

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 23 OCTOBER 2001

**01/0550/FL: PROPOSED ERECTION OF 3252 SQUARE METRE (35,000 SQ FT)
OF NEW BUILD NON-FOOD RETAIL UNITS AND ALTERATION AND
DEMOLITION OF PART OF 78-86 TITCHFIELD ST, 108 SPACE CAR PARK AND
SERVICE YARD AT VACANT LAND, ARMOUR STREET AND 78-86 TITCHFIELD
STREET, KILMARNOCK,
FOR PROGRESSIVE INVESTMENTS LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for:-

- (a) the erection of two new build non-food retail units comprising a total of 3252 square metres in area. The two units will face on to Armour Street and be centrally located within the site. Unit 1 will comprise 2323 square metres in area and Unit 2 will comprise 930 square metres, although to date, there is no indication of any end user. The units will be laid out in an 'L' shape. The external finish will comprise a buff brickwork with flat and profiled metallic silver cladding with glazed panels in the external front facades. The roof is essentially 'semi-circular' in form and will be a maximum height of 9 metres.
- (b) Site access for customer parking is proposed from Armour Street. 108 customer car parking spaces are proposed to the front of the site of which 6 spaces will be for disabled users and two for "parent and child" parking. The new access point will necessitate the repositioning of the street lighting network and the formation of the car park will involve the relocation of the existing sub-station. The car park will be landscaped along the eastern boundary at Armour Street and St Andrews Street.
- (d) A rear service yard will be formed providing access from St Andrews Street from an existing modified access. This will lead into a new service yard with a 27 metre turning circle. 5 staff parking spaces will also be provided as will accommodation for a sprinkler, tank and pump house system. To enable the formation of the new service yard, part of the rear elevation of the retail unit at 78-86 Titchfield Street will require to be demolished. This will result in the loss of 1194 square metres of floor area. The rear elevation of this unit will now be finished in a red brick base course with metallic silver vertical profiled cladding and a gently sloping dual pitched roof finished in a light grey roof cladding system and will be single storey in height. The applicant has indicated that gates will be erected although no further details have been provided at this stage regarding their location and/or design.

The present proposal under consideration has been amended whereby the change of use of 78-86 Titchfield Street to a public house has been deleted. The scheme has also experienced other more minor revisions in terms of the car park layout, service area and external treatment.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As indicated in Section 5 of the report, the application is in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise. As indicated in Section 6 of this report, there are material considerations relevant to the determination of this application and they are supportive of the application.

3.2 The proposal is considered to be consistent with Policies RTC8 and RTC5 of EALP. The proposal will have a positive effect on the vitality and viability of Kilmarnock Town Centre. The development is compatible with surrounding land uses of retail, commercial, leisure and residential. The design and materials of the scheme and the landscaping of the site along Armour Street will have a positive effect on the surrounding area.

3.3 No adverse consultation replies have been received in respect of this application and it is considered that the comments of the Roads Division can be adequately addressed by conditions. The comments raised by SEPA and WOSWA as regards surface water drainage can be addressed by Notes attached to any consent and by reference in the Conditions relating to the car parking and manoeuvring areas.

3.4 The objections received from the residents of Brigade Court are not considered to be of such significance that would warrant refusal of the application. Their concerns can be addressed by attaching conditions to any grant of planning consent. Furthermore, the site is located within the town centre where there is already a mix of uses ranging from retail, office, public house and leisure to residential. A certain level of noise and disturbance, therefore, already exists. The applicants have also confirmed their willingness to erect a boundary wall for the security of the Brigade Court area which is considered to be satisfactory.

3.5 The proposals will result in the development of a site which has been vacant for a number of years, providing further shopping opportunities in the town centre. The design of the units and the landscaping of the site will provide a pleasing aspect to Armour Street.

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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78-86 TITCHFIELD STREET, KILMARNOCK,
FOR PROGRESSIVE INVESTMENTS LTD**

Report by Director of Development Services

1. PURPOSE OF REPORT

1.1 The purpose of the 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 because it is a retail development in excess of 2000 square metres and is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises an area of vacant land on Armour Street and the commercial retail property at 78-86 Titchfield Street, Kilmarnock. The application site extends to 0.9607 hectares and is located within Kilmarnock Town Centre. It is situated between Armour Street and Titchfield Street and is a flat site. The site is bound to the north by commercial properties on Titchfield Street and St Andrews Street, and to the south by a Council car park and McDonalds fast food restaurant and takeaway. To the east lies Armour Street, beyond which are residential properties comprising a mix of terraced dwellinghouses and flatted residential units. To the west lies the commercial properties of Titchfield Street, above some of which, are the flatted residential properties of Brigade Court. The site is vacant ground with the exception of the retail unit at Titchfield Street which has never been occupied since its construction in the late 1990s. The vacant ground was latterly used as a temporary car park and there is an existing sub-station within the grounds.

