be completed in zinc to reflect the industrial heritage of the site.***

- All woodwork will be painted in a solid paint finish and no stains and varnishes will be permitted. Lime mortar will be used to match existing.

***All plumbing and ventilation will be concealed and avoided on elevations and roofs on street frontages. Conditions can address woodwork finish and confirm the type of mortar proposed.***

3.9 The Scottish Civic Trust were greatly encouraged by the design statement which proposed the retention of a high proportion of the notable features of this set of industrial buildings which are important to not only the history of Kilmarnock but to Scotland's industrial heritage as a whole. They have made the following comments:-

- They recommend that the double height dormer which was used as an observatory by Andrew Barclay should be retained rather than the single height dormer at the far end of West Langlands Street.

***The applicant believes that the west most dormer was the one used by Andrew Barclay as an observatory and this is supported by the fact that it is double sided, ie it faces north and south. If on further investigation this proves to be incorrect, then the proposals can be amended to ensure its retention.***

- Although the heritage centre has been extended at the rear of the original building into the courtyard they are disappointed that the whole of the structure of the cutaway providing the route under the Andrew Barclay and Sons office building is not proposed for retention. This is a very powerful part of the building and the diagonal route leading into the courtyard has a direct relationship with the function of the works. They do not believe that it would be appropriate to truncate this part of the structure especially to provide a stairwell to the flats, which could be avoided with a flexible approach to the design of the internal layouts.

***The full access route both physically and visually will be retained although there will be a glass screen to enclose the heritage centre. Any encroachment of this route by the residential stairwell is minor and will not affect the rail route.***

- They are disappointed that the good quality traditional finishes such as stone and the originally exposed brick proposed for the floor and walls in the heritage centre have been downgraded.

***The applicant has suggested that the industrial nature of concrete is more appropriate than stone. On the wall the original brick will be retained where possible, white plaster being proposed only where this is not possible.***

- They hope that the rails that cross West Langlands Street will be retained and not removed and covered in tarmac.

***The rails on West Langlands Street will be retained exactly as existing.***

- Some of the steel structures and gantries should be re-used as the design brief stated that the external staircases and balconies of the new build would if possible utilise parts of the existing steel structure.

***The gantry has been re-located to an area in the development suitable for public access. The applicant has not promoted the option of combining the gantry with access to private flats for privacy and security reasons.***

- There is no reference to the central gradient of the courtyard being “paved in patterns to record the locations of the demolished buildings” as stated in the design brief.

***Details of the treatment of the surface of internal courtyard will be submitted at a later date.***

#### **4. REPRESENTATIONS**

4.1 There are 2 objectors to the proposed development from Scottish Water and Bonnyton Community Council and they are detailed in Section 3 of the report.

#### **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 these applications, the development plan comprises the Approved Ayrshire Joint Structure Plan (1999) and the Adopted East Ayrshire Local Plan (EALP)(2003).

##### Approved Ayrshire Joint Structure Plan

5.2 There is no conflict between the proposed development and the terms of the Approved Ayrshire Joint Structure Plan.

##### Adopted East Ayrshire Local Plan

5.3 The relevant policies of the EALP are policies RES 7, RES 19 and RES 22, ENV 2, ENV 4 and ENV 7. Policy RES 7 states that the rehabilitation or conversion to residential use of existing and traditionally designed and constructed buildings within settlements will be encouraged. The proposed development will require to meet all of the following criteria:-

- i) The Council will require to be satisfied that the structural condition of the building is suitable for its conversion to residential use;
- ii) The proposal is capable of being implemented while retaining, to at least eaves level, the existing external walls of the building. Any extension shall be limited to a maximum of 50% of the ground floor area of the existing building and a minimum 50% of the external wall area in the completed conversion/rehabilitation shall be formed from the external walls of the original building.

