

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 01 AUGUST 2006

**06/0456/LB & 06/0458/LA: PARTIAL REINSTATEMENT OF
BURNS MONUMENT, ERECTION OF MARRIAGE RECORDS CENTRE,
ALTERATIONS TO ROAD AND FORMATION OF CAR PARKS
AT BURNS MONUMENT, KAY PARK, KILMARNOCK
BY EAST AYRSHIRE COUNCIL'S LIBRARY, REGISTRATION AND
INFORMATION SERVICES**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning and listed building consent is sought for the partial reinstatement of the Burns Monument, with an extension to provide a marriage suite, registration service and archive service. The proposed extension envelopes the remaining staircase and portico which houses the statue of Robert Burns and provides a courtyard setting with the statue of Burns and the remaining section of the original monument as a focal point to the northern elevation of the court yard. The extension is single storey, rising to two storey in appearance to the rear of the original monument within the area which is proposed to house the marriage suite. The design of the proposed extension is contemporary with the use of smooth sandstone detailing, quoins and rusticated sandstone to the exterior walls encompassing the materials found on the original monument. Sections of the exterior walls are finished in smooth render. The banding surrounding the high level windows to the marriage suite, the southern, northern and eastern elevations of the east wing of the courtyard building are proposed to be finished in ceramic tiles and smooth render. The roof, fascias and ridges are proposed to be finished in a slate grey coloured standing seam metal panel system. The proposed windows and doors are to be aluminium, finished in powder coated paint.

1.2 The main car park associated with the new facility is proposed to be located approximately 150 metres away from the Burns Monument and extension. It is to be located within an area currently overgrown and largely inaccessible to the public behind the Reformers Monument. Seventy six car parking spaces and two coach bays are proposed. A further 15 car parking spaces (including three disabled parking bays) and a coach drop-off point are located to the north of the proposed marriage suite with a further 15 car parking spaces (including three disabled parking bays) located to the south of the Burns Monument adjacent to garden ground associated with Kay Park Cottage

2. RECOMMENDATION

2.1 It is recommended that the Notice of Intention to Develop be forwarded to the Scottish Ministers in accordance with the Development of Planning Authority Regulations 1981-1984 and subject to the conditions indicated on the attached sheet.

2.2 It is recommended that the Listed Building application 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 attached sheet.

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report the application is 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 application should be approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 there are material considerations relevant to this application and whilst noted, it is not considered that any aspects of the objections received indicate that the application should be refused. The comments of Historic Scotland are supportive and note the lengthy pre-application discussions held between the Council and Historic Scotland in reaching the latest submission. The Burns Monument was devastated by fire in November 2004 and as such the Council undertook a public consultation on whether to repair the remaining portico and stairs of the monument or provide a working building to house the registration service and marriage suite. The consultation response was resoundingly in favour of the re-development of the site. As such the proposed extension has been designed, not as a pastiche of the Scots Baronial style monument, but as a contemporary designed building which makes use of both modern and traditional materials. It ensures the building respects the materials used within the surviving section of the monument and is also forward-looking and ensures the building can be brought back into active use.

**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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INFORMATION SERVICES**

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 an application for a Notice of Intention to Develop and a Listed Building Consent application which are to be considered by the Development Services Committee under the scheme of delegation as they require to be notified to the Scottish Ministers.

2. APPLICATION DETAILS

2.1 **Site Description:** The application relates to the Burns Monument, land to the rear of the Reformers Monument and access road into the Kay Park via Strawberry Bank Road. The Burns Monument is a category 'B' listed building located at an elevated position within the Kay Park to the east of Kilmarnock Town Centre. The Burns Monument building opened in 1879 and occupies a very prominent site both in the Kay Park but also within the skyline of Kilmarnock. The building was constructed in the Scots Baronial style, being 2 storeys in height with a tower. It had a total height of 24 metres. The building was constructed with bull faced Ballochmyle red sandstone with polish dressing alongside a rubble masonry inner core.

Access to the building was through a set of stairs at the front leading to a portico, which houses the monument of Robert Burns. The interior of the building was lined with timber boards, framing and timber staircase. The building was closed to the public in 1980 and was surrounded by 2 metre high palisade fence for security purposes.