Existing boundary treatment comprises a vertical slatted timber fence at Brigade Court and metal hoops of low height along the access road.

2.2 **Proposed Development:** Full planning permission is sought for:-

- (a) the erection of two new build non-food retail units comprising a total of 3252 square metres in area. The two units will face on to Armour Street and be centrally located within the site. Unit 1 will comprise 2323 square metres in area and Unit 2 will comprise 930 square metres, although to date, there is no indication of any end user. The units will be laid out in an 'L' shape. The external finish will comprise a buff brickwork with flat and profiled metallic

silver cladding with glazed panels in the external front facades. The roof is essentially 'semi-circular' in form and will be a maximum height of 9 metres.

- (c) Site access for customer parking is proposed from Armour Street. 108 customer car parking spaces are proposed to the front of the site of which 6 spaces will be for disabled users and two for "parent and child" parking. The new access point will necessitate the repositioning of the street lighting network and the formation of the car park will involve the relocation of the existing sub-station. The car park will be landscaped along the eastern boundary at Armour Street and St Andrews Street.
- (d) A rear service yard will be formed providing access from St Andrews Street from an existing modified access. This will lead into a new service yard with a 27 metre turning circle. 5 staff parking spaces will also be provided as will accommodation for a sprinkler, tank and pump house system. To enable the formation of the new service yard, part of the rear elevation of the retail unit at 78-86 Titchfield Street will require to be demolished. This will result in the loss of 1194 square metres of floor area. The rear elevation of this unit will now be finished in a red brick base course with metallic silver vertical profiled cladding and a gently sloping dual pitched roof finished in a light grey roof cladding system and will be single storey in height. The applicant has indicated that gates will be erected although no further details have been provided at this stage regarding their location and/or design.

The present proposal under consideration has been amended whereby the change of use of 78-86 Titchfield Street to a public house has been deleted. The scheme has also experienced other more minor revisions in terms of the car park layout, service area and external treatment.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Transco have forwarded a copy of their record plan and have advised that the applicant contact them to arrange a site visit prior to the commencement of works on site.

Noted. Should Members choose to grant consent, an appropriate advisory note can be attached bringing the matter to the applicant's attention.

3.2 The Coal Authority and Environmental Health & Waste Management have no objection to the proposed development.

Noted.

3.3 Scottish Power have forwarded a copy of their record plan and have recommended that the developer contact them prior to work commencing on site. This is particularly relevant owing to the existing sub-station within the site.

Noted. Should Members choose to grant consent, an appropriate advisory note can be attached bringing the matter to the applicant's attention.

3.4 Economic Development have advised that the proposal is a development which they would welcome as it will enhance the town centre by providing additional shopping opportunities. The return to beneficial use of vacant premises and an under-utilised site will also lead to further job opportunities both during the construction phase and in the operation of the completed development.

Noted.

3.5 West of Scotland Water have advised the following:-

- (i) there is a public sewerage system to which a connection may be made. The developer should satisfy himself, by site investigation if necessary, that required levels are such as will allow the development to be connected at a reasonable gradient;
- (ii) the developer must make a separate application to West of Scotland Water for permission to connect to the public sewerage system;
- (iii) this application may involve building over an existing public sewer. The developer must contact West of Scotland Water prior to starting work on site in order to discuss whether diversion or protection is required;
- (iv) a totally separate drainage system will be required;
- (iv) Sustainable Urban Drainage Systems should be employed on the surface water drainage system.

Noted. Should Members choose to grant consent, an appropriate advisory note can be attached bringing the matter to the applicant's attention.

3.6 The Piersland Bentinck Community Council have not responded at the time of writing to their consultation letters on either the original or amended schemes

Noted.

3.7 Outdoor Services originally requested some amendments to the landscaping scheme in terms of certain species of trees to be planted and recommended the use of certain alternatives which would not outgrow their locations within the car park. These alterations have been undertaken and are satisfactory. It has however been noted that maintenance details have not been provided.

