

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 8 OCTOBER 2010

10/0515/PP : FORMATION OF NEW ENTRANCE IN SHOPFRONT FOR EXISTING RETAIL UNIT AND AMENDED ENTRANCE DETAILS TO NEW OFFICE ACCOMMODATION

10/0525/LB: FORMATION OF NEW ENTRANCE IN SHOPFRONT FOR EXISTING RETAIL UNIT AND AMENDED ENTRANCE DETAILS TO NEW OFFICE ACCOMMODATION

AT 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=10/0515/PP>

: <http://eplanning.east-ayrshire.gov.uk/online/caseFile.do?category=application&caseNo=10/0525/LB>

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed as part of the overall refurbishment works currently taking place, to install a new entrance in the existing shopfront on Strand Street to facilitate a separate entrance from that used for Torbet's retail shop.

1.2 It is also proposed to form an amended entrance to the offices proposed as part of the current refurbishment works altering the configuration of the entrance details and creating separate entrances for the shopfront and offices.

2. RECOMMENDATION

2.1 It is recommended that planning application no. 10/0515/PP should be approved subject to the conditions indicated on the attached sheet.

2.2 It is recommended that listed building application no. 10/0525/LB should be approved subject to the conditions indicated on the attached sheet and subject to notification to 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 Development Plan.

3.2 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 result in new entrance arrangements for both the existing Torbet's retail unit and the new office accommodation which can be undertaken without compromising the listed integrity of this building, nor the character of the surrounding buildings. It is also noted that Historic Scotland do not object to the applications.

CONTRARY DECISION NOTE

Should the Committee agree that the applications be refused contrary to the recommendation of the Head of Planning and Economic Development, the applications would not require to be referred to the Council, under the terms of the Scheme of Delegation because such a decision 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.

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 9 OCTOBER 2010

10/0515/PP : FORMATION OF NEW ENTRANCE IN SHOPFRONT FOR EXISTING RETAIL UNIT AND AMENDED ENTRANCE DETAILS TO NEW OFFICE ACCOMMODATION

10/0525/LB: FORMATION OF NEW ENTRANCE IN SHOPFRONT FOR EXISTING RETAIL UNIT AND AMENDED ENTRANCE DETAILS TO NEW OFFICE ACCOMMODATION

AT FORMER JOHNNIE WALKER BUILDING, CROFT STREET AND STRAND STREET, KILMARNOCK BY ALCHEMIST PROPERTIES

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 Planning Permission and an application for Listed Building Consent, which are 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 just 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 modern building at 6 Croft Street which is currently occupied by the Planning and Economic Development Service and lies outwith the Outstanding Conservation Area boundary.

2.3 **Proposed Development:** It is proposed as part of the overall refurbishment works currently taking place, to install a new entrance in the existing shopfront on Strand Street to facilitate a separate entrance from that used for Torbet's retail shop.

2.4 It is also proposed to form an amended entrance to the offices proposed as part of the current refurbishment works altering the configuration of the entrance details and creating separate entrances for the shopfront and offices.

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 objections to the principle of the entrance but have requested design amendments to ensure less disruption to the shop-front character of the ground floor of this building.

These matters were discussed with the applicant's agent who has amended the design which Historic Scotland have confirmed is acceptable.

3.3 East Ayrshire Council Conservation Area Regeneration (CARS) Team has requested further design detail where the entrance door meets the new canopy/shopfront fascia.

This matter can be conditioned to require these details should Members choose to grant consent.

3.4 East Ayrshire Access Panel has advised that automatic doors should be considered for both Torbet's and the new entrance.

The applicant's agent has confirmed that the entrance doors to the offices will be automatic and this matter can be conditioned to ensure that automatic doors are installed.

4. REPRESENTATIONS

4.1 No letters of objection have been received relating to the proposed development following 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. The development plan comprises the Approved Ayrshire Joint Structure Plan (AJSP) (2007) and the Adopted East Ayrshire Local Plan (EALP) (2003).

Ayrshire Joint Structure Plan

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

Adopted East Ayrshire Local Plan (EALP) (2003)

5.3 Policy ENV4 states that the Council will seek to ensure that all development within or affecting the setting of a Conservation Area or affecting the appearance or 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. Wherever possible, all 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 or building concerned.

These applications seek to form new entrance doors in an existing opening within the shopfront at the ground floor of the existing building which will serve the retail unit and also the new offices. The design is acceptable and is to the satisfaction of Historic Scotland as it will be appropriate to the listed design and character of the building.

5.4 Through Policy ENV7, 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.

The design of these entrances does not impact adversely on the listed building nor on the character of the surrounding Outstanding Conservation Area. The ground floor of this building is characterised by large open shopfront windows which will not be amended as a result of the current refurbishments and the proposed entrances will be formed within the current openings. The proposed works are therefore appropriate in terms of Policy ENV7.

