

**EAST AYRSHIRE COUNCIL**

**DEVELOPMENT SERVICES COMMITTEE: 08 APRIL 2003**

**03/0056/RM: PROPOSED ERECTION OF 98 DWELLINGS INCORPORATING  
78 FLATS, 20 TERRACED TOWNHOUSES**

**02/0894/FL: PROPOSED ERECTION OF NEW HEALTH CLUB (PRIVATE AT  
GROUND FLOOR OF PROPOSED RESIDENTIAL DEVELOPMENTS FOR  
RESIDENTS USE ONLY)  
AT FORMER SITE OF KILMARNOCK INFIRMARY, HILL STREET/GARDEN  
STREET/PORTLAND STREET, KILMARNOCK  
BY KLIN HOLDINGS LTD**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 This is a reserved matters application for the erection of 78 flats and 20 terraced townhouses. Full planning consent is also sought for the use of the lower ground floor of the South Tower of the proposed development as a private health club for residents use only and the flatted development comprises the following details:-

- 9 1-bedroom apartments.
- 63 2-bedroom apartments.
- 6 Penthouse apartments of which 3 are 3 bedroom and 3 are 2 bedroom.
- South and West Towers of the development vary in height from 4 storeys to a maximum of 7 storeys. Although technically 7 storeys in height, at street level it will have the appearance of 4 storeys as two of the floors are lower ground level as Hill Street falls in gradient. One of the floors is also an attic.
- East Tower of the development is 5 storeys in height.

1.2 Design of the apartment blocks are modern and symmetrical with the use of asymmetrical angular roofs on the gable elevations. The blocks are punctuated by either long and linear windows or square windows. Materials proposed vary from traditional materials such as natural slate and stone to facing brick, render and metal cladding. The proposed penthouses take advantage of their elevated location by the use of glazed panels and long linear windows and balconies.

1.3 Access to the development will be from a new vehicular access from Hill Street adjacent to the existing access to St Joseph's Church. Ninety four car parking spaces and 6 garage spaces are proposed within the site for the development. The development will be accessed by 2 turning areas within the site. A pedestrian access is proposed on Portland Street adjacent to the East Tower of the development. The application site includes an area of the site adjacent to Garden Street which may be required for possible road widening to Garden Street under the Council's proposals for town centre traffic. This area will be landscaped until the time it is required for future road widening. The road widening of Garden Street is not included within the present proposals under consideration.

1.4 Twenty townhouses are proposed within the site adjacent to the northern boundary. The townhouses comprise the following details:-

- One single storey, 2-bedroom house;
- Three 2½-storey 3-bedroom terraced houses with attic room;
- Ten 2-storey, 3-bedroom terraced houses;
- Six 3-storey, 5-bedroom townhouses with garages.

The design of the townhouses complement the modern design of the apartment blocks with the use of angular roofs, box and monopitch dormers to the rear elevations. They use the same vocabulary of architectural details as adopted in other parts of the development. The townhouses provide an interesting contrast between their regular more formal frontage and the more irregular composition to the rear. The front elevations of the townhouses have a flat roof projecting parapet as a central feature. Windows proposed are of the same design proposed on the apartment blocks. Each of the townhouses will have their own rear garden, with each of the 2-storey terraced houses having a small area of front garden.

1.5 Boundary treatment of the site comprises:

- Portland Street – existing wall with piers and railings repaired;
- Garden Street – part of the existing stone random rubble retaining wall retained adjacent to 106 Portland Street. A new stone random rubble retaining wall along the remainder of Garden Street;
- Hill Street – new stone random rubble retaining wall, with part of existing stone wall retained.

- Adjacent to St Joseph's Church – existing wall reduced in height to 2 metres from the Church side with new concrete cope. New retaining wall to the rear of 2 to 6 Wellington Street.
- Landscaping of the site involves retaining trees along the boundary to Portland Street with new dense planting along the site boundaries and within the development adjacent to car parking areas.

1.6 The applicant has also submitted perspectives of the development which examine the impact of the development on the immediate townscape and the wider townscape. In terms of the immediate townscape, the impact of the development on key buildings, structures and streets such as its impact of the development on the viaduct, the top of John Finnie Street and railway station, the new Portland Street development, from Boyd Street and West Langlands Street has been identified. In terms of the wider skyline, the impact of the development has been assessed from the Kilmarnock Academy adjacent to Braeside Street, the Kay Park Lodge (90m south of monument), the Bellfield Roundabout and Bridgehousehill Road.

1.7 A health club is proposed for residents use only on the lower ground floor of the South Tower. The health club will be accessed internally by a lift or externally from the car park or adjacent apartments by a bridge structure and flight of stairs.

## **2. RECOMMENDATION**

**2.1 It is recommended that the Application No. 03/0056/RM should be approved subject to conditions indicated on the enclosed sheets and notified to the Scottish Ministers under the Town and Country Planning (Notification of Applications)(Scotland) Direction 1997 as the Council has an interest in part of the land and there has been a substantial body of objection.**

**2.2 It is recommended that the Application No. 02/0894/FL should be approved subject to the conditions indicated on the enclosed sheet and notified to the Scottish Ministers under the Town and Country Planning (Notification of Applications)(Scotland) Direction 1997 as the Council has an interest in part of the land and there has been a substantial body of objection.**

## **3. CONCLUSIONS**

3.1 As indicated in Section 5 of the report, the application is in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2)

of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 of this report there are material considerations relevant to the determination of this application. The EALP is supportive of the proposal and it is in accordance with advice detailed in the East Ayrshire Council Design Guidance. The development fails to meet the public and private open space standards as required by the above plan, however it is considered that justification can be made in this instance due to the location of the development site, its relationship with surrounding properties and the nature of the development which would secure the removal of a derelict vacant site. Useable public open space has been provided and it contributes to upgrading the general amenity of the area.

3.3 The application site occupies an elevated position to the north end of the town centre immediately adjacent to the railway station/viaducts and a number of ecclesiastical listed buildings. It is a very prominent site in the townscape and the development provides a bold, positive modern contemporary solution taking full advantage of the landscape characteristics and topography of the site. Perspectives provided by the applicant illustrate that the development adds contrast and character and will integrate within the townscape and skyline. The development embodies advice from recent publications from the Scottish Executive on Architecture which encourages innovatively designed development to make the most of its setting in the landscape to result in it being unique and distinctive to its location rather than duplicating design from a past era. On a development of this scale it is the attention to detail and the quality of materials that will elevate the quality of the end result.