A condition could be attached to any grant of planning consent requiring maintenance details to be submitted for approval.

Strathclyde Police have offered the following comments:-

(a) The customer car parking area has been altered to reduce the number of spaces which has resulted in soft landscaping on to Armour Street. Careful consideration must be given to ensure that plants are low growing and will not create a visual barrier.

(b) There is no natural surveillance in the service yard and access appears possible via the pumphouse and tank. The service yard would appear to be most vulnerable due to the metal cladding which is almost at ground level. Dependent upon the material and design of the cladding this may offer an easy opportunity for illegal entry to the building.

(c) The plans show limited information regarding technical specifications and in general, town centre properties are particularly susceptible to shoplifting. This is often due to poor security considerations of the layout of premises.

The comments of Strathclyde Police have been passed to the applicant and it is advised that a note be attached to any grant of planning consent advising the applicant to make early contact with the Police. The landscaping at the front of the site will be of a low height so it does not affect the sightline requirements.

3.9 The Roads Division have no objections and have advised that in respect of the Green Transport Plan and TIA, the developer was asked to consider road safety, public transport, cyclists, and people with disabilities in the preparation of the Transport Impact Assessment and this was supplemented by the Green Transport Plan. These documents are acceptable with the provision of certain additional measures including pedestrian barriers, bus stop shelter, cycle parking, disabled parent and child parking bays.

Noted. It is recommended that an appropriate condition be attached to any grant of planning consent requiring the provision of the above measures requested by the Roads Division.

3.10 SEPA have no objection in principle but prior to being entirely satisfied that its requirements are being complied with, a number of issues require to be clarified:-

(i) all foul drainage, trade effluent and potential service yard run-off must be connected to the local amenity sewer. SEPA would also seek a written assurance from West of Scotland Water that any additional burden to the sewerage system will not cause premature operation of the existing downstream storm overflow arrangements.

(ii) it is requested that any planning permission granted includes a condition requiring the applicant to treat surface water from the site, including road drainage, in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland, which was

published by CIRIA in March 2000. Perhaps the use of porous surfaces may be particularly apt for areas of this development;

- (iii) it is believed that there may be an existing flood risk at this location and also that a culverted watercourse, namely the Galleon Burn runs beneath or close to the development area and in this respect, it would be prudent to undertake further investigations of these matters prior to finalising the details of the surface water drainage required for the site;

In respect of point 1, an appropriate advisory note can be attached to any grant of planning consent. With regard to point 2, it is considered that a note to applicants can adequately advise them of the implications of Sustainable Urban Drainage. The necessity to clarify by conditions the nature of the car parking and manoeuvring areas affords an opportunity within that condition to highlight the SUDS issue further.

With regard to point 3, the Roads Division have advised that they do not think that there will be any flood risk within or adjacent to the site. Prior to confirming this however, they would require finished floor levels of the development and adjacent ground and road levels. It is recommended that an appropriate condition be attached to any grant of planning consent requiring the submission of floor, road and ground levels and if flood alleviation measures are deemed necessary these be agreed and provided prior to the commencement of trading.

3.11 Ayrshire Joint Structure Plan and Transportation Team have advised that the proposal is consistent with the objectives of the Structure Plan, which seeks new retail development within and adjoining the town centre of Kilmarnock.

Noted.

4. REPRESENTATIONS

There is a petition signed by 9 people to the amended development and their grounds of objection are as follows:-

4.1 The building of a high retail unit behind Brigade Court would compromise effective natural light gained by all residents ensuring views of the countryside would be compromised. Residents of Brigade Court are concerned about the close proximity of the rear of the new development to the residents car park. Due to the nature of Brigade Court, residents all have balconies to the rear of the building facing the vacant land and all flats are accessed from these balconies. In effect, this is the front of the building. The building of such a high retail unit will have a serious impact on residents day to day lives.

The proposed retail units will be a distance of 18 metres away from the Brigade Court building. The height of the two retail units is 9 metres which is considerably less than the adjacent buildings. It is considered that the development will not have an adverse impact on the amenity of adjacent town centre residential properties in terms of loss of light or

privacy. These residential properties are adjacent to a mixture of commercial uses and to a site which is located within the town centre where commercial/retail uses are commonly found. The right to a view is not a material planning consideration.