- iii) The development meets the service requirements of all appropriate statutory undertakers and the Council as Roads Authority.
- iv) The proposal is fully in keeping with the character and appearance of the area within which it is located.
- v) The proposal meets all the design requirements of the Council and reflects the style and design of the original building located on the site, and
- vi) The proposal does not damage the architectural integrity of the building and re-uses wherever possible, any existing traditional building materials found on site.

***The principle of residential development and a heritage centre on this site has been established with the approval of the outline planning consent No. 01/0560/OL. The proposed development meets the requirements of the Roads Division and the statutory undertakers. The alterations proposed to the existing listed building are in keeping with the industrial style and design of the building and the surrounding area. The proposed new build also reflects the industrial character and appearance of the adjacent building.***

5.4 Policies ENV 2, ENV 4 and ENV 7 seek to ensure the retention, restoration, renovation and re-use of listed buildings and that all development affecting the appearance or setting of a listed building is sympathetic to the building concerned in terms of its layout, scale, design, siting, materials and colour of finish. There will be a presumption against the demolition or partial demolition of listed buildings. Policy ENV 7 states that all developers are expected to comply fully with the Council's Design Guidance in order to ensure high standards of design.

***The proposal has been assessed against these policies and the Council's Design guidance. It is considered that the development takes due cognisance of the building's listed status. The applicant is proposing a sensitive development which retains many of the traditional features of the building such as the use of natural slate, renovation of the observatory dormer, retention/restoration of as many as possible of the original windows and the use of conservation style low profile metal casement rooflights. The demolition of the majority of the warehouses onto Park Street is considered necessary to allow the remaining listed buildings to be developed economically. It is considered that the new build is of a high standard of design and finish and its modern industrial design integrates well into the street setting and is complementary in design terms to the adjacent listed buildings. The demolition of the warehouse buildings onto Park Street and the internal facades of the***

***other buildings and ancillary structures are acceptable in terms of Policy ENV 2.***

5.5 Policy RES 22 requires minimum private open space criteria and standards to be met. It proposes flats to have a minimum of 25m<sup>2</sup> per bedroom. RES 19 also requires housing developers to provide areas of recreational and amenity open space as an integral part of their development proposals when they are proposing above 30 houses in number.

***The applicant is proposing a total of 853 square metres of amenity space within the courtyard area. This will be useable amenity space. The development fails to specifically meet the criteria set by both Policy RES 22 and RES 19 however it is considered that a relaxation to the standards is justified in this instance due to the location of the site and the nature of the development proposed which will safeguard the future life of the listed buildings which are presently vacant and derelict. The site is adjacent to the town centre and is surrounded by a mixture of commercial and residential properties. The build form is very dense in this area with many of the residential properties being flats which have limited garden ground. Furthermore the developer is committed through a Section 75 Legal Agreement to contribute to the Sports, Leisure and Recreation Fund in terms of Policy TLR 5. Policy RES 22 allows for relaxations at the discretion of the Planning Authority and consequently it is considered that the proposals are consistent with the policy.***

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

6.1 The principle material considerations relevant to the determination of the applications are the consultation responses which are detailed in Section 3 of the report, the planning history of the site and Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas.

### Consultation Responses

6.2 It is not considered that any aspects of the consultation responses indicate that the applications should be refused. The proposed development has been designed to accommodate the comments of Historic Scotland and the amenity bodies. The applicant has sought to comply fully with the requirements of the Roads and Transportation Division and in a manner which does not adversely affect the character of the listed building. By having vehicular and pedestrian access from West Langlands Street this will continue to facilitate the revitalisation of that street.

