

## EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 02 JUNE 2006

**06/0145/FL; PROPOSED ALTERATION TO FORM WINDOW TO REAR ELEVATION 06/0146/LB; ERECTION OF SIGNAGE TO FRONT ELEVATION OF EXISTING BUILDING AND FORMATION OF WINDOW TO REAR ELEVATION  
AT: FORMER KILMARNOCK FIRE STATION, 102 TITCHFIELD STREET, KILMARNOCK  
BY: KIRSTINE GILMOUR**

### Report by Head of Planning, Development & Building Standards

#### 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application and listed building application which are to be considered by the Local Planning Committee under the scheme of delegation as they are subject to objections and are recommended for refusal.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is the southern corner of the ground floor of the B-listed former Kilmarnock Fire Station. Brigade Court is four storeys in height and of Art-Deco design. Built in 1937, the facade and southern elevation of the building is finished in red facing brick with decorative concrete mouldings. The rear of the building is finished in a smooth cream painted render. The building was converted from a fire station to retail units on the ground floor and flatted dwellings on the second, third and fourth floors in 1994. The site is bound by other retail units on the ground floor to the north, by the modern single storey Blockbuster Video building to the south, a car park/ delivery access bay associated with Brigade Court, MFI beyond to the east and The Galleon Leisure Centre to the west.

2.2 **Proposed Development:** Full planning permission is sought for alterations to the premises for the formation of a UPVC window to the rear to allow natural light to a mezzanine floor installed within the retail unit which recently opened as a hairdressing and beauty salon. Listed Building Consent is also sought for the formation of the window and for the formation of individual metallic letters fixed onto a white backboard above the shop front and for a sign board situated adjacent to the entrance door, with metallic silver lettering. The works and signage are retrospective as they have already been installed on site.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 The East Ayrshire Council Environmental Health, Licensing & Community Safety Division, and The Piersland/Bentick Community Council have not responded to their consultation letter at the time of writing this report.

***Noted.***

3.2 The Architectural Heritage Society of Scotland has no adverse comments to make on the proposed development

***Noted.***

3.3 Historic Scotland has offered the following informal comments:

Brigade Court has a strong symmetrical character and they advise that applications for signage or any other external alterations to the facade are considered in terms of their impact on the building as a whole.

They would advise against the signage above the shop and recommend that any appropriate signage is kept below the band course between ground and first floor.

Small individual letters, with fixings into the mortar, not the brick would be more appropriate.

Signage could also be located within the shop window and they would also advise against the proposed signboard which would cover an expanse of brickwork and alter the rhythm of the façade.

***The concerns expressed by Historic Scotland are supported by this Division. This Division has written to the applicant and their agent and has met with the applicant outlining its concerns and suggesting alternative proposals. No acceptable alternatives have been submitted to this Division and neither the agent/applicant has formally responded to the correspondence.***

### 4. REPRESENTATIONS

4.1 Two letters of objection have been received to the proposed development. A summary of the grounds of objection are as follows:

4.2 The title deeds relating to the property state that proprietors of the commercial units can erect signage only if it does not exceed 500mm in height and in order to preserve the uniformity in the external appearance of the building no change shall be made in the colour scheme or mode of decoration or finish to the exterior of the building of the flats or commercial units.

***The content of the title deeds would be a legal matter between the applicant and the objectors.***

4.3 The signage is both inconsistent and out of place with the external appearance of the building. The proposed signs are very large, cover a significant portion of the walls and totally detract from the symmetrical appearance of the Brigade Court façade.

***Members are referred to Section 5 of the report.***

4.4 The window does not preserve the uniformity of the external appearance of the building whilst the attempts to paint the replacement render were done in light yellow whilst the building was painted in cream. The rear wall looks very odd having ground floor windows of different styles, different window types and at different heights to each other.

***Members are referred to Section 5 of the report.***

4.5 No attempt was made by the applicant to clean up the debris and mess to the rear of the building during the period of construction.

***The alleged untidy condition of the communal areas of Brigade Court throughout the period the hairdressing salon was undergoing alterations are a matter for the residents and the applicant and is not a material consideration in the determination of these applications.***

4.6 The car parking spaces for the residents are blocked by the vehicles of the applicant and her staff.

***The ownership and use of the car parking spaces is a legal matter between the applicant and the objectors.***

4.7 They object to the freestanding signboards placed by the applicant at the front of the premises on the pavement.

***The freestanding sign boards do not form part of these applications and as such the Roads Division have been informed of their presence on the public footpath.***

4.8 The signs do not comply with East Ayrshire Council Planning guidance which specifies shop front signs on listed buildings should be sensitive to the building in terms of size, scale and position.