4.2 The very serious noise pollution generated not only by activity within the retail unit but from subsequent traffic, as a direct result of the retail units including early morning or late night deliveries, would impact detrimentally on residents day to day lives.

The site is located within the town centre and as such the area is of a mixed use character where there is already a certain level of noise and disturbance. Residents in this area cannot reasonably expect such levels of peace and quiet as would be experienced in a residential area. In addition, Environmental Health have not raised any concerns in their consultation response in this regard.

4.3 The increase in vehicular traffic on the Brigade Court access road, both parking in residents parking spaces and on the access road, thus blocking access and the increase in vehicles accessing the private car park for turning purposes. The access road is privately owned by the residential and commercial units, and permission would have to be sought from any business wanting to use and change this access road by all parties who pay towards its upkeep. If the proposed development were to go ahead using the intended access, it would impact enormously on residents lives, not to mention heightening the risk of serious accidents as a result of conflict of traffic from surrounding uses.

Noted. The Roads Division have not raised any objection to the proposed access on the grounds of road safety or traffic congestion in their consultation response. The applicant has offered to erect a sign advising that the road into Brigade Court is private. It is not considered that the objection would be sufficient to warrant refusal of this application. The site offers adequate parking and access facilities which has been supported by the TIA. The use of a private road by other individuals is a matter between the owners of the road, the Policy and the individuals concerned and is not material in the consideration of this application.

4.4 The increase in litter pollution, which is already at disgusting levels from the local McDonalds restaurant.

The retail units are for non-food purposes and it is not considered that there will be an increase in litter. Furthermore, Environmental Health have not in their consultation response raised any concern in this regard. Notwithstanding this, it is recommended that a condition be attached to any grant of planning consent requiring that the developer submit details of refuse bins within the site.

4.5 The drop in house valuations as a direct result.

This is not a material planning consideration.

4.6 Residents at Brigade Court have put forward the following recommendations:-

(a) The retail units should be repositioned further away from the residents car parking by up to 5 metres producing more open space, encouraging natural light and reducing the level of enclosure.

It is considered that the siting of retail units will not have an adverse impact on the amenity of the adjacent residential properties in terms of loss of light. There is a distance of 18 metres between the flats and the retail units. The height of the retail units will be 9 metres which is considerably less than the adjacent Brigade Court building.

(b) The introduction of security cameras and lighting to the rear of the retail development.

The developer is not proposing external security cameras. A condition can be attached to any consent to prevent light pollution.

(c) The developer should incorporate a high wall consisting of brick and replace the existing wooden slated fence.

Residents have requested a 2.4 metre high wall which runs in an 'L' shape along from the boundary of the site and along the access road. The developer has agreed to erect a wall at 1.8 metres in height and this can be conditioned in terms of the actual details and finished appearance.

(d) The developers should incorporate an automatic barrier at the limit of the adopted road for sole use of residents and business.

This was discussed with the developer who is not prepared to undertake this. He has offered to pay for and install signs at the limit of the public road advising of the private road into Brigade Court thereafter. Such action is agreeable to both this Division and the Roads Division and he is also to arrange for a Traffic Regulation Order for the introduction of residential parking.

(e) The developer should provide a new entrance to Brigade Court via the two Council operated car parks on Titchfield Street including an automatic barrier for Brigade Court. This would eliminate the need for an access road from Armour Street altogether and free land for development. The wall to replace the wooden fence could then be continued to meet the boundary wall of the car park.

No objections have been raised by the Roads Division regarding the proposed access from Armour Street. It is considered that the provision of a new entrance to Brigade Court from Titchfield Street is not justified and outwith the requirements of 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 (2000) and the Adopted Kilmarnock Local Plan, 1985. The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Ayrshire Joint Structure Plan

One of the main objectives of the Ayrshire Joint Structure Plan is the intention to promote vibrant town centres with a range of economic activity. Policy L8 is particularly relevant and states that the vitality, viability and design quality of existing town centres shall be maintained and enhanced and as such, new investment in retailing shall be directed first to town centres.

The proposal is located within the defined town centre boundary in terms of the Finalised East Ayrshire Local Plan (Finalised Version with Modifications) and is therefore in compliance with the Structure Plan.

5.3 Adopted Kilmarnock Local Plan

Notwithstanding the age of the Adopted Local Plan, the proposal falls to be considered against this document and its policies. The application site is located within the town centre boundary and Policies 5.2.16 and 5.2.17 are considered to be applicable in terms of the vacant site. These Policies state that the Council shall provide a car park on the ground and shall allow the ground to be used as temporary surface level car parks until they are developed for retail, recreational and permanent car parking.