2.2 Following a fire within the building on 19 November 2004, the two storey rear Museum Section and the semi octagonal two storey tower collapsed, leaving only the front stairs, porch, part of the ground floor outer walls and two of the main internal walls. Tarpaulin has been attached to the remains of the building to protect the previously unexposed interior stonework and the Burns Statue has been protected by timber boarding. A safety fence has been erected around the remains of the building for health and safety reasons.

2.3 **Proposed Development:** Full planning and listed building consent is sought for the partial re-instatement of the Burns Monument, with an extension to provide a marriage suite, registration service and archive service. The proposed extension envelopes the remaining staircase and portico which houses the statue of Robert Burns and provides a courtyard setting with the statue of Burns and the remaining section of the original monument as a focal point to the northern elevation of the court yard. The extension is single storey, rising to two storey in appearance to the rear of the original monument within the area which is proposed to house the marriage suite. The design of the proposed extension is contemporary with the use of smooth sandstone detailing, quoins and rusticated sandstone to the exterior walls encompassing the materials found on the original monument. Sections of the exterior walls are finished in smooth render. The banding surrounding the high level windows to the marriage suite, the southern, northern and eastern elevations of the east wing of the courtyard building are proposed to be finished in ceramic tiles and smooth render. The roof, fascias and ridges are proposed to be finished in a slate grey coloured standing seam metal panel system. The proposed windows and doors are to be aluminium, finished in powder coated paint.

2.4 The main car park associated with the new facility is proposed to be located approximately 150 metres away from the Burns Monument and extension. It is to be located within an area currently overgrown and largely inaccessible to the public behind the Reformers Monument. Seventy six car parking spaces and two coach bays are proposed. A further 15 car parking spaces (including three disabled parking bays) and a coach drop-off point are located to the north of the proposed marriage suite with a further 15 car parking spaces (including three disabled parking bays) located to the south of the Burns Monument adjacent to garden ground associated with Kay Park Cottage

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division and East Ayrshire Council's Environmental Health and Waste Management Section have no objections to the proposed development.

Noted.

3.2 Scotia Gas Networks have no adverse comments to make regarding the proposed development but the Plant Protection Section of Scotia Gas Networks have requested a site visit prior to the commencement of development on site.

The requirements of Scotia Gas Networks can be addressed by attaching a suitably worded note to any grant of consent.

3.3 Historic Scotland recognises the progress made in this application and are content with the choice of materials and colours to be used in the proposed extension.

Noted.

3.4 West of Scotland Archaeology Service (WoSAS), and East Ayrshire Access Panel (North District) have no adverse comments to make regarding the proposed development.

Noted.

3.5 Piersland and Bentinck Community Council have objected to the proposal on the following grounds:-

- Concerns relative to the two-way traffic at the Strawberrybank Road junction.
- The need for the number of car parking spaces proposed.
- They question whether or not there is enough security for the building and what security steps will be taken outwith working hours.
- They wish the building to be finished in traditional materials.
- They wish gates or another device to be installed to prevent access to the proposed new car park at the Reformers Monument. They propose that a barrier/gates be erected after the Kay Park Grove entrance and before the new car park entrance.
- The new centre should have full disabled facilities.

The issues raised by the Community Council are addressed in Section 4 of the report.

3.6 New Farm Loch Community Council have indicated that whilst the layout and plan of the proposed new centre is acceptable, they object to the nature of most of the roofing detail. They consider that the standing seam composite metal panel roofing is inappropriate for a centre of such importance and demeans the whole statue of Robert Burns as a Scottish Ayrshire hero and internationally renowned figure.

The issues raised by the Community Council are addressed in Section 4 of the report.

3.7 Scottish Environment Protection Agency have no objections and have recommended that surface water from the site is treated in accordance with the principles of SUDS and waste from the site is removed in accordance with their Regulations.

A condition and notes can be attached to any consent regarding the treatment of surface water and the removal of waste from the site.

3.8 Scottish Water have no objections and recommend that a SUD System is utilised in the surface water drainage design. A supply from the public water network is dependent on spare capacity.

A condition and notes can be attached to any consent regarding the comments of Scottish Water.

3.9 East Ayrshire Council's Outdoor Amenities have advised that the road widening proposals could result in damage to the root plates of existing mature trees. They advise that suitable extra heavy standard sized trees should be used as replacements for any trees removed. They advise that a site meeting prior to commencement of development will be necessary.

The requirements of the Outdoor Amenities Section can be addressed by the use of suitably worded conditions attached to any grant of planning consent.

