

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 09 OCTOBER 2009

09/0433/PP AND 09/0434/LB – INSTALLATION OF CCTV AND EXTERNAL LIGHTING

**AT: CIVIC CENTRE NORTH, 19 JOHN DICKIE STREET, KILMARNOCK
BY EAST AYRSHIRE COUNCIL**

Report by Head of Planning and Economic Development

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 During the application process amended plans were received which deleted one camera from the front elevation of the building. It is now proposed to site 2 cameras and associated external lighting. One camera will be located on the gable elevation set back from Strand Street and the second camera will be sited on the elevation at the rear car park. External lighting will be installed on the rear elevation at the car park.

2. RECOMMENDATION

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

2.2 **It is recommended that the application for listed building consent be approved subject to notification to Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Act 1997 and subject to the conditions on the attached sheet.**

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report the applications are considered to accord with the policies of the Adopted Local Plan. Therefore given the terms of Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 the applications should be approved unless material considerations indicate otherwise.

3.2 As indicated at Section 6 of the report there are material considerations relevant to these applications. The proposal accords with Policy ENV4 of the Finalised EALP with Modifications as it is not considered that the proposed CCTV cameras and external lighting will have an adverse impact on the visual quality of the Listed Building or the John Finnie Street and Bank Street Outstanding Conservation Area. The number and positions of the proposed

cameras have been fully considered and appropriate amendments have been undertaken noting comments received from the consultation process. The cameras and lighting will provide additional security for this building whilst also respecting the architectural features and location of this listed building within the outstanding conservation area.

CONTRARY DECISION NOTE

Should the Committee agree that the applications be refused contrary to the recommendation of the Head of Planning and Economic Development they will not require to be referred to the Full Council as there would be no significant breach of 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 a full planning application and an application for listed building consent, which are to be considered by the Local Planning Committee under the schedule of delegation as the Council is the applicant.

2. APPLICATION DETAILS

2.1 **Site Description:** These applications relate to the Civic Centre North building at John Finnie Street in the centre of Kilmarnock. The building is a Category B Listed Building in its own right and is part of a Grade A Listing. It is located within the John Finnie Street and Bank Street Outstanding Conservation Area. The building is red sandstone to the front with the gable and rear elevation in blond brick/red sandstone with a slate roof. The property is used as offices by East Ayrshire Council.

2.2 **Proposed Development:** During the application process amended plans were received which deleted one camera from the front elevation of the building. It is now proposed to site 2 cameras and associated external lighting. One camera will be located on the gable elevation set back from Strand Street and the second camera will be sited on the elevation at the rear car park. External lighting will be installed on the rear elevation at the car park.

3. CONSULTATION RESPONSES

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

Noted.

3.2 AHSS (Architectural Heritage Society of Scotland) find the proposals to be acceptable although ask that camera 2 be repositioned to a location nearer the eaves.

Noted. Camera 2 has now been repositioned to an acceptable location. Whilst this is not as high as eaves level, it is appropriate balancing the need to protect the listed character of the property and the security needs.

3.3 Historic Scotland initially requested that plans be amended to reposition 2 cameras. They requested that camera 1 be relocated to the ground floor elevation in an area which has been the subject of more substantial alterations. It was also requested that camera 2 which is shown as being fixed directly onto ashlar sandstone quoins, be relocated onto the brickwork of the gable elevation. It was requested that where at all possible, new holes are not drilled into the stonework on significant elevations, as per national policy.

Noted. Further to the above response the plans were amended to delete camera 1 as this was optional and not required for the security of the new data centre. The position of camera 2 has also been moved from the corner of the Citizen's Advice Bureau and it is fixed at a height of 8 metres above ground level. Camera 3 remains unchanged from its original position within the rear car park.

Historic Scotland have confirmed that the amended plans have been considered and the amended scheme has addressed their earlier concerns. The application is therefore considered to be appropriate in Historic Scotland's opinion.

4. REPRESENTATIONS

4.1 No letters of representation have been received following neighbour notification and public advertisement of the proposals.

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. For the purposes of these applications the development plan comprises the approved Ayrshire Joint Structure Plan (2007) and the Adopted East Ayrshire Local Plan (EALP) (2003).

The Adopted Ayrshire Joint Structure Plan

5.2 There are no specific policies of a strategic nature within the Ayrshire Joint Structure Plan relevant in the determination of these applications. The applications therefore fall to be assessed against the Local Plan.

