

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 06 FEBRUARY 2004

**03/0735/OL: PROPOSED OUTLINE RESIDENTIAL DEVELOPMENT WITH
FAÇADE RETENTION ON WEST GEORGE STREET – INCLUDES
RETENTION OF ALL SHOPS
AT EXPO, 1 WEST GEORGE STREET, KILMARNOCK
BY NEIGE DEVELOPMENTS LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning consent is sought to develop the site on the upper floors for residential purposes. Being an outline application, there are no details of the type, size or design of dwellings. The applicant's agent has advised of the intention to demolish the existing building behind the façade and to the rear and that the site be developed for residential purposes. The existing retail units at West George Street are not part of this proposal and will be retained. The applicant has accepted the retention of the facade. The applicant proposes a quality flatted development which would replace the existing nightclub and its associated late night activity.

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 indicated at Section 5 of the report, the application is considered to be in accordance with the Adopted Local Plan. Therefore, given the terms of Sections 35 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 is indicated at Section 6 of the report, there are material considerations relevant to this application and they are generally supportive of the application. The proposal is acceptable in principle and it is not considered that the use of the site for residential purposes will detrimentally affect neighbouring properties and especially with the retention of the front façade this should not affect the setting of the listed buildings to the east and west of the site. At the reserved matters

stage, detailed consideration will be necessary to ensure that the historical and architectural merit of the neighbouring Listed Buildings will not be compromised and it is recommended that conditions be attached to any grant of planning approval to guide the applicant regarding the appropriate form of development. It is considered that the retention of the façade is to be welcomed as this will preserve the visual amenity and character of the street and retain a quality link between the Listed Buildings.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee as there would be no significant breach of Council policy.

Alan Neish
Head of Planning and Building Control

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 and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an outline planning application which is to be considered by the Local Planning Committee under the scheme of delegation as it is subject to objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located at 1 West George Street, Kilmarnock, which is currently occupied by Expo Nightclub on the upper floors. The site extends to approximately 800 square metres and is a mid-terraced building equivalent of four storeys in height and bound by 3 storey beige sandstone buildings which are both category 'B' Listed Buildings. The front elevation of the building is painted, with a portico entrance feature and the rear elevation comprises grey rendered yellow facing brick. The site is bound to the north by Garden Street, to the east and west by commercial traditional tenemental stone properties with slated roofs and to the south is West George Street beyond which is the Portland Gate retail development. At ground floor level there are commercial/retail units on West George Street.

2.2 **Proposed Development:** Outline planning consent is sought to develop the site on the upper floors for residential purposes. Being an outline application, there are no details of the type, size or design of dwellings. The applicant's agent has advised of the intention to demolish the existing building behind the façade and to the rear and that the site be developed for residential purposes. The existing retail units at West George Street are not part of this proposal and will be retained. The applicant has accepted the retention of the facade. The applicant proposes a quality flatted development which would replace the existing nightclub and its associated late night activity.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Network Rail has no objections in principle although it has submitted details for the applicant to observe at the construction stage in the interests of the safe operation of the building works.

The applicant has already been sent a copy of this correspondence from Network Rail although should grant be consented an advisory note can recommend early contact with Network Rail.

3.2 Bonnyton Community Council have not responded to their consultation letter at the time of writing this report.

Noted.

3.3 Transco, West of Scotland Archaeology Service, Scottish Environment Protection Agency, The Architectural Heritage Society for Scotland and the Scottish Civic Trust have no adverse comments to make regarding the proposed development.

Noted.

3.4 Scottish Water has not objected to the application and have recommended early contact to discuss connection to the drainage and sewerage system. They have also recommended the implementation of a SUDS system.

An advisory note can be attached to any grant of planning consent advising early contact with Scottish Water. The implementation of a SUDS system can be controlled by means of a planning condition and notes on any grant of planning consent.

3.5 Historic Scotland supports the principle of façade retention as the front elevation is worth keeping from a historic and architectural point of view even though the building is no longer listable externally. It is of historic interest as a 'public' building from Kilmarnock's early twentieth century and would have been worthy of listing in terms of architectural merit if the ground floor had not been compromised. It is recommended that the façade retention be encouraged subject to the provision of a drawing that shows a degree of reinstatement. The retention of the façade would avoid a new building which whilst being of the same size may be insensitive to its neighbours and thereby not preserving or enhancing the surrounding townscape. It is also recommended that the elevation onto Garden Street could affect the setting of the viaduct and the corner building at 15 West George Street and these properties should be considered in elevational treatment in addition to how it will be viewed from Kilmarnock Station car park.

Noted. This Division is fully supportive of the retention of the facade and is keen to see a quality development which takes account of the neighbouring listed properties. Should consent be granted it is recommended that conditions be imposed to guide the applicant in the submission of reserved matters details. This Division attempted to obtain additional information from the applicant regarding indicative design proposals but the applicant is not in a position to do so.