3.10 Architectural Heritage Society of Scotland have not responded to their consultation letter at the time of writing this report.

Noted.

3.11 The Scottish Civic Trust do not object to the proposed development although have made the following comments:-

- They are pleased to see a scheme for the restoration of the monument;
- They appreciate the benefits of a courtyard solution given the history of vandalism at the site but feels the monument requires greater space around it from which to be viewed;
- Setting the monument within a symmetrical building would complement it and produce a better balanced effect;
- They are pleased to see the use of sandstone although feel there is no consistency between the elevations in terms of elevational treatment and they do not consider a metal panel roof to be acceptable;

The issues raised by the Civic Trust have been addressed in Section 5.3 of the report.

4. REPRESENTATIONS

4.1 A total of 55 objections were received as a result of the statutory neighbour notification and public advertisement process, including the objections received from Piersland and Bentinck and New Farm Loch Community Councils detailed in Sections 3.5 and 3.6 of the report. A summary of the main points of objection are as follows:

4.2 East Ayrshire Council's Guidance states that any development should be based on good design principles and must be sympathetic to the character and appearance of the area in order to enhance the quality of life for residents. These proposals are contrary to those principles.

It is considered that the proposed extension is of a contemporary design, and provides a high quality design, which utilises appropriate materials to help blend the proposed extension with the traditional red sandstone structure.

4.3 The proposed two-way traffic access into the park from Strawberrybank Road is unsuitable and safety would be compromised.

East Ayrshire Council's Roads and Transportation Division have no adverse comments to make in relation to the proposed development.

4.4 The formation of over 70 spaces adjacent to the reformers column is unnecessary. There is significant space in the existing and under-used car park off Strawberrybank Road. This would provide a more sympathetic alternative with a greatly reduced environmental impact.

The existing car park at Strawberrybank Road is a significant distance from the proposed development and would involve visitors to the proposed development having to walk through the Park. This is considered unacceptable given the type of use proposed. The proposed car park adjacent to the Reformers Monument is considered acceptable subject to landscaping details.

4.5 The proposed development will only increase the volume of unauthorised traffic accessing Kay Park creating a nuisance for local residents unless access is restricted out with opening hours.

It is considered that a gate barrier should be erected to prevent access to the car park outwith opening hours. This can be addressed through condition.

4.6 Large tarmac areas have no place in a park where people come to enjoy nature, play or walk.

The parking areas and access road are a requirement of the Roads Division as a result of the scale and proposed use of the development. They could be sensitively landscaped to integrate them within the Park area.

4.7 The proposed site where cars will enter and exit is too close to a children's play area.

The Council's Roads Division have not raised any adverse comments. The children's play area is some distance away from the proposed development and access road.

4.8 A widened road (Kay Park Grove) running into Kay Park would significantly diminish the quality of the park.

It is not proposed as part of this application that Kay Park Grove be widened. The access road within the park is proposed to be altered to provide two-way access/egress to and from the monument onto Strawberrybank Road. It could be sensitively landscaped to integrate it into the Park area.

4.9 The proposed three new car parks in the middle of the park would take away a large proportion of land used for recreation and enjoyment.

The proposed car parks will only take a small proportion of the overall park area and will provide parking for the development which will encourage greater use of the Kay Park.

4.10 The style of the proposed extension is not in keeping with the architecture of the existing building and those in the vicinity.

It is considered that the proposed extension is of a contemporary design, providing a high quality design, which utilises traditional and modern materials which both provide a contrast and integrates it within the original red sandstone structure. Historic Scotland have offered positive comments as part of the consultation process.

4.11 Is there an intention to rip down the children's play area as surely there is no expectation of continued use with buses and cars thundering past?

This application does not propose to remove a children's play park as part of the proposed development.

4.12 They have a safe environment for their children to play. The proposal would destroy this as traffic and pollution will be just a few metres from their home.

It is considered that the proposed development will not significantly affect the amenity of the adjacent properties.

4.13 What plans are there to ensure the protected trees will not be, in any way, damaged by the proposed road up to the monument?

A suitably worded condition can be attached to any grant of planning consent in order to protect existing mature trees, or for suitable replacements to be provided should such trees require to be removed as part of the redevelopment.

4.14 They have grave doubts as to whether Alexander Kay had this significant increase in vehicular traffic in mind when he bequeathed the park to the town.

The Council's Roads Division require car parking and an access road for two-way traffic due to the nature of the uses proposed within the development and the level of car usage envisaged with this type of development.