## Planning History

6.3 01/0560/OL: Outline planning consent was granted on 25 October 2002 for the erection of 85,000 sq ft food superstore and petrol filling station with environmental improvements and flatted residential development with heritage centre. The food superstore, petrol filling station and environmental improvement works have been implemented on site. The principle of residential development and a heritage centre has been established on site. Associated with the outline planning consent is a Section 75 legal agreement which relates specifically to the residential development and heritage centre with regard to a contribution to the Sports, Leisure and Recreation Fund and a timetable for the submission of an application for Listed Building Consent and detailed planning permission or a Reserved Matters application and implementation once approved. A design brief of how the listed buildings and site were to be developed was submitted and approved as part of the timetable. Both the Reserved Matters application and Listed Building application under consideration are largely consistent with the approved design brief. The Section 75 Legal Agreement requires development to be commenced within 3 months of Listed Building Consent and Reserved Matters approval being granted whichever date is the later and the development being completed within 3 years of the date of commencement of development.

6.4 01/0568/LB: Proposed Demolition of Outbuildings and Façade Retention, Caledonia Works. This application has been withdrawn.

## Memorandum of Guidance on Listed Buildings and Conservation Areas

6.5 The above Guidance requires that new uses for old buildings may be the key to their continued survival. Special care must be taken to ensure that the building can reasonably fulfil the new use without undesirable destruction or additions/extensions. In the course of alterations or extensions, the architectural integrity of the building should be preserved. No unnecessary damage should be caused to the building's historic fabric.

***The proposed development has been the subject of previous discussions with Historic Scotland through the approved design brief. The applicant has sought to retain as many as possible of the original features of the building or where new features are proposed these are in keeping with the character of the building. All external works will enhance the building. The proposed new build is in keeping with the industrial character of the adjacent listed buildings.***

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial or legal implications for the Council in the determination of these applications.

## **8. CONCLUSIONS**

8.1 As is indicated at Section 5 of the report the applications are considered to be 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 applications should be approved unless material considerations indicate otherwise.

8.2 As is indicated at Section 6 of the report there are material considerations relevant to these applications. The demolition of the warehouse buildings onto Park Street, the internal façade of the other buildings and the ancillary structures are considered acceptable as this will allow the redevelopment of the remaining listed buildings. The proposed alterations to the listed buildings seek to preserve, enhance and incorporate features which contribute positively to the character and appearance of the listed building. The new build onto Park Street and within the internal courtyard is considered to be of an appropriate sensitive and innovative design which complements in design terms the adjacent listed buildings.

8.3 The development will take vehicular access from West Langlands Street and will contribute to the continuing revitalisation of this part of Kilmarnock together with the new superstore and environmental improvement works. The development fails to meet the specific public and private open space standards as required by the EALP. It is however considered that there is sufficient justification in this instance to accept this situation due to the location of the development site, its relationship with surrounding properties and the nature of the development which would secure the removal of a derelict listed building. The proposed development will add considerably to the amenity of the area by developing derelict listed buildings and replacing them with a well designed modern residential development and heritage centre which respects the industrial heritage of the site.

## **9. RECOMMENDATION**

**9.1 It is recommended that the planning application No: 04/0054/RM be approved subject to the conditions indicated on the attached sheet.**

**9.2 It is recommended that the Listed Building No: 04/0053/LB should be approved subject to the notification of Historic Scotland under the Listed**

**Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997 and subject to the conditions indicated on the enclosed sheet.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that the applications be refused contrary to the recommendations of the Head of Planning, Development and Building Standards then the applications would not require to be referred to the Development Services Committee as this would not be a significant breach of policy.

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

28 April 2004  
(PC/MMM)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Certificates/Notices.
3. Statutory Consultations.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted East Ayrshire Local Plan.
6. Memorandum of Guidance on Listed Buildings and Conservation Areas.
7. Planning Application Nos: 01/0560/OL; 01/0568/LB.

