

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 20 DECEMBER 2005

**05/0990/FL: PROPOSED DEMOLITION OF EXISTING VACANT RETAIL UNIT.
ERECTION OF NEW NON FOOD RETAIL UNITS 25,000 SQ.FT TOTAL.
AT 167-187 TITCHFIELD STREET, KILMARNOCK, KA1 1RG.
BY BROOM ESTATES LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full Planning Permission is sought for the erection of two non-food retail blocks which will contain four units. Each block will contain two separate units. The total floor area of the units is proposed to be 25,000 sq.ft. The proposal consists of a large retail block to the rear of the site, which will contain units one and two, with a combined approximate floor space of 2200 square metres. This block will be rectangular in shape and has approximate dimensions of 32 metres by 78 metres. There is a smaller retail block proposed for the north-east corner of the site. The block will have a combined floor space of approximately 240 square metres and will contain units three and four and will be a rectangular shape with dimensions of 16 metres by 20 metres.

1.2 The area of ground to the north and east of units one and two is to be developed as car parking for the retail units. A total of 102 car parking spaces is to be provided. Vehicle access to the site is to be taken from a new entrance on West Netherton Street, while pedestrian access will be available at Douglas Street, Titchfield Street and West Netherton Street. Access for delivery vehicles is to be taken from the formation of a new access further west on West Netherton Street. The delivery access is to have its entrance on West Netherton Street and exit onto Douglas Street, with the traffic moving in a one-way fashion .

1.3 The external walls of units one and two are to be constructed in facing brick in 'Buff' and 'Staffordshire Blue' and horizontal cladding panels in 'Metallic Silver'. The front elevations of these blocks will also have approximately two-thirds of the ground level frontage constructed in glazed units, with the frames being coloured 'Merlin Grey'. The rear and sides of this block are proposed to be constructed in facing brick in 'Buff' and 'Staffordshire Blue' and vertical cladding panels in 'Metallic Silver'.

1.4 The smaller block which will contain units three and four, will have the external walls constructed of facing brick in 'Buff' and 'Staffordshire Blue'. Two thirds of the main frontage, on the north elevation, will have glazed units with

'Merlin Grey' coloured frames. The roof of both units is proposed to be constructed in Mill Finished Aluminium.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As outlined in Section 3 and Section 5 of this report, there have been no adverse comments received from consultees that would be incapable of resolution and the proposal is in accordance with the provisions of the Adopted East Ayrshire Local Plan. 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 of the report the material considerations that are applicable are generally supportive of this application.

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 full planning application which is to be considered by the Development Services Committee under the scheme of delegation as the floor space of the proposed units is over 2000 square metres in area.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is currently occupied by a vacant retail unit, which has a floor area of 33,000 sq. ft. The existing unit was previously occupied by Kwik Save Stores for the retail of food. The area of the site totals 2.08 acres. The site is located within the Town Centre boundary of Kilmarnock, as defined by the Adopted East Ayrshire Local Plan.

2.2 The site is relatively flat in nature and the existing retail unit is in a dilapidated state due to lack of maintenance since the closure of the previous business. Directly adjacent to the existing retail unit are smaller retail units within a sandstone building, which front onto Titchfield Street. To the south of the site is West Netherton Street, on which there are retail and business premises. There are also business premises located to the west of the site, which have their frontage onto West Netherton Street and Nursery Street. The site is bounded to the north by Douglas Street and the Galleon Sports Centre.

2.3 **Proposed Development:** Full Planning Permission is sought for the erection of two non-food retail blocks which will contain four units. Each block will contain two separate units. The total floor area of the units is proposed to be 25,000 sq.ft. The proposal consists of a large retail block to the rear of the site, which will contain units one and two, with a combined approximate floor space of 2200 square metres. This block will be rectangular in shape and has approximate dimensions of 32 metres by 78 metres. There is a smaller retail block proposed

for the north-east corner of the site. The block will have a combined floor space of approximately 240 square metres and will contain units three and four and will be a rectangular shape with dimensions of 16 metres by 20 metres.

2.4 The area of ground to the north and east of units one and two is to be developed as car parking for the retail units. A total of 102 car parking spaces is to be provided. Vehicle access to the site is to be taken from a new entrance on West Netherton Street, while pedestrian access will be available at Douglas Street, Titchfield Street and West Netherton Street. Access for delivery vehicles is to be taken from the formation of a new access further west on West Netherton Street. The delivery access is to have its entrance on West Netherton Street and exit onto Douglas Street, with the traffic moving in a one-way fashion .