3.4 The concerns of the objectors are noted however they are not of sufficient weight to justify a recommendation of refusal. Their concerns regarding road safety and impact of the development on the adjacent listed buildings have not been supported by the Roads Division or the amenity bodies. The site has a precedent for development of a high density and it is not reasonable to compare the present proposal with a cleared site in its current undeveloped state. The application site has been zoned for development and therefore any development on the site will have an impact on the viewpoints of St Joseph's presently experienced. The site's proximity to the town centre and the railway station are opportunities for a successful residential development of an appropriate urban scale. It is considered that the setting of St Joseph's is better served by the present proposals than it was by the previous development. There was significant encroachment by Kilmarnock Infirmary around St Joseph's, this has been avoided by the flatted residential accommodation being positioned at the perimeter of the site. The development form in this area of Kilmarnock is one of very dense and high buildings, the proposal will provide a development frame for St Joseph's which although the old Infirmary buildings provided such a role, this development will have a lesser detrimental impact on St Joseph's.

3.5 The development will add considerably to the amenity of the area by developing a derelict vacant site and replacing it with well designed modern housing development encompassing a mixture of different housing types. The development will provide an important and enduring addition to Kilmarnock built environment being very prominent both in the immediate townscape but also forming part of the wider skyline.

**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 Director of Development Services**

#### **1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present for determination a reserved matters application and a full planning application which is to be considered by the Development Services Committee under the scheme of delegation as the Local Authority has an interest in the site and there is a substantial body of objections which require the applications to be notified to Scottish Ministers.

#### **2. APPLICATION DETAILS**

2.1 **Site Description:** The application site is 1.17 hectares in area and is the site of the former Kilmarnock Infirmary. The site occupies an elevated position to the north end of the town centre and it is presently derelict and overgrown, with the last infirmary building, which was listed, being demolished in the late 1990s. The site is surrounded to the north by St Joseph's Church, a Chinese restaurant, public house and residential flats, to the south by Hill Street and beyond that the railway viaduct. To the west by Hill Street the site is bounded by Kilmarnock Railway Station and the buildings of United Distillers and to the east by Portland Street and a Council car park. The site slopes north west to south east down towards Portland Street.

2.2 Outline planning consent was granted on 02 August 2002 for Proposed Class 4 Offices and Flatted Residential development on this application site (01/0550/OL).

**2.3 Proposed Development:** This is a reserved matters application for the erection of 78 flats and 20 terraced townhouses. Full planning consent is also sought for the use of the lower ground floor of the South Tower of the proposed development as a private health club for residents use only and the flatted development comprises the following details:-

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**2.4** Design of the apartment blocks are modern and symmetrical with the use of asymmetrical angular roofs on the gable elevations. The blocks are punctuated by either long and linear windows or square windows. Materials proposed vary from traditional materials such as natural slate and stone to facing brick, render and metal cladding. The proposed penthouses take advantage of their elevated location by the use of glazed panels and long linear windows and balconies.

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## 2.7 Boundary treatment of the site comprises:

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- Landscaping of the site involves retaining trees along the boundary to Portland Street with new dense planting along the site boundaries and within the development adjacent to car parking areas.

2.8 The applicant has also submitted perspectives of the development which examine the impact of the development on the immediate townscape and the wider townscape. In terms of the immediate townscape, the impact of the development on key buildings, structures and streets such as its impact of the development on the viaduct, the top of John Finnie Street and railway station, the new Portland Street development, from Boyd Street and West Langlands Street has been identified. In terms of the wider skyline, the impact of the development has been assessed from the Kilmarnock Academy adjacent to Braeside Street, the Kay Park Lodge (90m south of monument), the Bellfield Roundabout and Bridgehousehill Road.



2.9 A health club is proposed for residents use only on the lower ground floor of the South Tower. The health club will be accessed internally by a lift or externally from the car park or adjacent apartments by a bridge structure and flight of stairs.

### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 East Ayrshire Roads and Transportation Division have no objections subject to the following conditions:

- a) Sightlines at the junction onto Hill Street to be  $x = 4.5\text{m}$  by  $y = 90$  metres and it will be necessary to build-out the footway, with the existing carriageway width which should not be reduced to less than 7.3 metres.
- b) The road marking adjacent to new road junction should be altered to prevent inappropriate parking.
- c) The existing access into the adjacent car park should be re-constructed as a footway crossing rather than a road junction. This work will be confined within the existing road limits.
- d) Traffic calming features should be incorporated within the amended road layout together with delineated turning areas in the cul-de-sac providing the geometry required for service vehicles.
- e) The road drainage discharge to be confirmed to be taken into a Scottish Water sewer with any SUDS system being proposed submitted for their consideration.
- f) The parking areas will not be considered for adoption and the developer will be responsible for their maintenance and allocation. They recommend that a lockable bollard be placed in each of the parking bays to prevent use by unauthorised users.

***The requirements of the Roads Division can be met by attaching conditions and notes to any grant of planning consent.***

3.2 Scottish Water objects due to the cost of providing infrastructure to serve the development being outwith their “reasonable cost” obligations. They would remove their objection if the applicant bears the cost of the increase in capacity of Scottish Water’s existing infrastructure to accommodate this development and/or promotes a scheme that does not compromise the quality and quantity of discharge from the existing sewerage system.

***A condition can be attached to any grant of planning consent advising the applicant of the requirements of Scottish Water.***

3.3 Scottish Environment Protection Agency have no objection to the proposed development provided that the foul drainage is connected to the public sewer. They request that the applicant obtains written assurance from Scottish Water that additional flow from the site will not cause the premature operation of consented storm overflow in the sewage system. They recommend that surface water is treated from the site in accordance with the principles of the Sustainable Urban Drainage Systems. There are no details describing the site history or the site condition. SEPA have a particular interest in pollution of controlled waters arising from any ground contamination at the site. They expect that the Council would require a risk assessment to be undertaken in terms of PAN 33 which should consider whether or not contaminants are entering or are likely to enter controlled waters and at what concentration. The overall objective of the risk assessment should be to determine whether or not any contamination present would constitute pollution of controlled waters so that any required remedial action can be undertaken prior to redevelopment. It is desirable that any investigation and remedial works be sufficient to ensure that site conditions once developed would not constitute contaminated land under Part 11A of the Environmental Protection Act 1990.