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

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

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

04/0054/RM

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Site of Proposal:	West Langlands Street/North Hamilton Street/ Park Street KILMARNOCK
Nature of Proposal:	Proposed Erection of Flatted Residential Development Heritage Centre Associated Parking and Access
Name & Address of Applicant:	Klin Holdings Ltd 27 John Finnie Street KILMARNOCK KA1 1BL
Name & Address of Agent:	Smith Design Associates 21 Lynedoch Crescent GLASGOW

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DPOs Reference: PC/MMM

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

1. The proposed development shall be carried out in accordance with the application form and plans submitted on 18 December 2003 and 14 January 2004 and the amended North and West Courtyard elevations (drawing no: AL(O)017 New Build Proposals Park Street AL(O)016, West Langlands Street and Park Street elevations AL(O)014A, Proposed Ground Floor Plan AL(O)010B, existing elevations and block plan AL(O)04A received 31 March 2004 and 26 April 2004, Park Street elevations AL (O) 018 received 13 April 2004 and proposed roof Plan AL (O) 1G received 13 April 2004, and the letters from Smith Design Associates received 31 March 2004 and letter from Miller Allan received 21 April 2004.

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

2. Prior to the commencement of development on site, and notwithstanding the plans hereby approved under the terms of Condition 1 above, details and samples of all external materials to be used in the New Build and Existing Listed Buildings shall be submitted to and approved in writing by the Planning Authority. Where it is required sample panels shall be constructed on site for the approval of the Planning Authority. The details/samples shall include the surface of the internal courtyard and parking areas. The details shall thereafter be implemented on site as approved.

REASON In the interests of the visual and general amenity of the area and in order to protect the character of the listed building.

3. Prior to the commencement of development on site, and notwithstanding the submitted plans a comprehensive assessment of the condition of the windows on the red brick building and warehouse building to determine their retention or replacement shall be submitted to and approved in writing by the Planning Authority and implemented as approved. If the windows are beyond repair, the following details shall be submitted for approval and all replacement windows shall replicate the original windows in appearance, material and opening method:-

(a) Red Brick Building – detailed drawings at a minimum scale of 1:10 with 1:1 sectional details of glazing bars to show that the timber section sizes are the same.

(b) Warehouse Building – detailed elevational drawings at a minimum scale of 1:10 accompanied by 1:5 sectional details of the frame junctions and all areas and a 1:1 glazing bar section.

The approved details shall be thereafter implemented as approved on site.

REASON To protect the character of the listed building.

4. Prior to the commencement of development on site and notwithstanding the submitted plans detailed drawings of the observatory dormers to a minimum scale of 1:10 and indicating the manner of their repair or reinstatement shall be submitted to and approved in writing by the Planning Authority and thereafter implemented as approved on site.

REASON To protect the character of the listed building.

5. Prior to the commencement of development on site and notwithstanding the submitted plans, details and samples of the new roof lights shall be submitted to and approved in writing by the Planning Authority and thereafter implemented as approved on site.

REASON To protect the character of the listed building.

6. The roof of the red brick building and the roof of the elevations of the warehouse building facing West Langlands Street, North Hamilton Street and Park Street shall be covered in natural slate.

REASON To protect the character of the listed building.

7. Prior to the commencement of development on site and notwithstanding the submitted details, an analysis shall be made of the mortar and its method of application, to enable a repair specification for both the red brick building and warehouse elevations. Details of the analysis shall be submitted to and approved in writing by the Planning Authority and thereafter utilised on site as approved.

REASON To protect the character of the listed building.

8. No stone cleaning of the red brick building and warehouse building shall take place without prior written approval from the Planning Authority of the cleaning materials to be utilised.

REASON To protect the character of the listed building.

9. Prior to the commencement of development on site and notwithstanding the submitted plans, details and samples of the colour of the external finishes of woodwork and metalwork on the buildings shall be submitted to and approved in writing by the Planning Authority and implemented on site as approved. The use of stains and varnishes shall not be permitted.

REASON In the interests of the visual and general amenity of the area and in order to protect the character of the listed building.

10. All new pipe work and ventilation outlets shall be erected to the interiors or inner elevations of the listed building and shall not be visible from the elevations onto West Langlands Street, North Hamilton Street and Park Street. No slate vents will be permitted on the roofs of the listed building.