4.15 They question whether or not there is enough security for the building

The proposed development has been securely designed given its location within the Park. It is recommended that a barrier or gate is proposed to prevent access outwith opening hours.

4.16 They propose that a barrier or gate be erected after the Kay Park Grove entrance and at the entrance to the new car park.

This is addressed in Section 4.5 of the report.

4.17 The extension is a money-making scheme for the Council which will destroy green spaces and allow traffic into areas which should be provided for people to walk in and enjoy the park.

The proposed development will allow the Burns Monument to be brought into active use once again after the fire of November 2004 which destroyed most of the Monument. The Monument had not been open to the public since the 1980s and the proposed development will secure survival of the Monument as part of a modern records centre, registration office and wedding facility. This new use will provide a useful civic building which will attract additional visitors to the park.

4.18 The number of employee parking spaces seems needlessly generous and at the expense of a local amenity.

There is a requirement for staff car parking spaces as part of the proposed development. In total there are 15 staff car parking spaces proposed (including 3 disabled parking spaces) to the south of the monument adjacent to Kay Park Cottage. This meets the requirements of the Roads Division.

4.19 A nice, well lit path from the bowling club car park to the monument could be created to make use of the under-used car park at Strawberrybank Road rather than create new car parks.

This is addressed in Section 4.4 of the report.

4.20 They question why the Council are proposing the traditional/contemporary mix of construction techniques and materials?

It is considered that the proposed extension is of a contemporary design combining the use of traditional materials such as sandstone with modern materials such as the standing seam roof system. This will allow the contemporary design to provide a contrast to the traditional Scots Baronial Monument. Furthermore Historic Scotland have offered positive comments to the proposed development.

4.21 The proposal is completely at odds with the setting and profile of the Burns Monument.

This is addressed in Section 4.20 above.

4.22 Kilmarnock's sky line will be altered with something that looks like a modern industrial unit.

This is addressed in Section 4.20 above.

4.24 There would be a risk of road traffic accidents if a public road were to run through the park, dividing the top and lower park in two.

East Ayrshire Council's Roads Division have no adverse comments to make in relation to the proposed development in terms of road safety.

4.25 Since when has the transformation of an area, significant from an ecological point of view, into a concrete zone full of cars been called an enhancement? This area should be made into a wild garden instead.

Scottish Natural Heritage (SNH) have advised that whilst part of the site for the car park at the Reformers Monument is overgrown it is very likely that this area does offer a wildlife habitat of local significance. A clear justification for the choice of this site over alternatives should be provided.

The location of the main car park was chosen following concerns at the previous withdrawn applications (06/0033/LA and 06/0035/LB) would lead to reduction in the amount of usable amenity space within the Kay Park. The land to the rear of the Reformers Monument is currently inaccessible to the public and

utilising this area within the park is preferable to maximise the remaining usable area of public open space.

4.26 The people of Kilmarnock were never given the option of having the original Burns Monument reinstated.

These issues are addressed in Section 6.6 of the report.

4.27 They don't want to see Kay Park turning into new Council offices, another car park and a meeting place for vandals and joy riders at night.

The security issue is addressed in Section 4.5 and 4.15 of the report.

4.28 They are outraged that the Council have relinquished a legal obligation to notify the residents of Kay Park Crescent and Terrace.

The statutory neighbour notification process has been carried by the applicant. The residents of Kay Park Crescent and Terrace did not require to be neighbour notified by the applicant. A public advertisement relating to the applications was placed in the Kilmarnock Standard, giving notice of the applications to a wider public.

4.29 Why should Building Regulations be different for a Council building than for a private garage in the area which had to have a slated roof.

The requirements of the Building Standards will be addressed through the Building Warrant process.

4.30 The suggested site of the largest car park in an area that is home to rare wildlife which, if destroyed, would be a great loss to nature.

This is addressed in Section 4.25 of the report.

4.31 They do not understand how a building of such contemporary design can be considered against the Victoria architecture in the Conservation Area.

The Kay Park Conservation Area is typified by Victorian Sandstone and the setting of the Kay Park to which these villas relate has resulted in the area becoming a Conservation Area. It is considered that since the loss of the majority of the Burns Monument after the fire of 2004 that a forward-looking, contemporary building which utilises materials to successfully link the remaining section of the monument with an accessible public building, of high quality design is appropriate in this location. Whilst the proposed extension is contemporary it is considered that the quality of design and materials proposed will ensure this building will be appropriate within this Conservation

Area and provide a contrast to the traditional Baronial style monument.