2.5 The external walls of units one and two are to be constructed in facing brick in 'Buff' and 'Staffordshire Blue' and horizontal cladding panels in 'Metallic Silver'. The front elevations of this block will also have approximately two-thirds of the ground level frontage constructed in glazed units, with the frames being coloured 'Merlin Grey'. The rear and sides of this block are proposed to be constructed in facing brick in 'Buff' and 'Staffordshire Blue' and vertical cladding panels in 'Metallic Silver'.

2.6 The smaller block which will contain units three and four, will have the external walls constructed of facing brick in 'Buff' and 'Staffordshire Blue'. Two thirds of the main frontage, on the north elevation, will have glazed units with 'Merlin Grey' coloured frames. The roof of both units is proposed to be constructed in Mill Finished Aluminium.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Council's Roads and Transportation Division have made comments in relation to the following:

The closure of the existing access points and the creation of new access points will require the reconstruction of the existing footways and formation of commercial access crossings to adoptable road standards. The proposed use of 600x600 paving slabs on West Netherton Street is not acceptable. The formation of new vehicle access points will require the applicant to provide vehicle swept path drawings for both rigid and articulated vehicles. The footways and junction accesses proposed will require the applicant to obtain road construction consent prior to the commencement of works. A transport statement should be included in the submission.

3.2 Further to this comment a Transport Statement was received by the Roads Division on 14 November 2005. The Roads Division made the following comments in relation to the Transport Statement:

The analysis shows that the proposed development will not have a detrimental impact on the local road network. Active parking controls should be adopted in the car park to ensure that long-stay car parking does not take place. It is recommended that a further pedestrian link from Douglas Street should be provided. The Traffic Statement now includes a swept path analysis, which is satisfactory. The Roads Department has no objection to the proposed development subject to the following conditions being applied to any consent:

- The parking within the site should be controlled by the developer to ensure that long-stay parking does not take place

A condition can be attached to any grant of Planning Consent to address this issue.

- A further pedestrian footway link from Douglas Street to the site should be provided.

The applicant has provided amended plans showing a footway from Douglas Street to the site, therefore the imposition of a planning condition is not necessary.

Conditions can be attached to any grant of planning consent relating to surface materials. A note can be added to any Planning Consent regarding the need for Road Construction Consent.

All other matters raised in the Consultation response from the Roads Division have been satisfied by the Transport Statement.

3.3 Scottish Environment Protection Agency (SEPA) have no objections to the proposals.

Noted

3.4 Historic Scotland have no comments to offer in relation to this proposal.

Noted

3.5 Scottish Water. Have objected to the application. However they have stated that the objection can be deemed to be withdrawn if the following are addressed through conditions:

No development shall commence until evidence is submitted to the Planning Authority that an agreement has been reached by the applicant with Scottish

Water for the provision of a drainage and/or water scheme to serve the development.

A totally separate drainage system will be required with the surface water discharging to a suitable outlet.

The applicant must make a separate application in writing to Planning and Development Services, 419 Balmore Road, Glasgow, in order to fully assess the impact of the development.

Conditions can be attached to any grant of Planning Consent to address the drainage issues. A note can be attached to any planning consent to advise the applicant to contact Scottish Water to discuss the impact of the proposed development.

3.6 Grange Howard and Piersland Bentink Community Council have not replied at the time of writing this report.

Noted.

3.7 Power Systems has not responded at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 There have been no third party objections received in relation to this application.

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).

Ayrshire Joint Structure Plan

5.2 There are no policies in the Ayrshire Structure Plan that are particularly applicable to this proposal.

Adopted East Ayrshire Local Plan

5.3 Policy RTC 2 states “The types of development detailed in Schedule 5 of the Local Plan will be considered acceptable, in principle, within town centres and on those development opportunity sites as being identified suitable for such purposes on the Local Plan maps”

The application site is located within Kilmarnock town centre boundary and the proposed use of retail is consistent with Schedule 5 of the Local Plan.