REASON In the interests of the visual and general amenity of the area and in order to protect the character of the listed building.

11. Prior to the commencement of development on site and notwithstanding the submitted plans, a method statement addressing the dismantling of the gantry and its re-construction within the courtyard and details of the exhibit area shall be submitted to and approved in writing by the Planning Authority and implemented as approved prior to the occupation of any flats on site.

REASON In order to achieve the retention of the gantry.

12. Prior to the commencement of development on site and notwithstanding the submitted plans, details of the operation of the heritage centre shall be submitted to and approved in writing by the Planning Authority and thereafter implemented as approved on site.

REASON To enable the Planning Authority to retain control over the development of the site, as insufficient details are available at this stage.

13. Prior to the commencement of development on site and notwithstanding the approved details under the terms of Condition 1 above, plans to a minimum scale of 1:50 for the new build onto Park Street and the new internal courtyard elevations shall be submitted to and approved in writing by the Planning Authority. The plans shall illustrate the following details and design features:-

- i) The interface between a change in materials.
- ii) Details and samples of the design and materials of all new windows and external doors.
- iii) The details between window and door frames and window and door surrounds.
- iv) The design and materials of the angular roof.
- v) Ridge details, gutters, down pipes, barge boards.
- vi) Details of the treatment of the boundary and interface between the existing buildings and the new build.

The above details shall be implemented as approved following demolition of buildings approved under drawing no. AL(O)04A.

REASON To achieve a quality development in the interests of visual amenity.

14. Prior to the commencement of any development on site, a landscaping scheme (including maintenance provision) shall be submitted to and approved in writing by the Planning Authority and shall be implemented not later than the next available planting season after the development has been carried out and shall be maintained thereafter in accordance with the approved maintenance scheme.

REASON To ensure that public open space is provided to an adequate standard and that it is subsequently maintained in the interests of residential and visual amenity.

15. Notwithstanding the approved plans, details of the treatment of the refuse and recycling area shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on site and implemented as approved prior to the occupation of any flats on site.

REASON In the interests of visual amenity.

16. Notwithstanding the approved plans, details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved in writing by the Planning Authority before any development commences on the site.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

17. The developer of this site shall ensure that, during the development phase, adequate and continuing measures are taken to ensure that roads and footpaths adjoining the site are maintained free from mud.

REASON In the interests of the amenity of the area.

18. Notwithstanding the submitted plans, details of the treatment of the eastern boundary of the site adjacent to existing commercial properties shall be submitted to and approved in writing by the Planning Authority and implemented as approved prior to the occupation of any flats on site.

REASON In the interests of the amenity of the area.

19. No work shall commence on site until such time as the applicant has provided the Planning Authority with written confirmation from Scottish Water that appropriate measures have been agreed such that the sewerage system is capable of accommodating the connection of this approved development.

REASON To ensure that adequate drainage is provided.

20. Notwithstanding the approved plans, details of the design of any external lighting proposed shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on site and implemented thereafter according to the approved details.

REASON In the interests of residential amenity.

21. All car parking spaces as detailed on the approved plans shall be constructed on site prior to the occupation of any flats and maintained thereafter in accordance with the approved details.

REASON In the interests of residential amenity.

22. Notwithstanding the terms of Condition 11 on the associated Outline Planning Consent, no construction work, site clearance or preparation works external to a building shall take place before 08:00 hours and after 17:00 hours on Mondays to Saturdays nor at any time on Sundays.

REASON In the interests of residential amenity of neighbouring properties.

23. Prior to the commencement of development on site and notwithstanding the submitted plans, details and samples of all external surfaces and finishes of the car park shall be submitted to and approved in writing by the Planning Authority and implemented on site as approved prior to the occupation of any flats on site.

REASON In the interests of the general amenity of the area and to achieve a quality development.