The proposal is considered to be in accordance with the policies of the Adopted Kilmarnock Local Plan. The site lies within the defined town centre and for some years now has been used for car parking purposes whilst awaiting redevelopment. The site identified in the local plan map is larger than the application site and incorporates land where a public car park has been provided by the Council.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications) (EALP), NPPG8 Town Centres and Retailing and the statutory consultations and representations detailed in Sections 3 and 4 of this report.

6.2 East Ayrshire Local Plan (Finalised Version with Modifications)

The Adopted Local Plan is considerably out-of-date and it has been agreed by the Council that greater weight should be attached to more recent expressions of Policy.

The Council has agreed that East Ayrshire Local Plan (Finalised Version with Modifications) should be considered as a prime material consideration.

6.3 The application site lies within the town centre and is identified as a development opportunity site where the Council will encourage and support development proposals or uses identified in Schedule 5 of the Plan. The proposals being retail are in accordance with the uses identified in the Schedule.

6.4 Policy RTC8 is relevant and requires developments of more than 1500 square metres to be supported by a Retail Impact Assessment addressing criteria identified in Policy RTC5 (i) and (vii), namely compliance with the sequential approach, site accessibility by a means of transport, the effect of the site on the vitality and viability of the town centre, compatibility with surrounding land uses, design quality, and its effect on the character and amenity of the area, compatibility with all the policy objectives of the Plan and infrastructure implications. Policy RTC8 also requires a Traffic Impact Assessment to be undertaken.

It is considered that the development complies with the policies of the EALP. The applicant has submitted a retail statement and a Transport Impact Assessment both of which are considered to be satisfactory following assessment by this Division and the Roads Division. The TIA has indicated some additional measures which should be incorporated in any grant of planning consent; see Section 3.9 above. The proposal is located within the town centre and will have a positive effect in its vitality and viability and will help to reduce expenditure/leakage to other centres outwith East Ayrshire. The design of the proposed development is considered acceptable and it will be compatible with surrounding land uses.

6.5 NPPG8 Town Centres and Retailing recognises the important role town centres play in offering a range, quality and convenience of services and activities that are attractive, not only to the local population, but also to visitors and investors. Sustaining the vitality and viability of town centres depends on continuing investment in new schemes. It is recommended that Planning Authorities and developers should adopt a sequential approach to selecting sites for new retail developments. The proposed development lies within the town centre boundary and as such complies with this guidance.

6.6 Statutory Consultations and Representations

The content of the statutory consultation responses and the letters of representations received have been addressed in Sections 3 and 4 of this report. None of the statutory consultees have raised any negative issues which would warrant refusal of this application. Similarly, it is considered that none of the representations received would justify refusal.

6.7 Planning History

Planning Permission was previously granted by the former Kilmarnock and Loudoun District Council for a retail unit and parking area (ref. KL/E/FL/92/278K). This permission was unimplemented and has now expired.

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 in Section 5 of the report, the application is in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise. As indicated in Section 6 of this report, there are material considerations relevant to the determination of this application and they are supportive of the application.

8.2 The proposal is considered to be consistent with Policies RTC8 and RTC5 of EALP. The proposal will have a positive effect on the vitality and viability of Kilmarnock Town Centre. The development is compatible with surrounding land uses of retail, commercial, leisure and residential. The design and materials of the scheme and the landscaping of the site along Armour Street will have a positive effect on the surrounding area.

8.3 No adverse consultation replies have been received in respect of this application and it is considered that the comments of the Roads Division can be adequately addressed by conditions. The comments raised by SEPA and WOSWA as regards surface water drainage can be addressed by Notes attached to any consent and by reference in the Conditions relating to the car parking and manoeuvring areas.

8.4 The objections received from the residents of Brigade Court are not considered to be of such significance that would warrant refusal of the application. Their concerns can be addressed by attaching conditions to any grant of planning consent. Furthermore, the site is located within the town centre where there is already a mix of uses ranging from retail, office, public house and leisure to residential. A certain level of noise and disturbance, therefore, already exists. The applicants have also confirmed their willingness to erect a boundary wall for the security of the Brigade Court area which is considered to be satisfactory.

8.5 The proposals will result in the development of a site which has been vacant for a number of years, providing further shopping opportunities in the town centre. The design of the units and the landscaping of the site will provide a pleasing aspect to Armour Street.