***Members are referred to Section 5 of the report.***

4.9 Contempt has been shown towards the neighbours and East Ayrshire Council as no neighbour notifications have been received.

***The applicant has indicated that the neighbour notification process has been carried out and there is a signed certificate of neighbour notification to that effect. Following complaints that no neighbour notification was received by neighbours, this Division has written to the applicant and her agent. Neither the applicant nor her agent, have responded this correspondence. (It should be noted that the neighbour notification procedure does not apply to the Listed Building Consent Application.)***

***It remains the case that neighbour notification has been certified and in as much as there have been objections received and because public awareness of the proposal is already acute (because the works have already been undertaken) it is not considered that the proper determination of the application would be well served by further delay arising from continuing to pursue the issue of the neighbour notification process. It is also noted that the listed building application has been advertised.***

## **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 this application the development plan comprises the Approved Ayrshire Joint Structure Plan (1999) and the Adopted East Ayrshire Local Plan (EALP).

### The Adopted Ayrshire Joint Structure Plan

5.2 There are no specific policies within the Ayrshire Joint Structure Plan relevant in the determination of this application.

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

5.3 Policies ENV4 and ENV7 of the Adopted EALP are specifically relevant in the consideration of this application.

5.4 Policy ENV4 seeks to ensure all development affecting the appearance or setting of a Listed Building is sympathetic to the building in terms of layout, size, scale, design, siting materials and colour or finish. Policy ENV7 states that developers will be expected to comply fully with the Council's existing and emerging Design Guidance and Policy Documents. In this regards East Ayrshire Planning Design Guidance 4, "Listed Buildings and Buildings within Conservation Areas", is relevant and advises that signs on Listed Buildings should be sensitive to the character of the area or building in respect of their size, scale, location

materials, design and finish. All new windows on a listed building should reflect the style, materials and proportion of windows appropriate to the architectural style and period of the property.

***It is considered the proposed development does not accord with Policy ENV4 or ENV7 of the Adopted EALP. The design, size, scale, materials and finish of the signage are considered inappropriate and insensitive to the character of the art-deco inspired design of the former Kilmarnock Fire Station. The window to the rear of the building is at the level of the internal mezzanine floor and therefore is considered to further detract from the symmetrical and vertical emphasis of the building, which is a design feature of this listed building. The proposed size and design of the window detracts from the character of the listed building.***

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

6.1 The principal material considerations relevant in the consideration of this application are the Memorandum of Guidance on Listed Buildings and Conservation Areas (1998), NPPG 18 "Planning and the Historic Environment", the consultation responses, and letters of objection detailed in Sections 3 and 4 of the report and planning history of the site.

### Memorandum of Guidance

6.2 The Memorandum of Guidance states that the value of a building may be lost and the character of a historically important area undermined by insensitive changes. When considering alterations to a listed building it is important that the planning authority carefully assesses whether what is proposed might affect its character as a building of special architectural or historic interest. When considering applications for alterations planning authorities should satisfy themselves that no unnecessary damage to historic structures will be caused, that additions are in keeping with other parts of the building and that any new external features harmonise with their surroundings. Authorities must also consider the contribution that the building makes to the street or area in which it stands.

***It is considered that the proposal fails to meet the provisions of the Memorandum of Guidance. The proposed signage is not inkeeping with the architectural and historic character of the building. The proposed window to the rear is not in keeping with the existing building and is not considered to be of an appropriate size and design whilst the materials and design of the signage are not considered to compliment the symmetrical emphasis of this art-deco period building.***

## NPPG 18 Planning and Historic Environment

6.3 NPPG18 states in paragraph 38 that Planning Authorities in decision making should ensure that development is of a high quality in terms of construction and design. Authorities should pay regard to scale, proportions, materials and the historic character of adjacent buildings and the surrounding areas. NPPG18 further states that Planning Authorities must pay special attention to the desirability of preserving or enhancing the character of the designated area. Any proposal that would conflict with the objective of preserving or enhancing the character or appearance of the designated area, should not be granted permission.