24. The Andrew Barclay Sons & Co sign on the ridge of the red brick building shall remain in situ and shall be protected during construction and demolition works on site. Details of its protection shall be submitted to and approved in writing by the Planning Authority and implemented as approved prior to the commencement of any construction or demolition works on site.

REASON In the interests of the visual and general amenity of the area and in order to protect the character of the listed building.

25. Prior to any work commencing on site, details of a scheme to widen the footway at the junction of North Hamilton Street and West Langlands Street shall be submitted to and approved in writing by the Planning Authority and thereafter the works shall be implemented on site as approved prior to the occupation of the first flat.

REASON In the interests of road safety.

26. Prior to any demolition works commencing on site, details of the gantry which is to be retained and re-erected on site, shall be submitted to and approved in writing by the Planning Authority and thereafter implemented on site as approved.

REASON In order to ensure that the details of the gantry to be retained are agreed with the Planning Authority.

27. Notwithstanding the approved plans the slate vents are not approved. Prior to any work commencing on site, details of all slate vents to be installed shall be submitted to and approved by the Planning Authority and thereafter implemented on site as approved.

REASON In the interests of the amenity and character of the Listed Building.

Notes:

1. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984 no permission is granted for the display of any advertisements and no fascia signs or adverts shall be erected on the premises without prior Advertisement and Listed Building Consent from the Planning Authority.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/0053/LB

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Site of Proposal:	Caledonia Works West Langlands Street KILMARNOCK
Nature of Proposal:	Proposed Conversion and Refurbishment of Existing Listed Buildings and Demolition of Ancillary Structures
Name & Address of Applicant:	Klin Holdings Ltd 27 John Finnie Street KILMARNOCK KA1 1BL
Name & Address of Agent:	Smith Design Associates 21 Lynedoch Crescent GLASGOW

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DPOs Reference: PC/MMM

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

1. The proposed development shall be carried out in accordance with the application form and plans submitted on 18 December 2003 and 14 January 2004 and the amended North and West Courtyard elevations (drawing no: AL(O)017 New Build Proposals Park Street AL(O)016, West Langlands Street and Park Street elevations AL(O)014A, Proposed Ground Floor Plan AL(O)010A, existing elevations and block plan AL(O)04A received 31 March 2004 the Proposed Ground Floor Plan AL(0)D10C received 26 April 2004, Park Street New Build proposals AL(0)018 and Proposed Roof Plan AL(0) 19B received 13 April 2004 and the letters from Smith Design Associates dated 31 March 2004.

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

2. Prior to the commencement of development on site, and notwithstanding the plans hereby approved under the terms of Condition 1 above, details and samples of all external materials to be used in the New Build and Existing Listed Buildings shall be submitted to and approved in writing by the Planning Authority. Where it is required sample panels shall be constructed on site for the approval of the Planning Authority. The details shall thereafter be implemented on site as approved.

REASON In the interests of the visual and general amenity of the area and in order to protect the character of the listed building.

3. Prior to the commencement of development on site, and notwithstanding the submitted plans a comprehensive assessment of the condition of the windows on the red brick building and warehouse building to determine their retention or replacement shall be submitted to and approved in writing by the Planning Authority and implemented as approved. If the windows are beyond repair, the following details shall be submitted for approval and all replacement windows shall replicate the original windows in appearance, material and opening method.

(c) Red Brick Building – detailed drawings at a minimum scale of 1:10 with 1:1 sectional details of glazing bars to show that the timber section sizes are the same.

(d) Warehouse Building – detailed elevational drawings at a minimum scale of 1:10 accompanied by 1:5 sectional details of the frame junctions and all areas and a 1:1 glazing bar section.

The approved details shall be implemented thereafter as approved on site.

REASON To protect the character of the listed building.

4. Prior to the commencement of development on site and notwithstanding the submitted plans detailed drawings of the observatory dormers to a minimum scale of 1:10 and indicating the manner of their repair or reinstatement shall be submitted to and approved in writing by the Planning Authority and thereafter implemented as approved on site.