9. RECOMMENDATION

9.1 **That this application be approved subject to the conditions on the attached sheet.**

Alan Neish
Head of Planning and Building Control

17 October 2001
(FF/MLS/SA)

FV/DVM

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LIST OF BACKGROUND PAPERS

1. Application Forms and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies
4. Letter of Objection.
5. Adopted Kilmarnock Local Plan.
6. East Ayrshire Local Plan Finalised Version with Modifications.
7. Approved Ayrshire Joint Structure Plan.
8. Approved Strathclyde Structure Plan.
9. National Planning Policy Guideline 8; "Town Centre and Retailing".

Anyone wishing to inspect the above papers please contact Craig Iles on 01563 576770.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0550/FL

Site of Proposal:	Vacant Land at Armour St and 78-86 Titchfield Street KILMARNOCK
Natural of Proposal:	Proposed Erection of New Build Non-Food Retail Units
Name & Address of Applicant:	Mr G Hamilton Oakmount Auchinleck House OCHILTREE Cumnock KA18 2LR
Name & Address of Agent:	Nicoll Design 184 Main Street PRESTWICK

DPOs Reference: FF/MLS

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

(1) The proposed development shall be carried out in accordance with the amended application form, Green Transport Plan Statement, Transport Impact Statement, Retail Impact Statement Revision B and amended plans refs. 0126 (DP) 01B; 0126 (DP) 02B; 0126 (DP) 03A; 0126 (DP) 04A; 0126 (DP) 05B; 0126 (DP) 06B; 0126 (DP) 07A; 0126 (DP) 08A; 0126 (DP) 09A; 0126 (DP) 010A; 0126 (DP) 11A, submitted on 14 September 2001

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

(2) Notwithstanding the submitted plans, consent is not hereby granted for the external finishes on the approved plan. Prior to any work commencing on site, samples of all external finishes to be used shall be submitted to and approved in writing by the Planning Authority.

REASON In order to ensure a visually acceptable development.

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

REASON In order to safeguard the amenity of the area.

(4) Notwithstanding the plans hereby approved, and prior to the commencement of any works on site, details and samples of the finishes to all car parking and vehicle manoeuvring areas shall be submitted to and approved in writing by the Planning Authority. Particular consideration should be given to the introduction of finishes which will be compatible with the attainment of a Sustainable Urban Drainage solution in accordance with the CIRIA manual of March 2000

REASON In order to ensure a visually acceptable development that is a appropriate in terms of Sustainable Urban Drainage.

(5) Prior to the commencement of trading from the retail units hereby approved, the car parking area including spaces for disabled parking and parent and child parking and service yards, shall be laid out in accordance with the approved plans.

REASON In order to ensure that adequate car parking and servicing facilities exist for the retail development.

(6) Prior to the commencement of any work on site, a maintenance scheme for all landscaping areas approved under the terms of Condition 1 above and to be laid out in accordance with Condition 6 above shall be submitted to and approved in writing by the Planning Authority. All landscaped areas within the application site shall thereafter be maintained as approved and shall be laid out in accordance with the approved plans no later than the first available planting season following completion of the development.

REASON In order to ensure a visually acceptable development.

(7) Prior to the commencement of any work on site, details of all boundary treatment to be formed within the site shall be submitted to and approved in writing by the Planning Authority. Prior to the commencement of trading, all approved boundary treatment shall be formed on site and shall be maintained thereafter.

REASON In the interests of visual amenity.

(8) The boundary treatment to be submitted under the terms of Condition 7 above, shall include provision for a boundary wall to be constructed in facing brick along the western boundary of the site along the boundary line marked purple on the approved plan ref. 0126 (DP) 11A.

REASON In the interests of visual amenity.

(9) Prior to starting work on site, the location and design of the service yard gates shall be submitted to and approved in writing by the Planning Authority. The gates shall be installed as approved prior to the commencement of trading of any of the retail units and retained in situ thereafter.

REASON In the interests of visual amenity.

(10) Prior to any works commencing on site, details of the car parking, service yard and external security lighting scheme 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 residential properties.

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

(11) Notwithstanding the terms of Condition 3 above, details (including the exact positioning and details of its visual appearance) of the signage to be erected as shown on the approved plan re. 0126 (DP) 01B to be installed at the end of the adopted road at the access into Brigade Court parking area 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.