They require that the applicant implements mitigation measures to minimise the risk of pollution during the construction phase of the site. Measures include the collection of contaminated surface water prior to discharge or tankering off the site. Other potential pollution risks could arise from the following:-

- No storage of building materials next to surface water areas.
- Re-fuelling of the plant to take place away from surface water drains.
- If bulk fuel is to be left on the site overnight it should be stored in a vandalproof shed.

***The above requirements of SEPA in regard to the Risk Assessment and SUDS have been addressed by conditions attached to the outline planning consent which require to be purified before development commences on site. With regard to the mitigation measures to minimise the risk of pollution during construction these matters can be attached to any grant of planning consent.***

3.4 East Ayrshire Council Environmental Health and Waste Management have no objections. They have recommended early contact with them regarding the waste management of the site. Contaminated land issues are not significant provided the developer makes checks for any old pipes work present on site as

such pipe work could well be lagged with asbestos and requires to be handled and disposed of appropriately.

***The applicant has submitted a plan showing the location of bin stores which has been forwarded to Waste Management for comment. They have advised that they are satisfied with the present proposals for the location of the bin stores. A note can be attached to any grant of planning consent to advise the developer to make checks regarding old pipe work.***

3.5 Transco, the Ministry of Defence, Scottish Power, and The Coal Authority have no objections to the proposed development.

***Noted.***

3.6 North West Community Council and Piersland & Bentinck Community Council have not responded to their consultation letter at the time of writing this report.

***Noted.***

3.7 Bonnyton Community Council have objected to the proposed development on the grounds of road safety, visual amenity and detrimental impact to the amenity of St Joseph's Church.

***These issues have been addressed in Section 4 of the report.***

3.8 Historic Scotland have offered the following informal comments and would not oppose the reduction by 2 metres in height of the wall bounding the northern extent of the site, however, recommend that a detail and specification of the new cope detail be provided.

***A condition can be attached to any grant of planning consent to meet the above requirements.***

There is concern about the heights of the new build proposals in particular the increased height of the central block sited immediately to the south of St Joseph's Church in relation to other blocks in the terrace. It would seem unnecessary other than for the provision of garaging. Its reduction by a storey to the height of the adjacent houses would ensure a better chance of the Church remaining as a landmark in the area when viewed from the town centre.

***The front façade of the townhouses are some 25 metres away from St Josephs and are at a construction level some 4 metres lower than that of St Josephs. It is not envisaged that views of St Josephs will be obscured by the 3 storey townhouses. However given the***

***topography of the site there will be some form of obstruction of St Josephs from different viewpoints.***

They are concerned that the Hill Street apartments will dominate this part of the railway viaduct and obscure the view of St Joseph's from the railway station. It would appear that the tower of the West High Church due to its height be a landmark on the north side of the viaduct would appear to lose that distinction by bearing subservient to the apartments east tower.

***It is acknowledged that the development will obscure the view of St Joseph's from the railway station platform. However historical photographic views of the Kilmarnock Infirmary indicate the significant bulk of the hospital buildings and the effect they had an obscured St Joseph's building. The existing views of St Josephs are somewhat artificial as the Church is surrounded on two sides by a gap site which is zoned as a development opportunity site in the East Ayrshire Local Plan. This area of Kilmarnock is characterised by high density buildings. Perspectives submitted, demonstrate that the setting of St Joseph's is considerably better served by the current proposals than it was by the previous development. Views of St Josephs up Portland Street were concealed by the Kilmarnock Infirmary from the 1950's. With regard to impact on the West High Church, the drawing which illustrates this aspect of the development is a super elevation projection and as a result foreshortens the background and foregoing information. Whilst conveying the heights and levels, it does not communicate 3-dimensional perceptions of the site accurately.***

The Hill Street elevation indicates that the front of the West High Church is over 50 metres away from the Garden Street façade of the apartments.

They suggest that high quality historic town centres tended to be characterised by a mix of public and domestic buildings where the domestic buildings are punctuated by public buildings that more dominant in scale. They would ask that photo montages are submitted to demonstrate the impact of the development from viewpoints to the south and east of the site.

***The applicant has submitted perspectives of the impact of the development from key viewpoints both on the immediate and the wider skyline. The perspectives show that the development can be integrated within both the local and wider skyline. The modern design of the development integrates well in the street setting adding contrast and character to the streetscape.***

They are pleased to note that slate is specified for the roofs and would recommend that a specification and sample of this is obtained at an early stage

to ensure that artificial tiles are not specified after the principles of the scheme's form have been approved. They would recommend that the Planning Authority assess whether off-white render and buff facing brick are suitable materials for this part of Kilmarnock. They advise that red sandstone predominates in the area and believe it would be better for the town centre if the choice of materials was more visually recessive.

***Natural slate is specified for the roof coverings throughout. The comments of Historic Scotland with regard to the render are in contrast with the comments of the other consultees which ask for the proposals to be bolder and for coloured render to be introduced. It is considered that the use of a bold design statement, a range of materials, design features and bold coloured render will all add to the final design statement and the quality of the development. With a development of this scale it is the attention to detail that elevates the quality of the end result. A development which is subservient to its elevated setting and location will add nothing to the design quality of the townscape.***

3.9 The Scottish Civic Trust have welcomed the reuse of the land in principle and are aware this is a very prominent site and can be seen from a number of sites and vantage points around the town. They are pleased that the development will continue to allow St Josephs some prominence and consider that the mass of the flatted block behind Portland Street Church will serve to frame it and will balance the mass of St Josephs. The development is set far enough back especially with the courtyard element to avoid competing with the West High Church. They recommend the use of natural slate throughout and recommend that different colours of render be explored. Details regarding the materials for the windows and slenderness of the window frames will also be important to the success of the project.

They recommend that the articulation of the rear elevations of the terraces of housing be re-visited as they are currently very bland and monotonous.

