

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 21 NOVEMBER 2003

**03/0910/FL: PROPOSED ERECTION OF 945 SQUARE METRES OFFICE
BUILDING
AT QUEENS DRIVE, KILMARNOCK
BY DAWN GROUP LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The applicant proposes to erect a modern office building within the site of 945 square metres in floor area. The building will be located in the southernmost area of the site with a 50 space car park accessed from the existing vehicular access road shared with the industrial unit to the west. The building will be set within areas of soft landscaping.

1.2 The building is modern in design with a shallow pitched roof and a glazed front elevation and extensive areas of glazing on all other elevations. The building comprises two storeys in height providing office accommodation for 60 people. The building will have a facing brick basecourse and metallic silver wall cladding. The barrel roof comprises an aluminium standing seam and the front canopy is formed from a light grey metal cladding.

1.2 The applicants advise that this application forms part of a re-location exercise from their Prestwick base with the transferral of 60 staff.

2. RECOMMENDATION

2.1 The application should be approved subject to the conditions indicated on the enclosed sheet.

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report, the application is considered to be in accordance with the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 of the report, there are material considerations relevant to this application and these are supportive of the proposals. The external finish and overall design is considered to be appropriate and in keeping with neighbouring units thereby ensuring the continuity of development. None of the statutory consultees have objected to the development and no letters of representation have been received.

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 would not require to be referred to the Development Services Committee as it would not represent a significant departure from 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 a full planning application which is to be considered by the Local Planning Committee because it is a larger application which accords with the Adopted East Ayrshire Local Plan and it is of area significance.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises vacant land within Queens Drive to the south east of Kilmarnock. The site extends to some 0.85 hectares. The site is fairly level and is bound to the north by the Glenfield and Kennedy industrial works, to the east by the Asda food store and vacant land forming part of the leisure park, to the south by Little Bellsland Road and to the west by an unused industrial unit previously developed by the applicant.

2.2 **Proposed Development:** The applicant proposes to erect a modern office building within the site of 945 square metres in floor area. The building will be located in the southernmost area of the site with a 50 space car park accessed from the existing vehicular access road shared with the industrial unit to the west. The building will be set within areas of soft landscaping.

2.3 The building is modern in design with a shallow pitched roof and a glazed front elevation and extensive areas of glazing on all other elevations. The building comprises two storeys in height providing office accommodation for 60 people. The building will have a facing brick basecourse and metallic silver wall cladding. The barrel roof comprises an aluminium standing seam and the front canopy is formed from a light grey metal cladding.

2.4 The applicants advise that this application forms part of a re-location exercise from their Prestwick base with the transferral of 60 staff.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division was consulted on access issues and flooding matters. Its response is as follows:-

Access – There is no objection subject to conditions and the Roads Division recommend that the existing private access from Little Bellsland Road be upgraded to adoptable standard by the provision of street lighting and a footway over the frontage of the site.

The requirements of the Roads Division can be addressed by attaching a condition to any grant of planning consent.

Flooding – No objection is offered to the development in respect of its effect on flooding. The following comments are offered:-

- 1) The Flood Risk return period of 1 in 100 year's event is acceptable. It is noted that this is a two-storey building. They presume the Developer and his Insurers' are satisfied with this return period.
- 2) The Crookedholm, Riccarton and Galston Flood Prevention Scheme that is currently being constructed will have the effect of reducing the 1 in 100 year River Irvine level west of the development to 24.13m AOD. (The reservoir works at East Holmes are expected to be operational within the next four months). The finished floor level is detailed on Drawing No. 5418/PL/10019 and is noted as 24.6. This gives a freeboard of 470mm. This freeboard is acceptable. I presume that this freeboard is acceptable to the Developer and his Insurers.
- 3) There are no plans detailing pre/post development ground levels. Therefore it cannot be determined if any loss of floodplain is experienced due to the development. If the development's current existing ground levels are in the vicinity of 24.2m AOD or above there is no theoretical loss of floodplain storage for the 1 in 100 year event. This would be required to be confirmed by the Developer. In the event of a small amount of flood storage, the area highlighted for 'Soft Landscaping' should be utilised to compensate.
- 4) It is noted on Drawing No. 5418/PL/10017 that the red line bordering the site application does not encroach onto Little Bellsland Road. This is acceptable, as a free flow path along Little Bellsland Road must be maintained in order to pass flood water coming from the River Irvine east of the development.
- 5) The Applicant has noted that 'drainage' is to be connected to the Public Sewer system. SEPA have intimated that they require 'written assurance

from Scottish Water that the additional flow arising from this development will not cause or contribute to the premature operation of consented storm overflows'. A copy of this assurance will be required.