4.32 Is the Council seriously considering a major junction at the brow of a hill - at a crossroads?

East Ayrshire Council's Roads Division have no adverse comments to make in relation to the proposed development in terms of road safety.

4.33 The use of smooth render will make an ideal blank canvas for graffiti artists.

It is not considered the use of smooth render compared with any other external finishes will be any more likely to attract vandalism. As indicated above a suitably worded condition can be attached to any grant of consent to ensure adequate security measures are put in place.

4.34 Does the construction of this building comply with the conditions of use of the land laid out in the original Alexander Kay bequest which clearly states that no building for commercial purposes should be constructed within the park?

East Ayrshire Council's Legal and Administrative Services Division have advised the Kay Park is held within the Council's Common Good Account and the proposed development would, in the terms of the Common Good provisions, be considered to be a development for the benefit of the people of the former Burgh of Kilmarnock. The Council is, therefore, satisfied that the project accords with the intentions of the Trustees and the time of granting the 1879 Deed of Trust and Disposition.

4.35 The scale of the proposed extension is much greater than the impression given in the original publicity in respect of the chosen option.

The impression of the building was illustrative only with regards the public consultation process.

4.36 They cannot believe the new building has the approval of Historic Scotland or any senior architectural experts.

Historic Scotland in their consultation reply have provided a positive response to the proposed development.

4.37 They believe the exit from Kay Park could not possibly achieve acceptable or statutory sightlines for a busy classified road junction without major demolition and very extensive earthwork operations.

East Ayrshire Council's Roads and Transportation Division have no adverse comments to the proposed development. The proposed access from Strawberrybank Road is considered acceptable.

4.38 The composite metal panel roof system is inappropriate for a centre of such importance and demeans the whole statue of Robert Burns as an Ayrshire/Scottish hero.

It is considered that the proposed extension is of a contemporary design and the use of traditional materials such as sandstone with modern materials such as the standing seam roof system will ensure a striking well designed building fit for the twenty first century will emerge.

4.39 Vehicular access to the monument should be limited to the disabled or taxis, keeping our parkland intact.

Vehicular access is required as part of the development due to the nature and scale of the proposed development.

4.40 Protecting Kay Park and the whole eco-system there is a great contribution East Ayrshire Council can make to reduce its high carbon emissions.

Noted.

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 (EALP).

Adopted Ayrshire Joint Structure Plan

5.2 The proposed development does not raise any issues of a strategic nature.

Adopted East Ayrshire Local Plan

5.3 Policies ENV 1, ENV 2, ENV 4 and ENV 7 are of direct relevant to this application. Policy ENV 1 seeks to protect, preserve and enhance all listed buildings. Policy ENV 2 actively encourages the retention, restoration, renovation and reuse of listed buildings, whilst Policy ENV 4 seeks to ensure all development within or affecting the setting of the Conservation Area or affecting the appearance or setting of a listed building is sympathetic to the

area or building concerned in terms of its layout, size, scale, design, siting, materials and colour of finish. Policy ENV 7 states that developers should comply fully with the Council's Design Guidance which requires the design of extensions to reflect and enhance the overall character and appearance of the Conservation Area or Listed Building in terms of size, scale, fenestration, finish and materials used. The material finish of any extension should be in keeping with and sympathetic to the existing building.

Following the devastating fire which destroyed the majority of the monument in November 2004 it was considered by the Council, following a public consultation process, to make the monument a "working building" and therefore the re-use of the remaining portion of the monument within the proposed development complies with Policies ENV 1 and 2 of the Adopted East Ayrshire Local Plan. It is considered that the proposed extension, of contemporary design, uses both traditional and modern materials, thus respecting the remaining portion of the Scots Baronial styled monument, whilst not trying to create a pastiche of the original building. It is considered the proposed courtyard layout of the proposed extension will maximise the view of the surviving portion of the monument from the south, looking north, and will maximise security and protection to the surviving portico and statue of Robert Burns. The design of the proposed extension provides a high-quality contemporary design, with the use of appropriate materials to help blend the proposed extension with the original red-sandstone structure. It is therefore considered the proposed extension complies with Policies ENV 4 and 7 of the Adopted East Ayrshire Local Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and representations received detailed in Sections 3 and 4 of the report, the planning history of the site and the Memorandum of Guidance on Listed Buildings and Conservation Areas.