***The comments of the Scottish Civic Trust regarding the impact of the development on St Joseph's Church is noted and it is worth noting that they believe that the development will provide a frame to St Josephs which is presently missing on 2 sides and will balance the mass of St Josephs. Their comments regarding the use of natural slate, the use of different colours of render and the slenderness of the window frames are noted and will be addressed through attaching conditions to any grant of planning consent. It is these and other design details which will elevate the design quality of the development and the rear elevations of the townhouses have subsequently been amended.***

3.10 The Architectural Heritage Society of Scotland support the principle of development on such a high profile brownfield site. The improvement in townscape in terms of a well-designed scheme would be massive with tangible benefits for the whole north end of the town. The question is whether this scheme is acceptable in design terms and the primary concern would be with the massing. It is apparent that the new flats will tower several storeys above even the adjacent listed West High Kirk. However the old hospital was of a broadly similar height and there is considerable distance between the two. They believe that this will be acceptable.

At the north end of the site an isolated 4-5 storey block is much closer to the road and will be located immediately adjacent to a couple of 2-storey fairly traditional styled structures. The sudden change of scale will be too abrupt, leaving the smaller buildings isolated. Stepping the new building down one or two storeys would help to mitigate this.

The Garden Street elevation is very modern with metal-sheeted penthouses and other features. In their view this bold and positive approach is to be preferred and if anything the architect should consider a slightly bolder approach on the other elevations. The Architectural Heritage Society actively encourages good quality modern architecture in accordance with Government Policy and this would be an ideal opportunity.

***Historical photographs indicate that both Infirmary buildings were taller than the top of the West High Church Steeple. The Hill Street elevation indicates that the front of the West High Church is over 50 metres away from the Garden Street façade of the apartments. It is considered that the West High Church will still dominate the skyline in this part of Portland Street with the proposed development would not dominate the prominence of the West High Church.***

***It is considered that the 5-storey East Tower is not out of keeping with its surroundings, given the height of the former Infirmary building.***

***In terms of the rear elevations of the townhouses and terraced development, these have been amended to provide a more interesting and bolder development statement which uses similar architectural details adopted in other parts of the development.***

#### **4. REPRESENTATIONS**

4.1 There are 291 objectors to the residential development (including objections from Scottish Water and Bonnyton Community Council which are

detailed in Sections 3.2 and 3.7 of this report). Of the 291 objectors there are 237 proformas raising issues detailed in Sections 4.3, 4.4, 4.5 and 4.6 of this report.

4.2 There are 441 objectors to the health club development and this includes 2 letters of objection from Scottish Water and Bonnyton Community Council which are detailed in Section 3.2 and 3.7 of this report. Of the 441 objectors 327 comprise standard proformas raising issues discussed in paragraphs 4.3, 4.4, 4.5, 4.6 and 4.16 of this report.

Their grounds of objection are as follows:-

4.3 There are potential safety implications of increased traffic at the location of the new traffic access in close proximity to the existing access to St Joseph's Church. There will be a definite danger to parishioners of St Joseph's especially those on foot and it is an accident waiting to happen. Hill Street is an extremely busy road. The creation of another access road near a bad corner and on the brow of a hill. It may be difficult to achieve the required acceptable visibility splays for this type of road.

***The Roads Division have offered no objections to the proposed development and believe that there are no road safety hazards in having 2 accesses in close proximity. The required sightlines can be achieved by building out the footway. The existing vehicular access to St. Joseph's Church and car park is no longer being closed, but will be changed to a footway crossing.***

4.4 There appears to be inadequate provision for car parking facilities for a development of 98 dwellings and Health Club. Lack of provision will lead to St Joseph's car park being used as an overspill.

***The Roads Division have offered no objections to the proposed development. They have accepted a lower level of car parking due to the location of the site to the town centre and Kilmarnock Railway Station. If residents use the adjacent car park of St Joseph's Church this is an enforcement issue for the Church.***

4.5 The size and scale of the development adversely affects and dwarfs St Joseph's Church and other adjacent listed buildings in the area. The development obscures any viable views of the Church and the contribution this could provide to the urban environment. The layout and operation of the development does not respect the attitude and setting of the Church.

***The applicant has provided perspectives of the impact of the development on important buildings in the immediate area. It is considered that the development proposed will add contrast and complement the immediate townscape. It will not detract from the***

***setting and prominence of adjacent buildings. The applicant has also submitted old photographs of the former Kilmarnock Infirmary and hospital buildings. Historical photographic views of Kilmarnock Infirmary indicate the significant bulk of historical buildings and the effect they had on obscuring the St Joseph's building. Photographs indicate that both Infirmary buildings were taller than the top of the West High Church steeple. It is considered that the present view of St Joseph's is artificial as it is surrounded on 2 sides by a gap site which is identified as a development opportunity. From the perspectives submitted there is no evidence of a strong axial vista from the town centre to the St Joseph's building. The historical photograph from the 1950's up Portland Street reveals that St Joseph's was concealed by the Kilmarnock Infirmary.***

***It is worth reiterating the comments of the Scottish Civic Trust who believe that the proposed development will provide a frame for St Josephs and the West High Church. It is acknowledged that some of the current viewpoints of St Josephs (for example from the Railway Station) will be lost however these views would be lost whatever the development form. This development is one which is designed to make the most of its setting and will be integrated within the townscape.***

4.6 The development is surrounded on three sides by Grade 'B' listed buildings. The proposed development of this site does not take full cognisance of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 where there is a general duty upon the Council when considering planning applications to have special regard to the desirability of preserving the setting of listed buildings affected by the proposal. The style and design of the proposed dwellings is unsympathetic to their surroundings which will detract from West High Church, the Viaduct, and St Joseph's Church (all listed buildings).

***See response to 4.5.***

4.7 The plans are overdeveloped to the point that nothing but bland ugly tall flats totally obscuring a vista which could be a real asset to the beauty of the town. Seven storey flats will dominate the skyline. The appearance and size of the development will not enhance the surrounding area. It lacks flair and imagination for such an important site and does not complement the adjacent listed buildings.

***Although part of the development is technically 7 storeys high onto Hill Street, the development at street level will have the appearance of 4 storeys as two of the floors are lower ground level (below Hill***



***Street) and one is an attic floor. The ridge level will be compatible with the adjacent 4 storey buildings. It is considered that this modern contemporary development will integrate well into the street setting, adding contrast and character. Appropriate, sensitive and innovative design has been used, so it can be viewed as a stand-alone development contrasting with the existing buildings and street setting. Such an architectural concept is used now frequently in urban areas throughout Scotland, England and Northern Ireland, where modern buildings are sited alongside historical and listed buildings from a different era. Recent publications from the Scottish Executive on the Development of a Policy on Architecture for Scotland encourages excellence in architecture and seeks improvements in design practice and the procurement of buildings. It states that good architecture demands imagination and pluralism of thought, commitment to quality developments which are designed to make the most of its setting in the landscape is likely to avoid today's common failing of looking and feeling as though it could be anywhere. The landscape and materials can shape the patterns of building helping to make a place locally or regionally distinctive rather than copying design of a past era.***

4.8 Emergency vehicles will have a problem accessing this site from Hill Street. The proposed access road is only 5.5m wide, will it allow for manoeuvring of service vehicles such as dustbin lorries and vehicles servicing the health club.