5.4 Policy RTC 3 states that “Subject to the provisions of all other retail policies, all development proposals falling within the classes of development detailed in Schedule 5 of the Local Plan will be directed to:

- (i) Kilmarnock and Cumnock Town centres if the proposed gross floorspace exceeds 1,500 square metres; and
- (ii) All town centres if the proposed gross floorspace is less than 1,500 square metres.

The proposed development is consistent with this policy as the application site is within the Kilmarnock town centre boundary and the floorspace is greater than 1,500 square metres.

5.5 Policy RTC 11 states “ Where a property falling within the classes of development detailed in Schedule 5 of the Local Plan becomes vacant or where a gap or infill site is available for redevelopment within Town Centres, the Council will encourage and support the re-use of the property or redevelopment of the site for appropriate similar Schedule 5 uses. The re-use of such properties or the redevelopment of the land to an appropriate residential or other alternative use not included in the above mentioned classes will be acceptable only where:

- (i) it can be demonstrated, to the satisfaction of the Council, that an appropriate use falling within the Classes described in Schedule 5 cannot be found; and
- (ii) the proposed use of the property is sympathetic to the character and amenity of the area concerned.

The proposed use is consistent with Schedule 5 and is considered to comply with this policy.

5.6 Policy ENV 8 states “ The Council will encourage developers, in formulating their development proposals, to ensure that:

- i. adequate opportunities are taken to secure a more accessible environment for all, including those with mobility and sensory disabilities, elderly people and those with young children;

The proposal is for development at ground floor level which includes parking for the disabled.

- ii. appropriate traffic safety measures are introduced to minimise vehicular and pedestrian conflict;

The application has been commented on by the Roads and Transportation Division who have been instrumental in requiring revisions to the site layout in the interests of pedestrian and driver safety.

- iii. appropriate community safety measures are incorporated to maximise security and improve natural surveillance of the development;

The proposed development has an open frontage onto Titchfield Street and Douglas Street, and is relatively open-plan in nature. This results in a development that has a high level of surveillance as both pedestrians and car users will have an open aspect into and out of the site.

- iv. the design of their development demonstrates a commitment to sustainable development through the use of recyclable and renewable materials and the introduction of energy efficient heating and lighting systems etc;

The proposal does not present itself as incorporating design or materials that are particularly selected for compliance with this policy.

- v. their designs are architecturally innovative and sensitive to the character of the area in which they are proposed;

The proposed development is similar in nature to the retail park at Armour Street. The proposal is utilising modern material and is of a modern design and is considered that the development will improve the streetscape of the surrounding area.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation replies detailed in Section 3 of the report and the impact on the amenity of the area.

6.2 There have been no adverse comments received from the Consultation responses received. The proposal is in accordance with the provisions of the Adopted East Ayrshire Local Plan, in terms of suitable developments within the Town Centre boundary. It is considered that the amenity of the area will be improved by the construction of four new retail units. The design and layout of the proposed retail units is considered to be of a modern design which will enhance the area, which has become neglected over the last few years.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of this application.

8. CONCLUSIONS

8.1 As outlined in Section 3 and Section 5 of this report, there have been no adverse comments received from consultees that would be incapable of resolution and the proposal is in accordance with the provisions of the Adopted East Ayrshire Local Plan. 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 of the report the material considerations that are applicable are generally supportive of this application.

9. RECOMMENDATION

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

Alan Neish
Head of Planning, Development and Building Standards

15 December 2005
FC/RH

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plan.
2. Statutory Letters/Certificates.
3. Consultation Replies.
4. Letters of Representation.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. Application No: 05/0798/FL

Anyone wishing to inspect the above papers please contact Fiona Campbell, Planning Officer on 01563 576787.

Implementation Officer: Alan Neish

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0990/FL

Site of Proposal: EXISTING KWIK SAVE
 167-187 TITCHFIELD STREET
 KILMARNOCK KA1 1RG

Nature of Proposal: Proposed demolition of existing vacant retail
unit. Erection of new non food retail units 25,000 sq. ft total

Name & Address of Applicant: Broom Estates Ltd
 9 Waterloo Street
 GLASGOW
 G2 6BP

Name & Address of Agent: RGP Architects
 135 Buchanan Street
 GLASGOW
 G1 2JA

DPOs Reference: FC/RH

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

(1) The proposed development shall be carried out in accordance with the application form received on 7 September 2005, plans received on 21 September and 30 September 2005 amended existing and proposed site plan and amended site plan/landscaping proposals received on 2 December 2005 and the Transport Statement received 18 November 2005.