6. ASSESSMENT AGAINST 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, the planning history of the site and the supplementary

planning guidance comprising the Conservation Area Management Plan and the SHEP.

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

6.2 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.

The design of these entrances does not impact adversely on the listed building nor on the character of the surrounding outstanding conservation area. The ground floor of this building is characterised by large open shopfront windows which will not be amended as a result of the current refurbishment works and the proposed entrances will be formed within the current openings. The proposed works are therefore appropriate in terms of Policy ENV9.

Consultation Responses

6.3 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

6.4 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.

6.5 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 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.

6.6 Planning application No. 10/0526/PP and Listed Building Application No. 10/0527/LB for the relocation of existing dry riser inlets are before this Committee

for determination as part of a separate report. These applications propose amendments to the approved scheme for this building although the dry riser proposed for Strand Street would be within the entrance applied for as part of the applications detailed in this report.

Supplementary Planning Guidance

6.7 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.

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

6.8 Historic Scotland produces the Scottish Government's Scottish Historic Environment Policy (SHEP) which provides guidance for proposals which affect listed buildings and Conservation Areas. The Guidance states in general that external works should be appropriate in design terms to the character of the listed building and Outstanding Conservation Area.

The proposed entrance details have been amended and are now to the satisfaction of Historic Scotland and will be formed within existing ground floor shopfront openings without detrimentally affecting the character of the listed building and 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 that came into force on 3 August 2009, both applications require 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 these applications 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 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 result in new entrance arrangements for both the existing Torbet's retail unit and the new office accommodation which can be undertaken without compromising the listed integrity of this building, nor the character of the surrounding buildings. It is also noted that Historic Scotland do not object to the applications.

9. RECOMMENDATION

9.1 It is recommended that planning application no. 10/0515/PP should be approved subject to the conditions indicated on the attached sheet.

9.2 It is recommended that listed building application no. 10/0525/LB should be approved subject to the conditions indicated on the attached sheet and subject to notification to Historic Scotland under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

CONTRARY DECISION NOTE

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

Alan Neish
Head of Planning & Economic Development

28 September 2009

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. Alteration to the East Ayrshire Local Plan, Finalised Draft with Modifications
7. Application No 07/0608/FL
8. Application No 07/0609/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 & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 10/0515/PP

Location	Former Johnnie Walker Building Strand Street Kilmarnock East Ayrshire
Nature of Proposal:	Formation of new entrance in shopfront for existing retail unit and amended entrance details to new office accommodation
Name and Address of Applicant:	Alchemist Properties Ltd 3/4 135 Buchanan Street Glasgow G12JA
Name and Address of Agent	I10 Design Ltd 4 Woodside Place Glasgow G3 7QF

Officer's Ref: Fiona Finlay
 01563 576798

The above Planning Permission application should be APPROVED subject to the following condition.

1. Prior to any work commencing on site further details shall be submitted to and approved in writing by the Planning Authority that clarify the detail and finish of the junction of the down-stand brickwork over the entrance door where it meets the new canopy/fascia.

REASON In order to ensure that the proposed works are appropriate to the character of the listed building and surrounding Outstanding Conservation Area.

Advisory Notes

1. For the avoidance of doubt this consent grants only the permission in so far as it relates to the new proposed pedestrian entrances to be formed in the building and does not convey any consent for the proposed signage zones or other detail shown on the submitted plans which will be addressed separately.

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.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 10/0525/LB

Location	Former Johnnie Walker Building Strand Street Kilmarnock East Ayrshire
Nature of Proposal:	Formation of new entrance in shopfront for existing retail unit and amended entrance details to new office accommodation
Name and Address of Applicant:	Alchemist Properties Suite 2/3 135 Buchanan Street Glasgow G1 2JA
Name and Address of Agent	I10 Design Ltd 4 Woodside Place Glasgow G3 7QF

Officer's Ref: Fiona Finlay
01563 576798

Subject to notification to the Scottish Ministers

The above Listed Building application should be APPROVED subject to the following condition.

1. Prior to any work commencing on site further details shall be submitted to and approved in writing by the Planning Authority that clarify the detail and finish of the junction of the down-stand brickwork over the entrance door where it meets the new canopy/fascia.

REASON In order to ensure that the proposed works are appropriate to the character of the listed building and surrounding Outstanding Conservation Area.

2. For the avoidance of doubt automatic doors shall be installed at the entrance to the offices hereby approved.

REASON To enable appropriate access to the office accommodation.

Advisory Notes

1. For the avoidance of doubt this consent grants only the permission in so far as it relates to the new proposed pedestrian entrances to be formed in the building and does not relate to any consent for the proposed signage zones or other detail shown on the submitted plans which will be addressed separately.

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 warrant refusing consent.