3.6 East Ayrshire Council Roads and Transportation Division do not object to the proposal although make the following comments:-

- (i) As parking is not to be provided, residents would require to be made aware that on-street parking within the town centre is not available and alternative arrangements would have to be made if car ownership was intended.
- (ii) The servicing could prove difficult particularly with respect to Garden Street and an off-street bin store for residents to use should be sought.
- (iii) The footway on Garden Street is not as wide as it should be and potentially pedestrian access to the development should be restricted to West George Street.

Noted. Should consent be granted, all the above points can be addressed by conditions or advisory notes attached to any planning consent.

4. REPRESENTATIONS

An individual has submitted two letters of objection to the proposed development and the grounds of objection are as follows:-

4.1 Personal experience of many similar projects has shown that it is extremely difficult to provide a completely successful integrated solution which satisfies the demands of proposed and existing uses. This is emphasised in the present proposal where selective demolition occurs and incumbent tenants remain in existing parts. Often a good solution has been compromised by the demands of expediency and the requirements of sewerage issues have not been adequately satisfied.

It must be a requirement of the reserved matters application should outline planning permission be granted that the redevelopment is to a high quality. It will be a necessity to ensure appropriate consideration is given to the integration of the existing front elevation into the proposed development.

4.2 It is expected that the developed design will have:-

- Complete structural independence;
- Incombustible structural separation;
- Dedicated service supplies and services that do not penetrate or interfere with the remaining existing properties.

These are not material planning considerations and would be matters for resolution at the Building Warrant stage and between the relevant owners.

4.3 Direct approach to the applicant's agent suggests some 20 units which will generate a proposed increase in vehicle movement around the site involving private vehicles and taxis in addition to service vehicles. This will not improve the performance of the town centre gyratory traffic system which together with the premature demolition of Portland Street has done much to blight the North side of West George Street. Assuming car parking will be arranged in existing car parks it would seem reasonable to expect principle access from Garden Street where a re-aligned building line on the north side might allow an access layby without detrimental effect upon traffic and have minimal impact upon the remaining properties.

The proposed development is located within the town centre where there is already much traffic movement and generation. The Roads Division have no objections to the proposed development on traffic circulation, volume or parking grounds and have recommended that principle pedestrian access is from West George Street on traffic safety grounds.

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 (1999) and the Adopted East Ayrshire Local Plan.

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

5.3 The relevant policies of the Adopted East Ayrshire Local Plan are Policies RES 4 and ENV 4. Policy RES 4 of the East Ayrshire Local Plan states that the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites. Development will require to be assessed against certain criteria and those relevant in this instance comprise the impact of the proposals on the surrounding built environment and adjacent uses and the transportation and infrastructure implications and the Council's Development Promotion and Design Guidance.

Residential use at this location would not adversely affect adjacent uses. Any physical alterations to the façade will require to be of a high standard in order to take cognisance of the 'B' Listed Buildings on either side in addition to the retained façade. The Roads and Transportation Division in addition to the statutory undertakers consulted have not objected to the proposals. Any future development of the site would require to recognise and reflect the scale, storey height, design feature, rhythm of doors and windows and materials of surrounding buildings.

5.4 Policy ENV 4 of the East Ayrshire Local Plan seeks to ensure that all development within or affecting the 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. The policy also states that development proposals should seek to preserve, enhance or incorporate features which contribute in a positive manner to the character or appearance of the area and have due regard to the architectural and historic qualities of the area or building concerned.

This Policy reinforces the need for a good quality design solution. The application is in outline so no details of the final design or layout are available. If the applicant is granted outline consent he will require to take these factors into account at the reserved matters stage. In any consent it would be beneficial to include a condition ensuring that the final design takes cognisance of adjacent listed buildings and to guide the development design process.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other material considerations relevant to the determination of this application are the consultations and representations received which are detailed in Sections 3 and 4 of the report and the Memorandum of Guidance on Listed Buildings and Conservation Areas.

Consultations Responses and Representation Received

6.2 None of the consultees have raised any negative issues which would materially affect the determination of this application. The issues raised by the objector would not warrant a recommendation of refusal as the proposed development is located within the town centre.

Memorandum of Guidance on Listed Buildings and Conservation Areas

6.3 Whilst the application site is not listed it sits between Category 'B' Listed Buildings. The Memorandum states that work adjacent to a listed building can have a considerable physical and visual impact on the listed building. The Memorandum advises that regard must be had to development that would affect the setting. As in the case of this proposal where the development forms part of a street block, the works should respect the form, scale, materials or building line of the listed building. Such advice should be taken into account with regard to the details submitted as part of a reserved matters application.