***The Council's Roads Division and Environmental Health and Waste Management have offered no objections to the development.***

4.9 The number of dwellings proposed for the size of the site seems excessive.

***It is considered that the number of dwellings proposed is acceptable and can be accommodated on site without detriment to the overall layout and concept of the development.***

4.10 The height and siting of 78 flats will have a detrimental effect on St Joseph's Church as it will be almost completely obscured.

***See response to 4.5.***

4.11 They are keen to avoid replacing the site with a more permanent eyesore. More consideration should be given to harmonising the new with the old rather than engulfing the old for the sake of the new.

***See response to 4.7.***

4.12 Flats overlooking the Church would erode the privacy and dignity of services such as funerals and weddings, with the possibility of increased noise from inconsiderate persons would be off-putting during solemn services. Have the necessary daylighting assessments been carried out?

***The proposed townhouses which is the closest part of the development to St Joseph's Church are some 25 metres away from the Church, it is not considered that they will have a detrimental impact. The flats are of a sufficient distance away to not have any detrimental impact on the duties of the Church.***

4.13 The boundary wall at St Josephs is a retaining wall, if demolished would have the effect on the stability of the foundations of the Church.

***The applicant proposes to reduce the height of the existing wall adjacent to St Joseph's Church to a height of 2 metres from the Chapel side with the construction of a new concrete cope. It is not envisaged that the reduction in the height of the wall will affect the foundations of the Church.***

4.14 The form and style of the development is inappropriate to their prominent location near town centre area. They will adversely impact on the setting of the Outstanding Conservation Area. The materials proposed are inappropriate for such a prominent location. The south elevations show a great wall of development ranging from 15-23 metres in height.

***See response to 4.5.***

4.15 There is little information to indicate the relationship of the proposed flats to the viaduct as seen from within the Outstanding Conservation Area.

***The applicant has provided a perspective which illustrates the impact of the development on the viaduct. Only a small section of the roof of the apartment block adjacent to Hill Street will be visible along with the viaduct. The railway viaduct remains the dominant structure to pedestrians in this part of Kilmarnock. It is not considered that this development will dominate the robust and impressive engineering structure of the viaduct.***

4.16 The site is not in the town centre where a relaxation of parking standards might apply. Parking provision will have to be allowed for visitors to any private health club. There are no spaces allocated on the current plans so there will be conflict between residents and visitors car parking. There can be no suggestion that residents use the public car park north of the Viaduct as this is required for town centre visitors.

***The health club is to be used exclusively by residents of the development therefore there is no requirement to provide separate car parking for the health club. Due to the location of the development site adjacent to the town centre and Kilmarnock Railway Station, the Roads Division considered a reduction in car parking to be appropriate in these circumstances.***

4.17 The current application is premature until any revised scheme for traffic circulation in or near the town centre is approved.

***The proposed development does not include any changes/alterations to Garden Street. The applicant has identified an area which would allow Garden Street to be realigned if changes in traffic circulation are implemented.***

4.18 It is unclear from the plans whether the section of the wall into Garden Street is to be retained. These items are still listed and it is essential they are preserved in situ and very carefully protected during any construction work. Retention of high red sandstone retaining wall in Hill Street should be maintained.

***The applicant is proposing to retain the existing boundary walls which are in good condition. The existing wall with piers and railings will be retained to Portland Street and part of Garden Street. It is not considered that these walls are still listed, given that the Infirmary buildings which are the main reason of the listing have been demolished. The sections of the existing wall along Hill Street will be retained depending on their condition.***

4.19 The wall between the site and St Joseph's Church does not appear to be lowered enough to allow an open aspect to the front of St Joseph's Church.

***The applicant is proposing to lower the existing wall to 2 metres in height at St Joseph's Church. This will improve the visual amenity of the area, whilst retaining a level of privacy to the new townhouses.***

4.20 The area where rubbish bins are to be sited would be detrimental to the environment immediately adjoining the Church car park particularly in the summer months when it has the potential to become a health hazard.

***The applicant has submitted a plan showing the location of bin storage and waste management are satisfied with the submitted plan. Nine of the townhouses will have their own individual bins. The remaining terrace houses and apartments will use communal bins which are sited adjacent to the proposed users. They will be***

***emptied on a regular basis the same as in any other residential development.***

4.21 There are no areas for landscaping and useful open space. The landscaping provision is poor and bland and consists mainly of hard plain surfaces to accommodate car parking and access.

***The townhouses and terraced houses will have their own individual rear gardens. Open space is proposed along the apartment blocks. A substantial landscaping boundary is proposed along Portland Street, Garden Street and Hill Street.***

4.22 No indication of any treatment intended to the boundary at the interface between the 2 sites.

***See response to 4.19.***

4.23 The south gable of St Joseph's Church and the car parks view directly the rear of slab blocks running east – west. The layout is such that the height of the blocks obscure a view of the Church from the lower levels of Hill Street, Garden Street, Portland Street and Wellington Street to eaves level. The south elevation of the Church which was intended would be restored to the main entrance cannot be seen from most aspects.

***See response to 4.5.***

4.24 The layout and appearance of the new buildings are of a plain, uncompromising, contemporary design with current minimal information, inappropriate to the setting and topography of the site and its relationship to the surrounding Listed Buildings.

***See response to 4.7.***

4.25 The south elevation of St Joseph's Church cannot be seen from most aspects whilst the application elevation plans show some indication of St Joseph's appearing above the proposed blocks, the effect of the sharply rising topography of the site and the effect of perspective will remove practically any view of the Church from directions east, south and west.

***See response to 4.7.***

4.26 There is no commercial provision particularly offices which was originally intended. Is it appropriate that this urban site is now proposed for residential use only?

