

## EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 3 DECEMBER 2010

**10/0368/LB: INSTALLATION OF VENTILATION EQUIPMENT TO FLAT ROOF AREAS AS AN AMENDMENT TO THE APPROVED DESIGN OF 09/0637/LB AT THE FORMER JOHNNIE WALKER BUILDING, CROFT STREET AND STRAND STREET, KILMARNOCK BY ALCHEMIST PROPERTIES**

### Report by Head of Planning and Economic Development

Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/caseFile.do?category=application&caseNo=10/0368/LB>

### EXECUTIVE SUMMARY SHEET

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Listed building consent was previously granted (09/0637/LB) to site ventilation pipework and equipment on an area of flat roof at the bonded warehouse. Planning permission was also granted at this time. Since then however the applicant's agent has had to amend the design and layout of the ventilation equipment and pipework and this applications seeks to regularise these changes.

1.2 The amended pipework and equipment will also be sensitively located and its visibility will be minimised by its location on the area of flat roof which is screened by the pitched roof of the main building.

#### **2. RECOMMENDATION**

**2.1 It is recommended that listed building application no. 10/0368/LB should be approved and that the issue of the decision notice be withheld until the application has been formally cleared with Historic Scotland under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.**

#### **3. CONCLUSIONS**

3.1 As indicated in Section 5 of the report the application is appropriate in terms of the provisions of the Development Plan.

3.2 There are no material considerations relevant to these applications as indicated in Section 6 of the report which would suggest that the application should be refused. The proposed works will be screened and located sensitively so as not to be visible to the general public nor detrimental to the listed character of this building nor will they adversely affect the character and amenity of the surrounding John Finnie Street and Bank Street Outstanding Conservation Area. The design and specific location of the equipment have been consulted with Historic Scotland who have raised no objections.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, the application would not require to be referred to Council, under the terms of the Scheme of Delegation, because this would not be a significant departure from Policy.

**Alan Neish**  
**Head of Planning and Economic Development**

**Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.**

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#### **Report by Head of Planning and Economic Development**

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

1.1 The purpose of this report is to present for determination, an application for Listed Building Consent, which is to be considered by the Northern Local Planning Committee under the scheme of delegation as this Council has an interest in the building.

### **2. APPLICATION DETAILS**

2.1 **Site Description:** The application site is located within the Kilmarnock town centre and is currently being renovated for use as offices with the exception of the areas of the building occupied by Torbet's (retail) and Café Da Vinci (restaurant).

2.2 The site comprises a 'B' Listed Building (the Warehouse) located within the John Finnie Street and Bank Street Outstanding Conservation Area. It is bound by other town centre properties comprising a range of commercial uses and listed buildings including the Laigh Kirk and Civic Centre (North and South). To the east of the site lies a relatively modern building at 6 Croft Street which is currently occupied by the Planning and Economic Development Service and which lies outwith the Outstanding Conservation Area boundary.

2.3 **Proposed Development:** Listed building consent was previously granted (09/0637/LB) to site ventilation pipework and equipment on an area of flat roof at the bonded warehouse. Planning permission was also granted at this time. Since then however the applicant's agent has had to amend the design and layout of the ventilation equipment and pipework and this applications seeks to regularise these changes.

2.4 The amended pipework and equipment will also be sensitively located and its visibility will be minimised by its location on the area of flat roof which is screened by the pitched roof of the main building.

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

3.1 Bonnyton Community Council has not responded to their consultation at the time of writing this report.

3.2 Historic Scotland has no comments to make.

***Noted.***

3.3 The Architectural Heritage Society for Scotland has not responded to their consultation at the time of writing this report.

***Noted.***

### **4. REPRESENTATIONS**

4.1 No letters of objection have been received relating to the proposed development following public advertisement of the proposals.

***Noted.***

### **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 are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the Approved Ayrshire Joint Structure Plan (AJSP) (2007) and the Adopted East Ayrshire Local Plan (EALP) (2010).

#### Ayrshire Joint Structure Plan

5.2 There are no specific policies in the adopted Structure Plan to assess the development against. The application therefore falls to be assessed against the policies of the adopted local plan.

#### Adopted East Ayrshire Local Plan (EALP) (2003)

5.3 Through Policy ENV9, the Council will actively encourage and demand the highest possible standards of design from applicants in the formulation of their development proposals. All developers will be expected to comply fully with the Council's existing design guidance documents relating to, and advising on, the particular type of development proposed. Developments which do not meet the

required design standards detailed in these documents will require to be fully justified and may not be supported by the Council.

***There is no specific design guidance in relation to the formation of ventilation equipment on a listed building. In general terms however the Council's design guidance refers to miscellaneous attachments to properties and states that these should be sensitively located so as not to mask architectural features and be of a colour consistent with the colour scheme of the building. In this respect the ventilation equipment has already been approved for this location and the applicant merely seeks consent for an amendment to the equipment and pipework which have been located as sensitively as possible in an area which is not prominent or visible at street level due to the pitched roof of the main building which effectively screens the works and due also to the overall height of the building.***

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

6.1 The principal material considerations relevant to the determination of this application are the consultation responses, the planning history of the site and the supplementary planning guidance comprising the Conservation Area Management Plan.