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 indicated at Section 5 of the report, the application is considered to be in accordance with the Adopted Local Plan. Therefore, given the terms of Sections 35 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 is indicated at Section 6 of the report, there are material considerations relevant to this application and they are generally supportive of the application. The proposal is acceptable in principle and it is not considered that the use of the site for residential purposes will detrimentally affect neighbouring properties and especially with the retention of the front façade this should not affect the setting of the listed buildings to the east and west of the site. At the reserved matters stage, detailed consideration will be necessary to ensure that the historical and architectural merit of the neighbouring Listed Buildings will not be compromised and it is recommended that conditions be attached to any grant of planning approval to guide the applicant regarding the appropriate form of development. It is considered that the retention of the façade is to be welcomed as this will preserve the visual amenity and character of the street and retain a quality link between the Listed Buildings.

9. RECOMMENDATION

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

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee as there would be no significant breach of Council policy.

Alan Neish
Head of Planning and Building Control

27 January 2004
(FMF/MMM/SA)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Consultation Responses.
3. Statutory Notices/Certificates.
4. Representations.
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.
7. Memorandum of Guidance on Listed Buildings and Conservation Areas.

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

Implementation Officer: Dave Morris

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EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0735/OL

Site of Proposal:	EXPO 1 West George Street KILMARNOCK
Nature of Proposal:	Proposed Outline Residential Development with Façade Retention on West George Street – includes Retention of all Shops
Name & Address of Applicant:	Neige Developments Ltd Per Agent
Name & Address of Agent:	HG Planning 20 Lynedoch Crescent GLASGOW G3 6EQ

DPOs Reference: FMF/MMM/SA

The above OUTLINE 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 15 August 2003 and the amended plans received by the Planning Authority on 15 December 2003.

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

2. Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the under mentioned matters hereby reserved:-

- (i) The layout of the site;
- (ii) The size, height, design and external appearance of the proposed residential properties;
- (iii) The means of drainage and sewage disposal;

- (iv) Details of the access arrangements;
- (v) Any provision for car parking;
- (vi) Any boundary walls/fences to be erected;
- (vii) Finished and existing site levels and floor levels;
- (viii) Refuse storage and disposal arrangements;
- (ix) Full details of the manner of retaining the façade during the demolition and new build elements of the development process.

REASON The approval is in outline only.

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

REASON To ensure that adequate drainage is provided.

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

REASON In the interests of public and road safety and residential amenity.

5. The details to be submitted under Condition 2 above shall present a development of the highest standard in terms of design. They shall reflect the character of the existing façade within the site and the character of adjoining sandstone listed buildings and shall provide a design which integrates well into the street setting, in terms of height, scale, choice of materials and colour, and shall provide both a functional and physical link between the new building and existing façade. The height of the proposed building shall further take into account and be compatible with the height of surrounding buildings, the configuration of adjoining roof surfaces and the impact of the proposal on the skyline and the adjoining properties at 15 West George Street and 78 Portland Street in addition to the impact on Kilmarnock Railway Station.

REASON To ensure that the development does not conflict with its surroundings in the interests of the visual amenity and character and appearance of the adjacent listed buildings.

6. The details to be submitted under Conditions 2 and 6 above shall include plans to a minimum scale of 1:50 indicating the repairs to the retained façade and design details of the integration between the existing façade and the new build and the relationship with the existing properties at 15 West George Street and 78 Portland Street.

REASON To ensure that any alterations are in keeping with the façade and the adjacent listed buildings.

7. The details to be submitted under the terms of Condition 2 above shall include the provision of an off-street bin store for the sole use of residents.

REASON To ensure that adequate waste storage and disposal facilities exist.

8. The details to be submitted under the terms of Condition 2 above shall ensure that the only pedestrian access to the development shall be from West George Street.

REASON In the interests of pedestrian safety.

9. Prior to the commencement of development on site there shall be submitted to and approved by the Planning Authority details of a phased programme of demolition, façade retention and new build works. These details, which shall be implemented on site as approved, shall confirm the anticipated time frame for each stage of the development process.

REASON To ensure that the Planning Authority can control the time periods during which this important site adjacent to listed buildings and an Outstanding Conservation Area is left in an unsatisfactory condition, in the interests of visual amenity.

10. 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.

REASON In the interests of public safety.

NOTES:-

1. The Roads and Transportation Division have advised that potential residents should be made aware that on-street parking within the town centre is not available and alternative arrangements will have to be made if car ownership was intended.
2. The developer shall make early contact with Scottish Water and the Scottish Environment Protection Agency to confirm their request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.

3. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.
4. The applicant is advised to make early contact with Transco and Scottish Power to discuss how their equipment in the surrounding area could be affected by this development.
5. The applicant is advised to contact Network Rail regarding working practices in the vicinity of the railway line.

**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.**