Consultation Responses and Representations Received

6.2 It is not considered that any aspects of the consultations received have raised any issues that would warrant refusal of this application. The concerns of the objectors have been assessed in Section 4 of the report. Their concerns regarding the proposed access and the car parking provision have not been supported by the Roads Division. With regard to the design and siting of the development it is considered to be compatible with the listed monument and the immediate area.

Memorandum of Guidance on Listed Buildings and Conservation Areas

6.3 The above Guidance requires that new uses for old buildings may often be the key to their continued survival. Planning Authorities should satisfy themselves that no unnecessary damage to historic structures will be caused and that any new external or internal features harmonise with their surroundings. No unnecessary damage shall be caused to the building's historic fabric.

The proposed development has been the subject of extensive discussions with Historic Scotland. The applicant has sought to retain as much as possible of the original monument. The proposed new build is in keeping with the character of the listed structure.

Planning History

6.4 Planning Application No 05/0106/LB - Partial demolition, retention and stabilisation of fire damaged Burns Monument - approved on 18 July 2005. This application was as a result of the damage caused by the fire in November 2004.

6.5 Planning Application Nos 06/0033/LA and 06/0035/LB - Partial reinstatement of Burns Monument, erection of Marriage Records Centre, alterations to road and formation of car parks. These applications were withdrawn by the applicant on 24 May 2006.

Report to Community Services Committee 14 September 2005

6.6 A report advising Members of the outcome of the public consultation exercise regarding the future of the Burns Monument was presented to the Community Services Committee of 14 September 2005. Following an exhibition in the Dick Institute and details posted on the Council Website, 88.89% of the 396 responses received were in favour of the re-development of the Burns Monument and include a Family History/Registration Centre (Option 2) while 8.84% of respondents were in favour of the remaining section of the monument being strengthened and create a new monument with security fencing installed to protect the monument (Option 1). Members present voted in favour of Option 2 as the appropriate re-development project for the Burns Monument.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are financial and legal implications for the Council in the determination of this application.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report the application is 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 application should be approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6 there are material considerations relevant to this application and whilst noted, it is not considered that any aspects of the objections received indicate that the application should be refused. The comments of Historic Scotland are supportive and note the lengthy pre-application discussions held between the Council and Historic Scotland in reaching the latest submission. The Burns Monument was devastated by fire in November 2004 and as such the Council undertook a public consultation on whether to repair the remaining portico and stairs of the monument or provide a working building to house the registration service and marriage suite. The consultation response was resoundingly in favour of the re-development of the site. As such the proposed extension has been designed, not as a pastiche of the Scots Baronial style monument, but as a contemporary designed building which makes use of both modern and traditional materials. It ensures the building respects the materials used within the surviving section of the monument and is also forward-looking and ensures the building can be brought back into active use.

9. RECOMMENDATION

9.1 It is recommended that the Notice of Intention to Develop be forwarded to the Scottish Ministers in accordance with the Development of Planning Authority Regulations 1981-1984 and subject to the conditions indicated on the attached sheet.

9.2 It is recommended that the Listed Building application 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 attached sheet.

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

21 July 2006
(BD/MMM)

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Representations Received.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.

7. Memorandum of Guidance of Listed Buildings and Conservation Areas.
9. Planning Application Nos: 05/0106/LB; 06/0033/LA; 06/0035/LB

Anyone wishing to inspect the above papers please contact Barry Douglas on (01563) 576770.

Implementation Officer: Dave Morris

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TP24

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0456/LB

Site of Proposal:	Burns Monument Kay Park KILMARNOCK KA3 7RS
Nature of Proposal:	Partial Reinstatement of Burns Monument, Erection of Marriage Records Centre, Alterations to Road and Formation of Car Parks
Name & Address of Applicant:	Library Registration and Information Services Dick Institute Elmbank Avenue KILMARNOCK KA1 3BU
Name & Address of Agent:	Principal Architect Council Offices Rigg Road Lugar CUMNOCK KA18 3JQ

DPOs Reference: BD/MMM

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

1. Notwithstanding the approved plans details and samples of all external finishes to be utilised on the proposed extension to the monument, stone and roof repairs to the monument, windows and doors and all external ground surfaces shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented thereafter on site as approved.

REASON In the interests of achieving a quality development to the benefit of visual amenity.