### Consultation Responses

6.2 The consultation responses have been addressed in Section 3 of the report and the replies received do not suggest that the applications should be refused.

### Planning History

6.3 Planning Application No. 07/0608/FL; Proposed Change of Use of Part of Building to Office on Upper Floors and Office/Retail on Ground Floors and Associated Alterations and Formation of Car Park at Croft Street was granted planning consent on 11 October 2007 under delegated powers.

6.4 Listed Building Consent No. 07/0609/LB; Proposed Alterations to and Refurbishment of The Johnnie Walker Building and Demolition of 6 Croft Street was granted consent on 1 November 2007.

***Both of the above applications were granted under delegated powers prior to the new Development Management Regulations which came into force on 3 August 2009 that now require all applications where East Ayrshire Council is the applicant or has an interest in a site, to be considered by the appropriate committee.***

6.5 There have been various other applications during the construction works that are currently being undertaken on site and these relate to minor amendments or alterations to the approved design of what was approved in 2007. These recent changes to the entrances, new dry riser inlets, and ventilation equipment were considered by the Northern Local Planning Committee on 28 October 2010. The consent which this application seeks to amend, is 09/0637/LB and was dealt with under delegated powers prior to the changes to the Scheme of Delegation which required that all applications in which the Council has an interest, are determined by the appropriate Local Planning Committee.

***None of these applications suggest that the current application should be refused.***

#### Supplementary Planning Guidance

6.6 In March 2009 the Council approved the Conservation Area Management Plan as Supplementary Planning Guidance which is a material planning consideration for any application for Listed Building Consent within the Outstanding Conservation Area. This document states that the Council recognises that our historic environment is a finite and non-renewable resource. Any proposals must understand that our most important heritage and townscape assets include the architecture of this Outstanding Conservation Area.

***It is noted that this application seeks to undertake alterations to a listed building which are part of the overall renovation works to bring this building back into use. The application is considered to be appropriate in terms of this guidance.***

#### SHEP

6.7 Historic Scotland produce the Scottish Government's Scottish Historic Environment Policy (SHEP) which provides guidance for proposals which affect listed buildings and conservation areas. Whilst there is no specific guidance on the installation of ventilation pipework, the Guidance states in general that equipment and servicing details to be fixed to the exterior of buildings should be sited as sensitively as possible and the equipment should be positioned upon the building where it does the least possible visual and structural damage.

***The ventilation equipment and associated pipework has been located on an area of flat roof and this roof is well screened from public view owing to the pitched roof of the main building and due also to the overall height of the building. Historic Scotland have no comments to make on these proposals and this amendment to the layout of the equipment is considered to be appropriate and not detrimental to the***

***listed character of this building nor to the character of the surrounding Outstanding Conservation Area.***

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

7.1 The Council has an interest in this site as it has a tenancy agreement for this building which will result in the Council occupying this property upon completion of the renovation/conversion works. Therefore under the Scheme of Delegation, the application requires to be referred to this Committee for determination.

7.2 Although this Council has an interest in the property, there are no financial implications as a result of this application because the work is being undertaken by the developer.

7.3 If Members agree to the grant of listed building consent, the application requires to be referred to Historic Scotland for ratification purposes before any decision notice is released.

## **8. CONCLUSIONS**

8.1 As indicated in Section 5 of the report the application is appropriate in terms of the provisions of the Development Plan.

8.2 There are no material considerations relevant to this application as indicated in Section 6 of the report which would suggest that the application should be refused. The proposed works will be screened and located sensitively so as not to be visible to the general public nor detrimental to the listed character of this building nor will they adversely affect the character and amenity of the surrounding John Finnie Street and Bank Street Outstanding Conservation Area. The design and specific location of the equipment have been consulted with Historic Scotland who have raised no objections.

## **9. RECOMMENDATION**

**9.1 It is recommended that listed building application no. 10/0368/LB should be approved and that the issue of the decision notice be withheld until the application has been formally cleared with Historic Scotland under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.**

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, the application would not require to be referred to Council, under the terms of the Scheme of Delegation, because this would not be a significant departure from Policy.

**Alan Neish**  
**Head of Planning & Economic Development**

24 November 2010

FMF

FV/DVM

## LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations Responses
4. Approved Ayrshire Joint Structure Plan.
5. Adopted East Ayrshire Local Plan.
6. Application No 07/0608/FL
7. Application No 07/0609/LB
8. Application No 09/0637/LB

Anyone wishing to inspect the above papers please contact Fiona Finlay, Principal Planning Officer, on 01563 576798.