***The use of the site for residential development and health club for residents only are considered acceptable in terms of the policies of EALP and the outline planning approval for the site.***

4.27 The proposals are a complete departure from that originally shown in August 2001 which was much less dense and high development. The contribution the proposals will make to the Church and its setting have disappeared and scant regard is given to St Joseph's now a listed building and its potential contribution to surrounding environment.

***See response to 4.5.***

4.28 The size, scale and materials is out of keeping with other adjacent listed buildings. No cognisance has been taken of the materials proposed here. They fail to see where the materials blend with the natural materials of the viaducts or the two Church. The proposed development is more in keeping with the multi storey car park.

***It is not considered that the proposed development is out of keeping with the adjacent listed buildings. It is frequently found that modern materials are used alongside more traditional materials. The use of modern materials will not have an adverse impact on the viaduct on adjacent listed buildings. It makes the most of its setting and topography and provides a development which is distinctive and designed for the landscape.***

4.29 The density does not allow for the provision, of previously thought appropriate, of a landscaped terraced area in front of the south gable of St Joseph's Church to enhance the setting and appearance of the Church.

***This present application does not include any alterations, including the provision of a landscaped terraced area, to the property of St Joseph's Church.***

## **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

5.1 Sections 25 and 37 (2) of the Town & 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 Kilmarnock Local Plan 1986.

5.2 The principle of residential development on this site was previously assessed against the residential policies of the Adopted Kilmarnock Local Plan and the principle was accepted by the approval of outline planning consent for

residential development (01/0559/01). As the proposed health club is to be used exclusively by residents this part of development complies with the spirit of Policy 5.2.3 of the Adopted Kilmarnock Local Plan.

5.3 For the purposes of assessing the details of this reserved matters application the Adopted Kilmarnock Local Plan includes general design guidance in terms of Policy 4.8.1 which states that new buildings shall be compatible with the local architectural character and in particular shall incorporate double-pitched roofs in prominent locations. Materials shall be compatible with the existing and adjacent buildings and shall be appropriate in the particular locations.

***See Section 6.5 to 6.7 of the report.***

## **6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS**

6.1 The other principal material considerations relevant to the determination of the applications are the East Ayrshire Local Plan Finalised Version with Modifications (EALP), the site's planning history, consultation replies and representations detailed in Sections 3 & 4 of the report.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the EALP should be considered as the prime material consideration.

### East Ayrshire Local Plan Finalised Version with Modifications

6.3 The principle of residential development on this site has been established with the approval of the outline planning consent no. 01/0550/OL therefore it is not required to assess the principle of residential development application against the policies of the EALP. The use of the health club by residents only can be accommodated within the terms of the policies of EALP for this site.

6.4 Policy Res. 22 requires a minimum private open space criteria and standards to be met. It proposes flats to have a minimum of 25m<sup>2</sup> per bedroom and terraced houses 1.5 x ground floor area of the house with a minimum of 70m<sup>2</sup>. Policy RES 19 also requires housing developers to provide areas of recreational and amenity open space as an integral part of their development proposals when they are proposing above 30 houses in number.

***The developer is proposing a substantial landscape buffer around the boundaries of the site especially along Hill Street and Portland Street and useable open space within the development site. Although the development fails to meet the criteria set by both Policy***

***Res. 22 and Policy Res. 19 it is considered a relaxation to the standards may be justified in this instance due to the location of the site, the nature of the development proposed and the condition of the application site. The site is on the edge of the town centre and is surrounded by a mixture of commercial and residential properties. The build form is very dense in this area with many of the residential properties being flats which have limited garden ground. The Kay Park is in close proximity to the development site. The proposed development will remove a derelict site and at the same time improve the general amenity of the area through the erection of a well designed housing layout. Furthermore, the developer has already committed himself through Section 75 Legal Agreement to contribute to the sports and leisure fund in terms of Policy TLR 5.***

6.5 Policy ENV 7 expects all developers to fully comply with the Council Design Guidance document. The Design Guidance requires that all development is based on good design practice and incorporates sensitive design features in keeping with good design principles. Housing styles and design over the ages act as historical markers identifying a particular locality and housing of all types provide secure and enjoyable places in which to live.

Good Design: All new housing schemes shall be proposed using best architectural practice in their detailing, scale and proportion and be interesting and distinct, exploiting and reflecting local features to advantage.

***The proposal provides a modern contemporary design solution to an elevated site to the north end of the town centre. This site is very prominent in terms of Kilmarnock townscape. The development takes full advantage of the topography and landscape characteristics of the site. The development will provide an important and enduring addition to Kilmarnock's built environment. This type of modern contemporary design is now used frequently in urban areas whether it be Glasgow, Birmingham or London and it is very common to see modern buildings adjacent to and surrounded by Listed Buildings. It provides an architectural development, which reflects the early 21<sup>st</sup> Century and provides a development which is very much in keeping with the objectives of recent publications by The Scottish Executive on Developing a Policy on Architecture for Scotland.***

6.6 Locality: Innovative design of a high quality will be encouraged. Designs will be required to conform, compliment and harmonise with the landscape character of the area, the design of surrounding buildings and the general appearance of the settlements in which the development site is located, particularly in terms of scale, form, materials and finish. Policy Env. 8 (v) also encourages architecturally innovative designs and sensitive to the character of the area in which they are proposed.

***This modern development will add contrast and character to the streetscape. Appropriate, sensitive and innovative design is proposed for both the apartment blocks and townhouses. Due to scale of the development the design features such as breaching the ridge level of the roof with the use of monopitch dormers on both the apartments and townhouses, the use of a projecting wing with a flat roof parapet detail on front elevations have been proposed. These design features will reduce the scale and bulk of the development. The attention to detail will elevate the quality of the end development. Materials proposals vary from natural slate on the roofs to modern materials such as cladding and timber boarding and facing brick. It is the attention to detail that elevates the quality of the end result.***

6.7 New development should ensure that any characteristic skylines or sympathetic building massing within existing settlements are not compromised or disturbed. Roofs should be double pitched with a slope of at least 30° on new housing with urban areas only. Roofing materials require to be in keeping with the character and appearance of the surrounding area. The use of local traditional materials is encouraged.