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

(2) Prior to the commencement of any works on site, details and samples of all finishes and colours to be used as external materials on the proposed

development shall be submitted to and approved in writing by the Planning Authority and thereafter implemented as approved on site.

REASON To ensure the visual integration of the proposed development with the surrounding area.

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

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

(4) Notwithstanding the plans hereby approved, prior to the commencement of works on site, details including the location and specifications of all refuse bins (including skips) within the development site and including the provision for the collection of commercial waste, shall be submitted to and approved in writing by the planning authority. All refuse bins as approved, shall be installed on site prior to the commencement of the trading of the retail units and maintained thereafter.

REASON In the interests of the amenity of the area.

(5) Notwithstanding the plans hereby approved, the 600 x 600 paving slabs on West Netherton Street, are not hereby approved.

REASON In the interests of road safety.

(6) Notwithstanding the plans hereby approved, and prior to the commencement of any works on site, details and samples of all external ground treatments shall be submitted to, and agreed in writing by the Planning Authority and implemented as approved.

REASON In order to ensure the visual integration of the proposed development with the surrounding area.

(7) At no time unless with the prior written consent of the Planning Authority, shall any retail trading occur or goods be stored outwith the internal floorspace of the retail units hereby approved.

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

(8) Prior to commencement of any works on site, full details of measures to preclude the use of the car parking areas for long stay car parking shall be submitted to, and agreed in writing by the Planning Authority. These measures shall therefore be implemented prior to the commencement of trading of the retail units.

REASON To ensure appropriate car parking facilities exist for the retail store.

(9) Notwithstanding the plans hereby approved, and prior to any development on site, full details of all security measures for the retail units, including security shutters and any security fences shall be submitted to, and agreed in writing by the Planning Authority prior to any development on site, and implemented as approved.

REASON In the interests of visual amenity.

(10) Prior to commencement of any works on site, details of all street furniture including bollards, waste bins, traffic or pedestrian signage and any seating, shall be submitted to and approved by the Planning Authority prior to any development on site, and implemented as approved.

REASON In the interest of the amenity of the site.

(11) Notwithstanding the plans hereby approved, and prior to the commencement of any works on site, details and samples of all boundary treatments shall be submitted to, and agreed in writing by the Planning Authority and implemented as approved.

REASON In order to ensure the visual integration of the proposed development with the surrounding area

(12) Prior to the commencement of any works on site, details of the landscaping scheme for the area of ground to the east of the development site, shall be submitted to, and approved in writing by the Planning Authority, prior to commencement of any works on site.

REASON In order to ensure a visually acceptable development.

(13) No external construction work, site clearance or preparation works shall take place before 07:00 hours and after 19:00 hours Mondays to Saturdays and before 09:00 and after 17:00 on Sundays.

REASON In the interests of the amenity of the neighbouring residential property.

(14) Prior to the commencement of any works on site, details of a landscaping scheme and a maintenance scheme for all landscaped areas shall be submitted to and approved in writing by the Planning Authority. All landscaped areas shall thereafter be laid out and maintained as approved no later than the first available planning season following completion of the development.

REASON In order to ensure a visually acceptable development.

(15) No development shall commence on site until evidence is submitted to the Planning Authority that an agreement has been reached with Scottish Water regarding the provision of drainage and/or water scheme to serve the development.

REASON To ensure the development is serviced by water and sewage facilities.

(16) Prior to commencement of development on site, details of the drainage system that will deal with surface water shall be submitted to and agreed in writing by the Planning Authority and implemented as approved.