(12) Prior to the commencement of any works on site, further details and full clarification of the following road requirements which have arisen as a result of the Transport Impact Assessment approved under the terms of Condition 1 above shall be submitted to and approved in writing by the Planning Authority. The non-food retail units hereby approved shall not commence trading until the requirements approved under the terms of this Condition, have been formed to the satisfaction of the Planning Authority in consultation with the Roads Authority:-

- (a) a yellow box junction to be provided on the Brigade Court access road at the junction with the development access;
- (b) a central pedestrian refuge to be provided on the Brigade Court access road near to its junction with Armour Street;
- (c) pedestrian barrier to be provided on the corner radii at the junction of Armour Street and Brigade Court road to channelise pedestrians to a safe crossing point via the central refuge outlined in (b) above;
- (d) disabled persons parking bays to be delineated with road markings as set out in the Council's development guide and a warning sign provided at each bay;
- (e) parent and child parking bays to be delineated as set out in the Council's Roads Development Guide and a warning sign provided at each bay;
- (f) prominent pedestrian sign posting to be provided within the site to the town centre and to the bus stops on Titchfield Street;
- (g) a new bus stop and shelter to be provided for south bound buses on Titchfield Street in the vicinity of the footpath between the Council car park and Brigade Court;

- (h) dropped kerbs and tactile paving to be provided at all new pedestrian/cycle crossing points, including a link leading to the footpath to Titchfield Street;
- (i) secure cycle parking to be provided within the development in accordance with the Council's Roads Development Guide.

REASON In the interests of road safety.

(13) Prior to the commencement of any work on site, details of the finished floor levels and surrounding finished ground and road levels to Ordnance Datum shall be submitted to and approved by the Planning Authority. If as a result of this information, a flood risk is identified by the Planning Authority in consultation with the Roads Authority, the developer shall submit and have approved in writing a Flood Risk Assessment which shall contain any required measures for flood and attenuation purposes. Any Flood Attenuation Measures that are required shall be implemented prior to the commencement of trading of any of the approved non-food retail units.

REASON To ensure that the development will not comprise a flood risk and in the event that it may, prior measures are undertaken to address such issues.

(14) Prior to the commencement of works on site, details including location and specifications of all refuse bins 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 trading of the non-food retail units.

REASON In the interests of the amenity of the area.

(15) Notwithstanding the approved plans, prior to starting work on site. The developer shall submit to the Planning Authority and have received approval in writing for the details of the relocated electricity sub-station. Such details shall include an exact positioning of the sub-station in addition to information about its appearance including external finishes and any means of closure.

REASON In the interests of visual amenity.

(16) 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 non-food retail units hereby approved.

REASON In the interests of visual amenity of the area.

(17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and the Town and Country Planning (Use Classes) (Scotland) Order 1997, this permission relates to the use of the premises as non food retail only and further express permission of the Planning Authority shall be required in respect of any other use which falls within the same use class to the use hereby approved.

REASON To enable the Planning Authority to retain control over the use of the site in the interests of road and traffic safety.

Notes:

1. West of Scotland Water have advised that the applicant should contact WOSWA at an early date at their offices at 35 Glenburn Road, Prestwick, Telephone 0808 100 5333.
2. Copies of the consultation response received from Transco, Scottish and The Coal Authority are attached to this decision. The applicant is strongly advised to note the content of same and make the necessary contacts at an early date.
3. The developer is strongly advised to make early contact with the Roads Divisions at Greenholm Street, Kilmarnock on 01563 576310 to arrange the necessary Traffic Regulation Orders.
4. Strathclyde Police have requested that the applicant make early contact with the local Crime Prevention Department at 10 St. Marnock Street, Kilmarnock, (telephone no. 01563 505010) in order to address the issues raised in their consultation response, namely:-

The landscaping within the car park;
The security of the service yard area and;
The technical specifications as regards security considerations in relation to acts of shoplifting.
5. The consultation response of SEPA has raised the following issues which require to be addressed:-
 - (a) All foul drainage, trade effluent and potential service yard run-off must be connected to the local authority sewer. SEPA would furthermore seek a written assurance from WOSWA that any additional burden to the sewerage system will not cause premature operation of existing downstream storm overflow arrangements.
6. The developer shall make early contact with the Scottish Environment Protection Agency and West of Scotland Water 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.”
7. “The Council does not currently have a general agreement with WOSWA 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.

AGENDA