The Adopted East Ayrshire Local Plan (EALP)

5.3 Policies ENV2, ENV4 and ENV7 of the Adopted EALP are specifically relevant in the consideration of these applications.

5.4 Policy ENV2 states the Council will actively encourage the retention restoration, renovation and re-use of listed buildings, unlisted buildings in Conservation Areas and other locally important, especially traditional older properties, throughout the area. There will be a presumption against the demolition or partial demolition of all such properties.

The proposal involves alterations to an existing occupied building within the Outstanding Conservation Areas. The works will improve security at the property and are to be undertaken siting the canopy and brackets etc in a manner which will not adversely impact on the quality of stone work or listed traditional character of the building.

5.5 Policy ENV4 seeks to ensure that all development within or affecting the setting of a Conservation Area or affecting the setting of a listed building is sympathetic to the area or building concerned in terms of its layout, size, scale, design, siting, materials and colour of finish. The Policy also states that development proposals should seek to preserve, enhance or incorporate features which contribute positively to the character or appearance of the area and have due regard to the architectural and historic qualities of the area of building concerned.

It is considered that the proposed works comply with Policy ENV4 of the Adopted East Ayrshire Local Plan noting that the design, siting, and supporting brackets of the proposals are in keeping with the existing B Listed Building and will not affect the visual appearance or quality of the stonework on the property.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the East Ayrshire Local Plan Finalised Version with Modifications, consultation responses and representations, the planning history of the site and the supplementary planning guidance comprising the Kilmarnock Town Centre Strategy, Conservation Area Management Plan and the Scottish Historic Environment Policy.

Alteration to the East Ayrshire Local Plan (Finalised Version with Modifications)

6.2 Policy ENV4 states that the Council will actively encourage the retention, restoration, renovation and re-use of listed buildings, unlisted buildings in conservation areas and other locally important, especially traditional older properties, throughout the area. Development affecting a

listed building or its setting shall preserve the building, or its setting, or any features of special architectural or historic interest which it possesses. The layout, design, materials, scale, siting and use of any development shall be appropriate to the character and appearance of the listed building and its setting.

In this instance, it is noted that this proposal aims to undertake the installation of CCTV cameras and external lighting to this listed building at Civic Centre North. Technical comments from Historic Scotland have been accommodated to ensure that the cameras are not attached to the frontage of the building and are instead attached to secondary elevations which will ensure minimal impact on the historic fabric of the building. Appropriately worded conditions can be incorporated in this respect, should Members choose to grant consent. These works aim overall to ensure the existing use of the building continues to function in a secure and safe manner, which will also preserve the listed building both internally and externally. It is therefore considered that the design and scale of the proposed works is appropriate, and in accordance with Policy ENV4.

Consultation Responses and Representations Received

6.3 The consultation responses have been addressed in Section 3 of the report and there are no objections to the proposal. There are no issues that would warrant the refusal of this application. Minor changes to individual locations for the CCTV and lighting have been undertaken by the applicant to satisfy issues raised by the consultees, and specifically Historic Scotland. No letters of representation were received.

Planning History

6.4 There are no other outstanding applications relevant to the site that would affect the determination of these applications.

Kilmarnock Town Centre Strategy

6.5 The proposal is in-keeping with the aims of the Kilmarnock Town Centre Strategy, which seeks to improve all of the various functions that the town centre provides.

The proposed works under this application are integral to the operational needs of this existing use and will ensure the long term safety and security of the immediate environment. Overall, it is considered the proposal accords with the aims of the Kilmarnock Town Centre strategy.

Scottish Historic Environmental Policy

6.7 Scottish Historic Environmental Policy (SHEP) is Historic Scotland's main source of advice to planning authorities on a range of matters affecting listed buildings and conservation areas. New development in conservation areas which is well designed, respects the character of the area and contributes to its enhancement, should be welcomed.

Listed buildings are protected under the Planning (Listed Buildings and Conservation Areas) Scotland) Act 1997. In assessing an application for listed building consent, the planning authority is required to have special regard to the desirability of preserving the building, its setting, or any features of special architectural or historic interest which it possesses. Whilst noting that Historic Scotland have no objections to the proposals, their advice has been taken on board to ensure the locations for the equipment will have a minimal impact to the integrity of the historic fabric of the building. It is considered therefore that the proposal is in keeping with the SHEP.