Scottish Water have not objected to the development. Separate application for connection to the public sewer will have to be made to Scottish Water.

- 6) The disposal of the surface water drainage from the car park area should be through a SUDS type arrangement. The area highlighted for 'Soft Landscaping' could be utilised for this. I presume the disposal of other surface water has been agreed with Scottish Water (refer to 5) above).
- 7) It would be helpful to know what discussions/agreements have taken place with Scottish Water. (Refer comments in 5) and 6) above).

The extent of freeboard is acceptable to the Roads Division Flooding Section . The developer has confirmed that there would, as a result of the development, be no/some/limited loss of flood plain. Consequently, there is no requirement to make compensatory adjustments to the levels of the soft landscaped area/a need to ensure that the levels of the soft landscaped area be set so as to compensate for the loss of floodplain.

Scottish Water have not objected to the application (comment 5) and the details of a SUDS system can be sought by means of a condition (comment 6).

3.2 East Ayrshire Council Environmental Health and Waste Management, Transco and The Coal Authority have no adverse comments to make regarding the proposed development.

Noted.

3.3 The Scottish Environment Protection Agency (SEPA) have recommended the implementation of a SUDS system to treat surface water in accordance with the CIRIA Manual of March 2000.

A flood study carried out by the Council to support the Crookedholm, Riccarton and Galston Flood Prevention Scheme indicates a design water level of 24.25m OD in this area, which will be reduced by 120mm on implementation of the upstream attenuation on the River Irvine.

Clearly this development will need to be considered in light of 'NPPG7 – Planning and Flooding' and the Council's development proposals for the area. Therefore

should the Council be minded to approve the application SEPA would advise the following information is sought from the applicant;

- Confirmation that the development is secure from an appropriate flood event;
- Details of any additional measures that may be required to minimise the flood risk to the development;
- Outline the impact on local flood storage (as a result of any protection measures taken), and;
- Confirmation that the flow capacity of the flood flow pathway along Little Bellsland Road is not materially affected by the development.

Access and egress from the site during a flood event may also be an issue that the Council may wish to consider, as during a design flood event it would appear that the development may be surrounded by water.

These issues have been considered by the Roads Division who are content that the development has appropriate freeboard and does not interfere with the flood flow pathway along Little Bellsland Road. The impact on local flood storage has been assessed and no further measures are required/ the levels of the soft landscape area can be set so as to compensate for the loss of flood plain. The flooding of access roads and parking areas as opposed to the various buildings has been a design element of the functioning of Queens Drive at this point. The upstream flood attenuation measures reduce the effects of a 1 in 100 year flood event and reduce the possibility of properties being surrounded by water.

The SUDS requirements of SEPA can be addressed by attaching a condition and notes to any grant of planning consent.

3.4 Scottish Water have advised that the developer should consider the implementation of a SUDS System, that there is a public sewerage system and that separate application for connection to that will have to be made to Scottish Water and that a separation of foul and surface water sewers will be required.

See response to 3.3.

3.5 The Business Development Unit (BDU) advise that they support the proposed development which will support the regeneration strategy of Kilmarnock by the creation of modern business accommodation and the BDU welcome the re-location of 60 quality jobs into East Ayrshire. The site is well located in terms of vehicle access with the A77 upgrade and the development would complement the existing retail and other uses at Queens Drive.

Noted.

3.6 There is no Community Council with which to consult in relation to this application at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 No letters of representation have been received with respect to the proposed development.

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 (2003).

Approved Ayrshire Joint Structure Plan

5.2 Policy ADS2 states that Kilmarnock shall be promoted as one of the primary locations within Ayrshire for all major residential, economic, commercial, cultural, educational and community development.