2. Notwithstanding the approved plans, details of the design of any external lighting columns and any external building floodlighting scheme to be erected within the site shall be submitted to and approved 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 visual amenity and to prevent light pollution to nearby residential dwellings.

3. Notwithstanding the approved plans details and samples of the roadway and car parking surfacing shall be submitted to and approved by the Planning Authority, in writing, prior to the commencement of development on site and implemented as approved thereafter on site.

REASON In the interests of visual amenity.

4. Notwithstanding the approved plans a report and plans detailing the method of protection of the Burns Monument throughout the period of construction and the Reformers Monument during the formation of the adjacent car park and access shall be submitted to and approved by the Planning Authority, in writing, prior to the commencement of development on site and implemented throughout the period of construction as approved thereafter.

REASON In the interests of protecting the listed Burns and Reformers Monuments.

5. Notwithstanding the approved plans details and samples of the external colour of all doors and windows shall be submitted to and approved by the Planning Authority, in writing, prior to the commencement of development on site and implemented as approved.

REASON In the interests of visual amenity.

6. Notwithstanding the approved plans details of the security measures to be adopted when the Monument, Marriage/Records Centre and car parks are not in use shall be submitted to and approved by the Planning Authority, in writing, prior to the commencement of development on site and implemented thereafter as approved. Details shall include lockable barriers or bollards to

prevent vehicular access to the main car park adjacent the Reformers Monument and prevent vehicular access to the Burns Monument and Marriage/Records Centre. The details to be submitted shall make provision for continued access to Kay Park Cottages

REASON To ensure adequate security measures are in place to secure the building and car parks when not in use.

7. Notwithstanding the approved plans details of a landscaping scheme for the land surrounding the Reformers Monument and measures to protect the monument from vehicular traffic accessing and egressing the main car park shall be submitted to and approved by the Planning Authority, in writing, prior to the commencement of development on site and implemented thereafter as approved. Details shall include the provision of stone setts and low level shrub planting.

REASON In the interests of achieving a quality development to the benefit of visual amenity and in order to prevent damage to the Reformers Monument.

8. Notwithstanding the approved plans details of a gate to prevent access to the proposed courtyard area outwith the opening hours of the centre shall be submitted to and approved by the Planning Authority, in writing, prior to the commencement of development on site and implemented thereafter as approved. Details shall include the submission of a sample of the material proposed for the gate for the approval of the Planning Authority.

REASON To ensure adequate safety measures are in place for the building when not in use.

9. Prior to the commencement of development on site and notwithstanding the submitted plans, plans to a minimum scale of 1:50 of the interface of a change of materials and detail between the existing Burns Monument and the new build shall be submitted to and approved in writing by the Planning Authority and shall be implemented as approved.

REASON To protect the character of the Listed Building.

TP24

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0458/LA

Site of Proposal:	Burns Monument Kay Park KILMARNOCK KA3 7RS
Nature of Proposal:	Partial Reinstatement of Burns Monument, Erection of Marriage Records Centre, Alterations to Road and Formation of Car Parks
Name & Address of Applicant:	Library Registration and Information Services Dick Institute Elmbank Avenue KILMARNOCK KA1 3BU
Name & Address of Agent:	Principal Architect Council Offices Rigg Road Lugar CUMNOCK KA18 3JQ

DPOs Reference: BD/MMM

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

1. Notwithstanding the approved plans details and samples of all external materials to be utilised on the proposed extension to the monument, stone and roof repairs to the monument, windows and doors and all external ground surfaces shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented thereafter on site as approved.

REASON In the interests of achieving a quality development to the benefit of visual amenity.

2. No trees shall be felled, lopped, have roots cut or be the subject of any other works without the written consent of the Planning Authority.

REASON In the interests of visual amenity.

3. Notwithstanding the terms of Condition 2 above a phasing plan for the removal of trees and hedges as is necessary for the formation of the car parking and roadway shall be submitted to and approved by the Planning Authority, in writing, prior to the commencement of development on site following a site meeting between the developer and the Outdoor Amenities Section and shall be implemented thereafter on site as approved.

REASON To ensure the retention of the maximum number of trees and existing landscaping on site in the interests of visual amenity.

4. 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 and other materials carried from the site.

REASON In the interests of the amenity of the area.

5. Notwithstanding the approved plans, details of the design of any external lighting columns and any external building floodlighting scheme to be erected within the site shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented thereafter according to the approved details.