Supplementary Planning Guidance

6.8 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 important heritage and townscape assets include the architecture of this Outstanding Conservation Area.

It is noted that this application seeks to undertake the installation of CCTV and external lighting to improve the security of a Category B listed building, which forms part of a larger Group A listing. Subject to selecting the least prominent locations for the CCTV and lighting, in turn, this will benefit Kilmarnock's historic core by ensuring that the security of this listed building, and its immediate environs, is not compromised. The application is considered therefore to comply with this guidance.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of these applications.

7.2 If Members choose to grant listed building consent for the proposed works, the application requires to be notified to Historic Scotland prior to any decision notice being released.

8. CONCLUSIONS

8.1 As indicated at Section 5 of the report the applications are considered to accord with the policies of the Adopted Local Plan. Therefore given the terms of Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 the applications should be approved unless material considerations indicate otherwise.

8.2 As indicated at Section 6 of the report there are material considerations relevant to these applications. The proposal accords with Policy ENV4 of the Finalised EALP with Modifications as it is not considered that the proposed CCTV cameras and external lighting will have an adverse impact on the visual quality of the Listed Building or the John Finnie Street and Bank Street Outstanding Conservation Area. The number and positions of the proposed cameras have been fully considered and appropriate amendments have been undertaken noting comments received from the consultation process. The cameras and lighting will provide additional security for this building whilst also respecting the architectural features and location of this listed building within the outstanding conservation area.

9. RECOMMENDATION

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

9.2 It is recommended that the application for listed building consent be approved subject to notification to Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Act 1997 and subject to the conditions on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the applications be refused contrary to the recommendation of the Head of Planning and Economic Development they will not require to be referred to the Full Council as there would be no significant breach of policy.

Alan Neish
Head of Planning and Economic Development

FMF/KW
28 September 2009

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Adopted East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan.
6. Finalised East Ayrshire Local Plan with Modifications.
7. Scottish Historic Environment Policy.

Anyone wishing to inspect the above papers please contact Robert Beaton on 01563 576770.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 09/0433/PP

Site of Proposal: Civic Centre North
19 John Dickie Street
Kilmarnock
East Ayrshire
KA1 1HW

Nature of Proposal: Install CCTV and External Lighting

Name & Address of Applicant: East Ayrshire Council
Council Offices
Lugar
Cumnock
KA18 3JQ

DPO's Reference: FMF/KW

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

1. Notwithstanding the approved plans, prior to the cameras and lighting being installed on site details of their method of fixing (which shall use non ferrous materials) to the building shall be submitted to and approved by the Planning Authority.

Reason: In the interests of the quality of the stonework of this listed building.

2. Further to condition 1 above, the cameras and lighting shall be fixed to the building in accordance with the approved method and shall be maintained thereafter in accordance with the approved details.

Reason: In the interests of the quality of the stonework of this listed building.

3. Within 3 months of such date as the cameras and lighting become redundant and are no longer required they shall be removed and the stonework repaired in accordance with a scheme to be agreed in writing with the Planning Authority.

Reason: In the interest of the character of this listed building.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 09/0434/LB

Site of Proposal: Civic Centre North
19 John Dickie Street
Kilmarnock
East Ayrshire
KA1 1HW

Nature of Proposal: Install CCTV and External Lighting

Name & Address of Applicant: East Ayrshire Council
Council Offices
Lugar
Cumnock
KA18 3JQ

DPO's Reference: FMF/KW

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

1. Notwithstanding the approved plans, prior to the cameras and lighting being installed on site details of their method of fixing (which shall use non ferrous materials) to the building shall be submitted to and approved by the Planning Authority.