***The applicant has submitted a number of perspectives illustrating the impact of the development on the immediate and also the wider skyline. The wider skyline of Kilmarnock is characteristic with some very high landmarks which are softened in the wider context by trees and landscaping. It is considered that the proposed development will integrate within the wider skyline and will not obscure or have a detrimental impact on the existing landmarks or skyline. In terms of the impact of the development on surrounding buildings and the John Finnie Street and Bank Street Outstanding Conservation Area only sections of the development will be readily visible. The impact of the bulk of these sections have been reduced by the use of varying roof levels stepping elevations and the use of design features. The viaduct will remain a dominant feature in the townscape. The development proposes a mixture of traditional materials such as natural slate and stone to modern materials such as cladding, facing brick, steel, timber boarding. The final quality of the development will be based on the quality of materials and the attention to detail which will elevate and complement the surrounding buildings and the townscape.***



### Planning History of the Site

6.8 01/0559/OL: Outline planning consent was approved on 02 August 2002 for Class 4 Offices and Flatted Residential Development.

***The Reserved Matters application is in accordance with the outline consent.***

### Consultations and Representation Received

6.9 It is not considered that any aspects of the consultations or representations received indicate that the applications should be refused.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

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

7.2 Legal implications arise as the Council are obliged to notify the Scottish Ministers under the Town and Country Planning (Notification of Applications)(Scotland) Direction 1997 as the application site involves part land in which the Council have an interest and there has been a substantial body of objection.

## **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 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 this report there are material considerations relevant to the determination of this application. The EALP is supportive of the proposal and it is in accordance with advice detailed in the East Ayrshire Council Design Guidance. The development fails to meet the public and private open space standards as required by the above plan, however it is considered that justification can be made in this instance due to the location of the development site, its relationship with surrounding properties and the nature of the development which would secure the removal of a derelict vacant site. Useable public open space has been provided and it contributes to upgrading the general amenity of the area.

8.3 The application site occupies an elevated position to the north end of the town centre immediately adjacent to the railway station/viaducts and a number of

ecclesiastical listed buildings. It is a very prominent site in the townscape and the development provides a bold, positive modern contemporary solution taking full advantage of the landscape characteristics and topography of the site. Perspectives provided by the applicant illustrate that the development adds contrast and character and will integrate within the townscape and skyline. The development embodies advice from recent publications from the Scottish Executive on Architecture which encourages innovatively designed development to make the most of its setting in the landscape to result in it being unique and distinctive to its location rather than duplicating design from a past era. On a development of this scale it is the attention to detail and the quality of materials that will elevate the quality of the end result.

8.4 The concerns of the objectors are noted however they are not of sufficient weight to justify a recommendation of refusal. Their concerns regarding road safety and impact of the development on the adjacent listed buildings have not been supported by the Roads Division or the amenity bodies. The site has a precedent for development of a high density and it is not reasonable to compare the present proposal with a cleared site in its current undeveloped state. The application site has been zoned for development and therefore any development on the site will have an impact on the viewpoints of St Joseph's presently experienced. The site's proximity to the town centre and the railway station are opportunities for a successful residential development of an appropriate urban scale. It is considered that the setting of St Joseph's is better served by the present proposals than it was by the previous development. There was significant encroachment by Kilmarnock Infirmary around St Joseph's, this has been avoided by the flatted residential accommodation being positioned at the perimeter of the site. The development form in this area of Kilmarnock is one of very dense and high buildings, the proposal will provide a development frame for St Joseph's which although the old Infirmary buildings provided such a role, this development will have a lesser detrimental impact on St Joseph's.

8.5 The development will add considerably to the amenity of the area by developing a derelict vacant site and replacing it with well designed modern housing development encompassing a mixture of different housing types. The development will provide an important and enduring addition to Kilmarnock built environment being very prominent both in the immediate townscape but also forming part of the wider skyline.

## **9. RECOMMENDATION**

**9.1 It is recommended that the Application No. 03/0056/RM should be approved subject to conditions indicated on the enclosed sheets and notified to the Scottish Ministers under the Town and Country Planning (Notification of Applications)(Scotland) Direction 1997 as the Council has**

an interest in part of the land and there has been a substantial body of objection.

**9.2** It is recommended that the Application No. 02/0894/FL should be approved subject to the conditions indicated on the enclosed sheet and notified to the Scottish Ministers under the Town and Country Planning (Notification of Applications)(Scotland) Direction 1997 as the Council has an interest in part of the land and there has been a substantial body of objection.

**Alan Neish**  
**Head of Planning and Building Control**

1 April 2003

(PC/MMM/MS)

FV/DVM

#### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultations.
4. Letters of Representation.
5. Approved Strathclyde Structure Plan.
6. Approved Ayrshire Joint Structure Plan.
7. Adopted Kilmarnock Local Plan.
8. East Ayrshire Local Plan Finalised Version with Modifications.
9. Scottish Executive:
  - The Development of a Policy on Architecture for Scotland.
  - A Policy Statement for Scotland.
10. Planning application No: 01/0550/OL.

Anyone wishing to inspect the above papers please contact Pamela Clifford on 01563 576772.

***Implementation Officer: Dave Morris***  
RM & 020894FL

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0056/RM

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Site of Proposal:	Former Site of Kilmarnock Infirmary Hill Street/Garden Street/Portland Street KILMARNOCK KA3 1HE
Nature of Proposal:	Proposed Erection of 98 Dwellings Incorporating 78 Flats, 20 Terraced Townhouses
Name & Address of Applicant:	Klin Holdings Ltd 27 John Finnie Street KILMARNOCK KA7 1BL
Name & Address of Agent:	Gillespies 2 Park Terrace GLASGOW G3 6BY

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DPOs Reference: PC/MMM

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

1. The proposed development shall be carried out in accordance with the application form and the following submitted plans --drawing no. 3803-P-01-05, 06A, 07 & 07A, 09, 010-20, 21A, 22-42.

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

2. Details to be approved in terms of Condition No. 1 above in relation to the end townhouses, end terraced houses and mid terrace house of the second block adjacent to Portland Street shall be implemented on site according to details showed on plans Nos. 3803-P22, 40-42.

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

3. Notwithstanding the plans hereby approved under the terms of Condition 1 above details/samples of all external materials to be used for the apartment blocks and houses shall be submitted to and approved by the Planning Authority before development commences on site. These details shall include a range of materials from traditional to modern materials and the use of bold colours. Where it is required sample panels shall be constructed on site for the approval of the Planning Authority. The details shall thereafter be implemented on site as approved.