REASON In the interests of visual amenity.

6. Notwithstanding the approved plans details and samples of the roadway and car parking surfacing shall be submitted to and approved by the Planning Authority, in writing, prior to the commencement of development on site and shall be implemented as approved thereafter on site.

REASON In the interests of visual amenity.

7. Notwithstanding the approved plans a report and plans detailing the method of protection of the Burns Monument throughout the period of construction and the Reformers Monument during the formation of the

adjacent car park and access shall be submitted to and approved by the Planning Authority, in writing, prior to the commencement of development on site and implemented throughout the period of construction as approved thereafter.

REASON In the interests of protecting the listed Burns and Reformers Monuments.

8. Notwithstanding the approved plans details and samples of the external colour of all doors and windows shall be submitted to and approved by the Planning Authority, in writing, prior to the commencement of development on site and implemented thereafter as approved.

REASON In the interests of visual amenity.

9. No construction works, site clearance or preparation works shall take place before 8:00 am and after 6:00 pm, Monday to Friday, before 8:00 am or after 12 noon on Saturdays and at no time on a Sunday.

REASON In the interests of the amenity of the area.

10. Prior to the commencement of development 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 use of the approved development.

REASON To ensure that adequate drainage and treatment is provided.

11. Notwithstanding the approved plans details of the security measures to be adopted when the Monument, Marriage/Records Centre and car parks are not in use shall be submitted to and approved by the Planning Authority, in writing, prior to the commencement of development on site and implemented thereafter as approved. Details shall include lockable barriers or bollards to prevent vehicular access to the main car park adjacent the Reformers Monument and prevent vehicular access to the Burns Monument and Marriage/Records Centre. The design of the proposed security measures shall be in keeping with the Park setting and Listed Building and shall make provision for continued access to Kay Park Cottages.

REASON To ensure adequate security measures are in place to secure the building and car parks when not in use.

12. Notwithstanding the approved plans a traffic management scheme to allow for continued pedestrian and vehicular access to Kay Park Grove and Kay Park Cottage throughout the period of construction shall be submitted to and approved by the Planning Authority, in writing, prior to the commencement of development on site and implemented as approved thereafter throughout the period of construction.

REASON In the interests of road safety.

13. Notwithstanding the approved plans details of a landscaping scheme for the land surrounding the Reformers Monument and measures to protect the monument from vehicular traffic accessing and egressing the main car park shall be submitted to and approved by the Planning Authority, in writing, prior to the commencement of development on site and implemented and maintained thereafter as approved. Details shall include the provision of stone setts and low level shrub planting.

REASON In the interests of achieving a quality development to the benefit of visual amenity and in order to prevent damage to the Reformers Monument.

14. Notwithstanding the approved plans the car parking areas shall be brought into use prior to the occupation of the approved development.

REASON To ensure adequate parking provision is available upon the building being occupied.

15. Notwithstanding the approved plans details of a gate to prevent access to the proposed courtyard area outwith the opening hours of the centre shall be submitted to and approved by the Planning Authority, in writing, prior to the commencement of development on site and shall be implemented thereafter as approved. Details shall include the submission of a sample of the material proposed for the gate for the approval of the Planning Authority.

REASON To ensure adequate safety measures are in place for the building when not in use.

16. Prior to the commencement of development on site and notwithstanding the submitted plans, plans to a minimum scale of 1:50 of the interface of a change of materials and detail between the existing Burns Monument and the new build shall be submitted to and approved in writing by the Planning Authority and shall be implemented as approved.

REASON To protect the character of the Listed Building.

NOTES:-

1. Early contact is recommended with Scottish Water at 35 Glenburn Road, Prestwick, regarding connecting to the public sewerage system.
2. Prior to the commencement of any works on site for the development hereby approved, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.
3. The applicant should ensure that prior to development commencing on site, they have secured agreement from Scottish Water regarding the

suitability of all proposed drainage connections and the suitability of the existing infrastructure to accommodate such connection.

4. The applicant should contact East Ayrshire Council's Roads and Transportation Division at Greenholm Street, Kilmarnock, in order to obtain the necessary road opening permits.
5. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specified arrangements 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.
6. SUDS shall be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.
7. The applicant should make early contact with Scottish Gas Networks (Plant Protection - Tel 01563 573462) prior to the commencement of development on site to arrange a site meeting.

**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.**