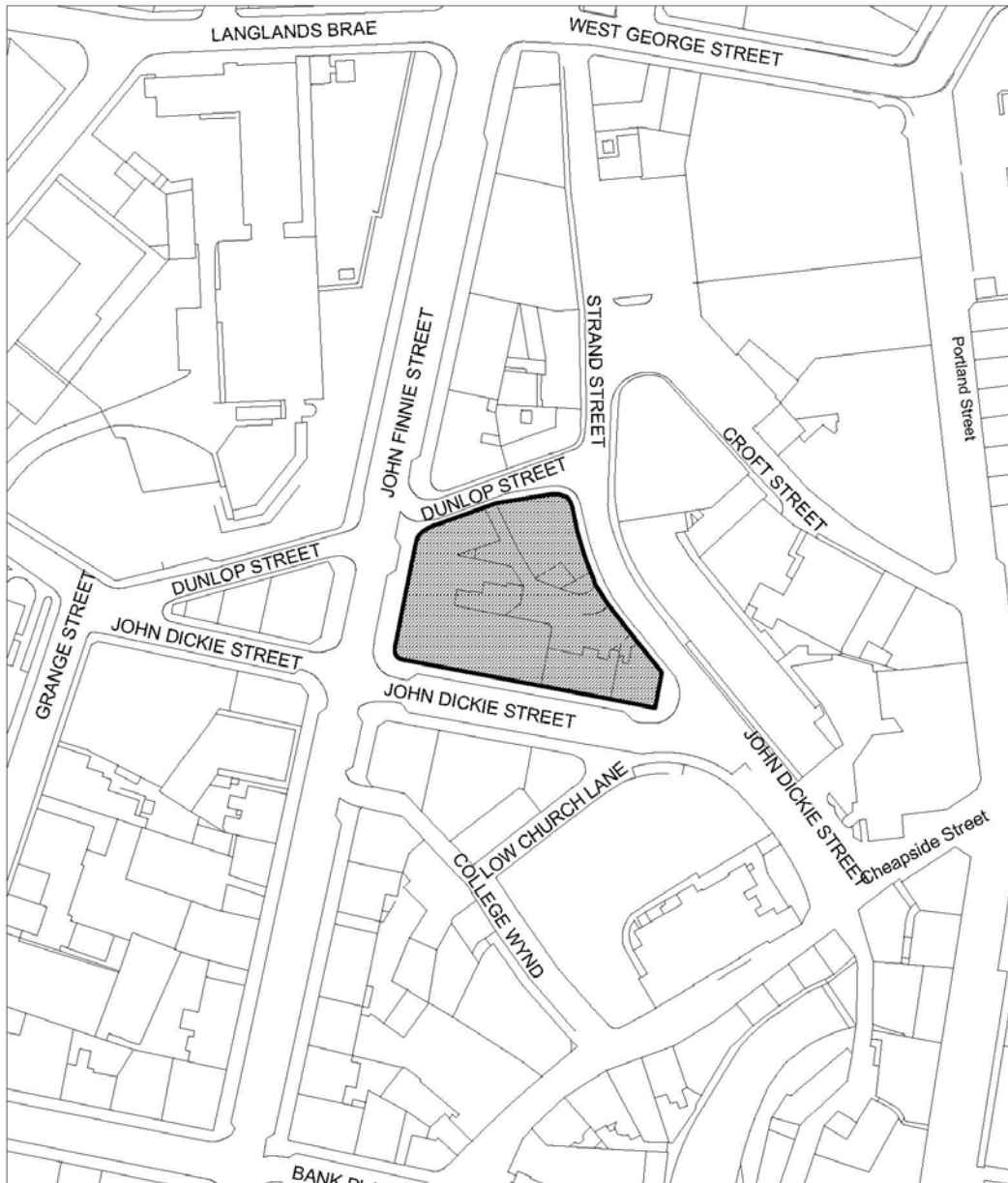
Reason: In the interests of the quality of the stonework of this listed building.


2. Further to condition 1 above, the cameras and lighting shall be fixed to the building in accordance with the approved method and shall be maintained thereafter in accordance with the approved details.

Reason: In the interests of the quality of the stonework of this listed building.

3. Within 3 months of such date as the cameras and lighting become redundant and are no longer required they shall be removed and the stonework repaired in accordance with a scheme to be agreed in writing with the Planning Authority.

Reason: In the interest of the character of this listed building.



<p>Title/Location Civic Centre North</p> <p> Kilmarnock</p> <p> Application No. 09/0433/FL & 09/0434/LB</p>	<p>East Ayrshire Council</p> <p>Planning & Economic Development Division.</p> <p>6 Croft Street Kilmarnock KA1 1JB</p> <p>Tel: (01563) 576790 Fax: (01563) 576774</p> <p>E-Mail : Planning@east-ayrshire.gov.uk</p>
<p>Key</p> <p> Application Site</p>	<p>Com Date: 09/10/09 Checked By</p>



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