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

4. Notwithstanding the approved plans, under the terms of Condition 1 above, details of the materials of all external ground surfaces within the development site shall be submitted to and approved by the Planning Authority before development commences on site and shall be thereafter implemented on site as approved.

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

5. Notwithstanding the approved details, under the terms of Condition 1 above plans to a minimum scale of 1:50 shall be submitted to and approved by the Planning Authority before development commences on site of the following details and design features:

- (i) The interface between a change in materials or colour of materials.
- (ii) The details between window and door frames and window and door surrounds.
- (iii) The monopitch dormers.
- (iv) The angular roofs of the townhouses, terraced houses and apartment blocks.
- (v) Ridge details, gutters, downpipes, barge boards

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

6. Notwithstanding the approved plans, under the terms of Condition 1 design details of the bridge feature on the South Tower to access the ground and entrance floors shall be submitted to and approved by the Planning Authority prior to the commencement of development on site. The details shall thereafter be implemented on site as approved.

REASON In the interests of visual amenity.

7. In terms of the details to be submitted under Conditions 3, 4, 5 and 6 above, prior to the commencement of development on site a meeting shall be held with the Design Team developer and Planning Authority to agree design details and materials of the development. Thereafter meetings shall be held on a monthly basis or when required, following the commencement of development on site.

REASON To allow the Planning Authority retain control over the development of the site as this is an important site within Kilmarnock townscape.

8. The roofs as approved shall be covered in natural slates.

REASON In the interests of visual amenity and to maintain the quality of the development.

9. A landscaping scheme including the treatment of the boundary of the site/areas for public open space shall be submitted to and approved by the Planning Authority prior to commencement of any development, and shall be implemented not later than the next appropriate planting season after the development has been carried out. Any trees removed without consent of the Planning Authority or seriously damaged at any time thereafter shall be replaced by trees of similar size or species as may be agreed in writing with the Planning Authority. The landscaping scheme shall include the retention of as many of the existing trees on site.

REASON To ensure that adequate provision of public open space is provided, to an adequate standard, and that it is subsequently maintained, in the interest of residential and visual amenity.

10. The landscaping/open space relating to this development as part of Condition 9 above shall be laid out simultaneously with the development, or each phase thereof, and shall be maintained thereafter in accordance with maintenance schemes to be submitted to and approved by the Planning Authority prior to the commencement of development.

REASON To ensure that public open space areas are laid out in a proper manner in the interests of residential amenity.

11. Notwithstanding the approved plans, details/landscaping of the treatment of the communal bin stores shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented according to the approved details.

REASON In the interests of visual amenity.

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

REASON In the interest of visual amenity and to maintain the existing visual contribution of the trees to the amenity of the area.

13. Notwithstanding the approved plans, under the terms of Condition 1 above, details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

14. Notwithstanding the approved plans, under the terms of Condition 1 above sightlines at the road junction onto Hill Street shall be  $x = 4.5$  metres by  $y = 90$  metres. The existing footway shall be built-out with the existing carriageway width shall not be reduced to less than 7.3 metres and road marking adjacent to the new road junction shall be altered to prevent inappropriate parking. Details of the above shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented accordingly to the approved details prior to the occupation of the approved development.

REASON To achieve an acceptable access in the interests of road safety.

15. The existing access into the adjacent St Joseph's shall be re-constructed as a footway crossing rather than a road junction prior to the occupation of the approved development.

REASON In the interests of road safety.

16. Notwithstanding the approved plans, under the terms of Condition 1 above details of traffic calming features within the internal road layout shall be submitted to and approved by the Planning Authority. These details shall include the delineated of turning areas whether it be through the use of different materials or landscaping whilst retaining the required geometry for service vehicles.

REASON In the interests of road safety.

17. Notwithstanding the approved plans, under the terms of Condition 1 above, details of measures to prevent unauthorised use of the parking spaces shall be submitted to and approved by the Planning Authority and implemented thereafter according to the approved details.

REASON The development may be the subject of unauthorised parking due to its close proximity to the town centre.

18. No storage of building materials or re-fuelling of plant shall take place adjacent to surface water areas and drains.

REASON In order to prevent the contamination of surface water.

19. All bulk fuel if left on site overnight during construction works shall be stored in a vandalproof shed.

REASON In order to prevent the contamination of surface water.

20. The developer of this site shall ensure that, during the development phase, adequate and continuing measures are taken to ensure that roads and footpaths adjoining the site are maintained free from mud.

REASON

21. No work shall commence on site until such time as the applicant has provided the Planning Authority with written confirmation from Scottish Water that the sewerage system is capable of accommodating the connection of this approved development.

REASON To ensure that adequate drainage is provided.

22. Notwithstanding the approved plans, details of the design of the lighting columns shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented thereafter according to the approved details.

REASON In the interests of visual amenity.

23. No materials other than top soil shall be brought onto the site for 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 making up of ground levels.

24. Notwithstanding the approved plans, details of the design and construction of the pedestrian access from the development site onto Portland Street shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented on site prior to the occupation of any of the apartments in the East Tower of the development.

REASON To allow pedestrian access to Portland Street and the town centre.



**NOTE:**

- 1) The applicant is advised to note the comments of Railtrack during construction works.

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0894/FL

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Site of Proposal:	Former Site of Kilmarnock Infirmary Hill Street/Garden Street/Portland Street KILMARNOCK KA3 1HE
Nature of Proposal:	Proposed Erection of New Health Club (Private) at Ground Floor of Proposed Residential Development for Residents Use Only
Name & Address of Applicant:	Klin Holdings Ltd 27 John Finnie Street KILMARNOCK KA7 1BL
Name & Address of Agent:	Gillespies 2 Park Terrace GLASGOW G3 6BY

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DPOs Reference: PC/MMM

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

1. This permission relates to the use of the lower ground floor of the South Tower as a health club for residents only and all details regarding design and layout of the wider development shall be as approved under Planning Consent No. 03/0056/RM and implemented according to the terms of the conditions associated with that consent.

REASON To enable the Planning Authority to retain control over the development of the site.

2. 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 lower ground floor as a health club for residents living within the development approved under Planning Consent No. 03/0056/RM and the further express permission of the Planning Authority shall be required if the health club is to be opened and used by the general public.

REASON To enable the Planning Authority to retain control over the future development of the site in the interests of road safety and approved details.

**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.**