REASON To protect the character of the listed building.

5. Prior to the commencement of development on site and notwithstanding the submitted plans, details and samples of the new roof lights shall be submitted to and approved in writing by the Planning Authority and implemented as approved.

REASON To protect the character of the listed building.

6. The roof of the red brick building and the roof of the elevations of the warehouse building facing West Langlands Street, North Hamilton Street and Park Street shall be covered in natural slate.

REASON To protect the character of the listed building.

7. Prior to the commencement of development on site and notwithstanding the submitted details, an analysis shall be made of the mortar and its method of application, to enable a repair specification for both the red brick building and warehouse elevations. Details of the analysis shall be submitted to and approved in writing by the Planning Authority and thereafter utilised on site as approved.

REASON To protect the character of the listed building.

8. No stone cleaning of the red brick building and warehouse building and shall take place without prior written approval from the Planning Authority of the cleaning materials to be utilised.

REASON To protect the character of the listed building.

9. Prior to the commencement of development on site and notwithstanding the submitted plans, details and samples of the colour of the external finishes of woodwork and metalwork on the buildings shall be submitted to and approved in writing by the Planning Authority and implemented on site as approved. The use of stains and varnishes shall not be permitted.

REASON In the interests of the visual and general amenity of the area and in order to protect the character of the listed building.

10. All new pipe work and ventilation outlets shall be erected to the interiors or inner elevations of the listed building and shall not be visible from the elevations onto West Langlands Street, North Hamilton Street and Park Street. No slate vents will be permitted on the roofs of the listed building.

REASON In the interests of the visual and general amenity of the area and in order to protect the character of the listed building.

11. Prior to the commencement of development on site and notwithstanding the submitted plans, a method statement addressing the dismantling of the gantry and its re-construction within the courtyard and details of the exhibit area shall be submitted to and approved in writing by the Planning Authority and implemented as approved prior to the occupation of any flats on site.

REASON In order to achieve the retention of the gantry.

12. Prior to any demolition works commencing on site, details of the gantry which is to be retained and re-erected on site, shall be submitted to and approved in writing by the Planning Authority and thereafter implemented on site as approved.

REASON In order to ensure that the details of the gantry to be retained are agreed with the Planning Authority.

13. Notwithstanding the approved plans the slate vents are not approved. Prior to any work commencing on site, details of all slate vents to be installed shall be submitted to and approved by the Planning Authority and thereafter implemented on site as approved.

REASON In the interests of the amenity and character of the Listed Building.

14. Prior to the commencement of development on site and notwithstanding the submitted plans, details of the operation of the heritage centre shall be submitted to and approved in writing by the Planning Authority and implemented as approved on site.

REASON To enable the Planning Authority to retain control over the development of the site, as insufficient details are available at this stage.

15. The Andrew Barclay Sons & Co sign on the ridge of the red brick building shall remain in situ and shall be protected during construction and demolition works on site. Details of its protection shall be submitted to and approved in writing by the Planning Authority and implemented as approved prior to the commencement of any construction or demolition works on site.

REASON In the interests of the visual and general amenity of the area and in order to protect the character of the listed building.

16. Prior to the commencement of development on site and notwithstanding the approved details under the terms of Condition 1 above, plans to a minimum scale of 1:50 for the new build onto Park Street and the new internal courtyard elevations shall be submitted to and approved in writing by the Planning Authority. The plans shall illustrate the following details and design features:-

- i) The interface between a change in materials.
- ii) Details and samples of the design and materials of all new windows and external doors.
- iii) The details between window and door frames and window and door surrounds.

- iv) The design and materials of the angular roof.
- v) Ridge details, gutters, down pipes, barge boards.
- vi) Details of the treatment of the boundary and interface between the existing buildings and the new build.

The above details shall be implemented as approved following demolition of buildings approved under drawing no. AL(O)04A.

REASON To protect the character of the listed building.

**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.**