The proposed development is located within the settlement boundary of Kilmarnock and will bring an economic benefit of some 60 jobs. It is therefore in accordance with the provisions of the Structure Plan.

Adopted East Ayrshire Local Plan

5.3 Policy IND 4 reserves, encourages and supports the development of those sites forming the effective business and industrial land supply as identified in the local plan map for business, industrial and storage and distribution uses.

The application site is identified in the local plan, amongst other things, for Class 4 Business Use. The proposal is therefore acceptable in terms of the above policy.

5.4 Policy ENV 17 requires developers to assess and take appropriate measures to address any potential flood risk or consequences arising from their proposals.

There are no objections from consultees to the application on flooding grounds.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of this application are the consultation responses which are detailed in Section 3 of the report and the design of the office building.

Consultation Replies

6.2 None of the consultation responses raise any material considerations that would warrant the refusal of this application.

Design

6.3 The external design and finishing of the office building as proposed, is considered to be acceptable. The existing properties in Queens Drive are of modern design and the proposed unit will compliment these. To date the existing developments in Queens Drive have been finished in similar materials to the proposed development which has ensured an element of continuity.

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 Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6 of the report, there are material considerations relevant to this application and these are supportive of the proposals. The external finish and overall design is considered to be appropriate and in keeping with neighbouring units thereby ensuring the continuity of development. None of the statutory consultees have objected to the development and no letters of representation have been received.

9. RECOMMENDATION

9.1 The application should be approved subject to the conditions indicated on the enclosed 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 would not require to be referred to the Development Services Committee as it would not represent a significant departure from Council policy.

Alan Neish
Head of Planning and Building Control

13 November 2003
(FMF/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

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

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

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0910/FL

Site of Proposal:	Queens Drive KILMARNOCK KA1 3XB
Nature of Proposal:	Proposed Erection of 945 Square Metres Office Building
Name & Address of Applicant:	Dawn Group Ltd Eldo House Monkton Road PRESTWICK KA9 2PB
Name & Address of Agent:	Aukett Limited 20 Bell Street GLASGOW G1 1LG

DPOs Reference: FMF/MMM

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

1. Prior to the commencement of any works on site, details and samples of all external 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.

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

2. No materials other than topsoil shall be brought onto the site for the purposes of infilling or upraising ground levels without the prior written consent of the Planning Authority.

REASON In order to control the development of the site and materials used in forming ground levels.

3. 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 of mud and other material carried from the site by construction and any other vehicles. Such measures shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any works on site.

REASON In the interests of road safety and the amenity of the area.

4. 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 opening of the retail unit.

REASON To ensure that adequate drainage is provided.

5. All car parking spaces within the site shall be provided prior to the office building being brought into use and maintained thereafter.

REASON To ensure the provision of car parking spaces in the interests of residential amenity and road safety.

6. Prior to any work commencing on site, details of a footway and street lighting scheme along the frontage of the application site shall be submitted to and approved in writing by the Planning Authority. Prior to the office building being brought into use the footway and street lighting will be formed on site and be operational in accordance with the approved scheme.

REASON In the interests of road safety for vehicles and pedestrians.

7. Details of all boundary treatment shall be submitted to and approved in writing by the Planning Authority prior to any work, commencing on site. Prior to the building being brought into use, all boundary treatment shall be formed on site and maintained thereafter in accordance with the approved scheme.

REASON In the interests of visual amenity.

8. Prior to the commencement of any works on site, a landscaping and maintenance scheme shall be submitted to and approved in writing by the Planning Authority and shall be implemented not later than the first available planting season after the building is brought into use.

REASON To ensure that the grounds of the development are adequately landscaped and maintained in the interests of residential and visual amenity.

9. Notwithstanding the submitted details, the finished levels of the soft landscaped areas shall be submitted to and approved by the Planning Authority. The levels shall be accompanied by a written submission confirming that they have been set so as to ensure that there is, following development, no overall loss of flood plain capacity in the vicinity.

REASON To ensure that there are no adverse impacts in terms of flooding arising from the development.

NOTES:

1. Copies of consultations from Scottish Water, Scottish Power and Transco are attached. The applicant is requested to make early contact with all consultees.
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 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.
4. 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.

**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.**