***Implementation Officer: Dave Morris***

**East Ayrshire Council**

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

**Application No: 10/0368/LB**

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Location	Former Johnnie Walker Building Strand Street Kilmarnock East Ayrshire
Nature of Proposal:	Installation of ventilation equipment to flat roof areas as an amendment to the design approved under 09/0637/LB
Name and Address of Applicant:	Mr Brian Gillies Suite 2/3 135 Buchanan Street Glasgow G12JA
Name and Address of Agent	I 10 Design LTD Suite 2/4 135 Buchanan Street Glasgow G1 2JA

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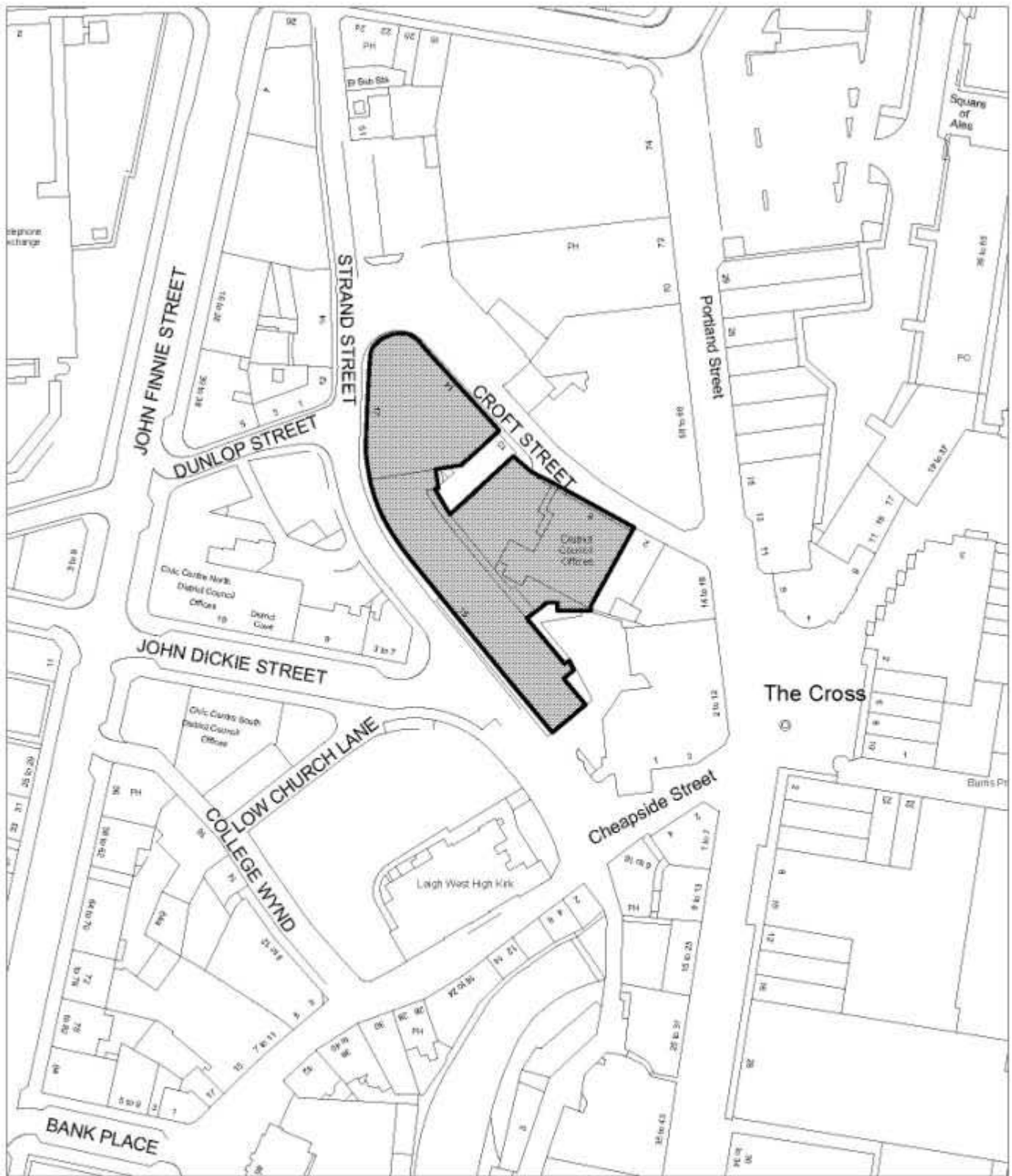
Officer's Ref: Fiona Finlay  
01563 576798



Subject to **[notification to the Scottish Ministers]**

The above Listed Building Application should be APPROVED.

**Reason for this Decision**

The application is considered to be appropriate in terms of the Development Plan and there are no material considerations which would otherwise indicate refusing consent.



<p>Title/Location    <b>Former Johnnie Walker Building</b></p> <p>                          <b>The Strand, Kilmarnock</b></p> <p>                          <b>Application No. 10/0368/LB</b></p>	<p><b>East Ayrshire Council</b></p> <p>Department of Neighbourhood Services          Planning &amp; Economic Development Service,          6 Croft Street          Kilmarnock KA1 1JB</p> <p>Tel: (01563) 576790    Fax: (01563) 576774          E-Mail : <a href="mailto:Planning@east-ayrshire.gov.uk">Planning@east-ayrshire.gov.uk</a></p> <p>Com Date: 03/12/2010</p>
<p>Key</p> <p> <b>Application Site</b></p>	<p style="text-align: right;"></p>

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