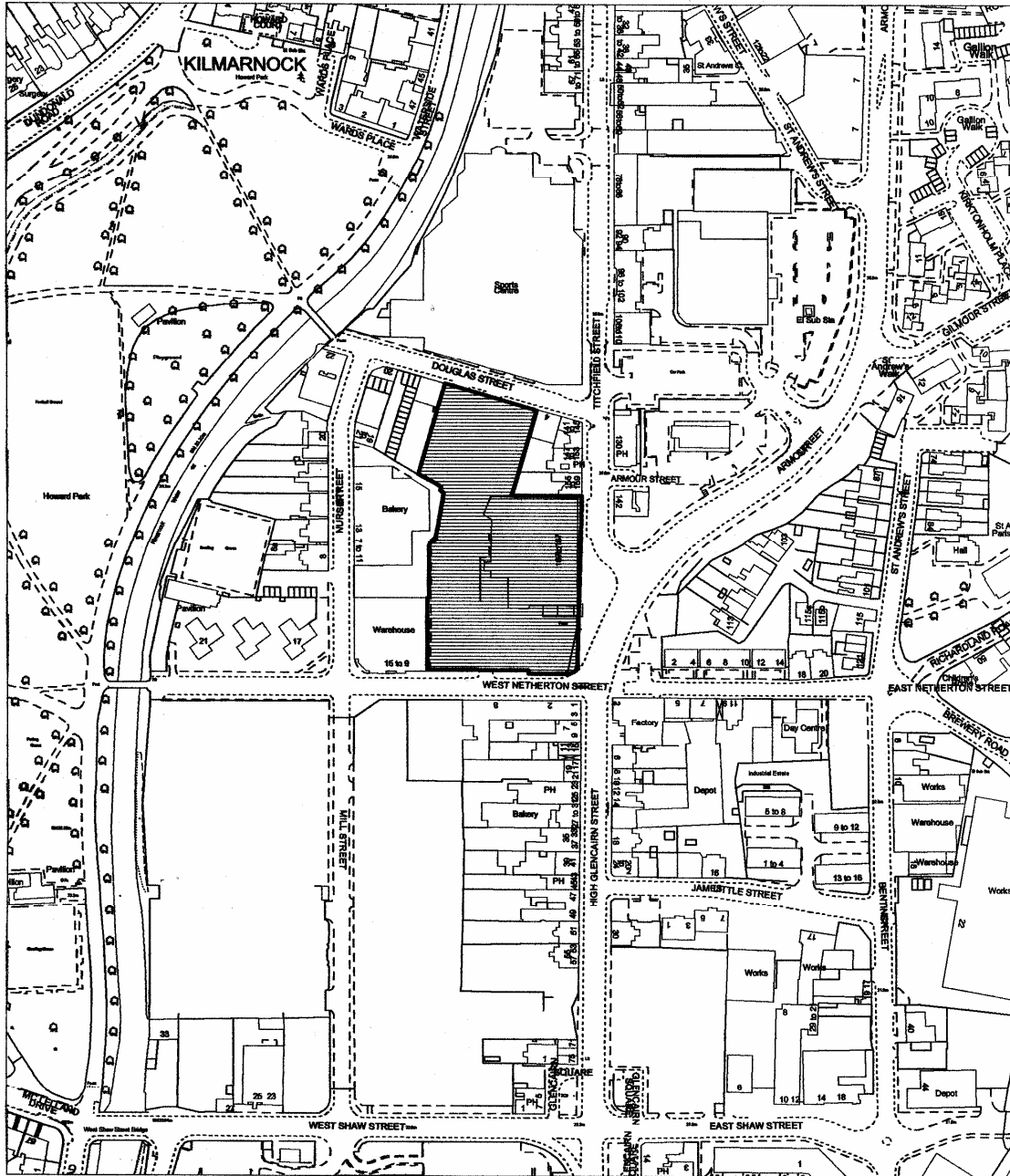
REASON To ensure the development will have adequate drainage.


NOTES

(1) The applicant is advised to make early contact with Scottish Water at 419 Balmore Road, Glasgow, G22 6NU.

(2) The applicant is advised to contact the Council's Roads and Transportation Division, (Tel: 01563 576310) regarding obtaining Roads Construction Consent for the approved works.

(3) Notwithstanding the approved plans and the provisions of Town and Country Planning (Control of Advertisement)(Scotland) Regulations 1984, no fascia signs, adverts or projecting signs shall be erected on the premises or within the application site, without prior written consent of the Planning Authority.



<p>Title/Location 167/187 Titchfield Street</p> <p>Kilmarnock</p> <p>Application No. 05/0990/FL</p>	<p>East Ayrshire Council</p> <p>Planning, Development & Building Standards Division.</p> <p>6 Croft Street Kilmarnock KA1 1JB</p> <p>Tel: (01563) 576790 Fax: (01563) 576774 E-Mail : Planning@east-ayrshire.gov.uk</p> <p>Com Date: 20/12/05 Checked By <i>DM</i></p>
<p>Key</p> <p> Application Site</p>	

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