***It is considered that the proposals are of poor design which bears no relationship to the high quality art-deco design of the building and fails to respect the size and scale of the signage already displayed on the building, which is in keeping with the character of the listed building. Furthermore the proposed window to the rear elevation bears no relationship to the window fenestration on the rear of the building. It is therefore considered that the proposed development will have an adverse effect on the visual quality and setting of the listed building.***

## Consultations and Representations

6.4 The consultations and representations received are addressed in Sections 3 and 4 of the report. The consultation response from Historic Scotland and the objectors are not supportive of the proposed development and indicate that the applications should be refused.

## Planning History

6.5 KL/W/93/264A Proposed change of use and alterations from Fire Station and 3 flats to form 9 flats and 3 retail units. (Approved on 09 February 1994). This development has been implemented on site.

6.6 KL/E/93/264B Proposed new shop fronts and alterations to front and rear entrances. (Approved on 08 August 1994 for the adjacent units).

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

7.1 There are no financial or legal implications for the Council in determining these applications, although as the application is retrospective, Members are advised that enforcement action will be instigated to pursue the removal of the signage and rear window, in the event the applications are refused.

## **8. CONCLUSIONS**

8.1 As indicated at Section 5 of the report the applications are not considered to accord with the policies of the Adopted Local Plan. Therefore given the terms of Sections 25 and 37 of the Town and Country Plan (Scotland) Act 1997 the applications should be refused unless material considerations indicate otherwise.

8.2 As indicated at Section 6 of the report there are material considerations relevant to the applications and they are not supportive. The proposed signage and window is not in keeping with the historic and architectural character of the listed building. The concerns of the objectors and Historic Scotland are material in the determination of the applications. The proposed signage detracts from the art-deco style of the building in terms of design, size, scale and materials. The proposed window fails to compliment the architectural style and period of this listed building.

## **9. RECOMMENDATION**

**9.1 It is recommended that the planning application be refused for the reasons indicated on the attached sheet.**

**9.2 It is recommended that the listed building application be refused for the reasons indicated on the attached sheet.**

## **CONTRARY DECISION NOTE**

Should the Committee agree that the applications be approved contrary to the recommendation of the Head of Planning, Development and Building Standards they would not require to be referred to the Development Services Committee as there would be no significant breach of policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

25 May 2006  
(BD/RH)

FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application form and plans
2. Statutory Notices and certificates
3. Consultation responses
4. Letters of objection
5. Adopted East Ayrshire Local Plan
6. Approved Ayrshire Joint Structure Plan
7. Memorandum of Guidance on Listed Buildings and Conservation Areas
8. NPPG 18 Planning and the Historic Environment
9. Planning Application nos: KL/W/93/264A; KL/E/93/264B

Anyone wishing to inspect the above papers please contact Barry Douglas on 01563 576770.

***Implementation Officer: Dave Morris***

**EAST AYRSHIRE COUNCIL**

**TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997**

Application No:06/0146/LB

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Site of Proposal: 102 Titchfield Street  
KILMARNOCK  
KA1 1PH

Nature of Proposal: Erection Of Signage To Front Elevation Of  
Existing Building And Formation Of Window To  
Rear Elevation

Name & Address of Applicant: Kirstine Gilmour  
8 Queen Street  
KILMARNOCK  
KA1 3DB

Name & Address of Agent: Robert Bloor Architect  
9 Blacket Place  
EDINBURGH  
EH9 1RN

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DPOs Reference: <<BD/RH>>>

The above LISTED BUILDING application should be refused for the following reasons:

1. The proposed signage would detract from the character and amenity of the Listed Building by reason of its size, scale, design and materials and would therefore be contrary to Policies ENV 4 and ENV 7 of the Adopted East Ayrshire Local Plan.
2. The proposed window would detract from the symmetrical and vertical emphasis of the listed building and therefore be contrary to Policies ENV4 and ENV7 of the Adopted East Ayrshire Local Plan.
3. The proposed signage and window would be contrary to the guidance regarding listed buildings contained in the Memorandum of Guidance on Listed Buildings and Conservation Areas and NPPG18 "Planning and Historic Environment", as they would have a detrimental effect on the character and amenity of the listed building.

**EAST AYRSHIRE COUNCIL**

**TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997**

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8 Queen Street  
KILMARNOCK  
KA1 3DB

Name & Address of Agent: Robert Bloor Architect  
9 Blacket Place  
EDINBURGH  
EH9 1RN

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DPOs Reference: <<BD/RH>>>

The above FULL application should be refused for the following reasons:

1. The proposed window would detract from the symmetrical and vertical emphasis of the listed building and therefore be contrary to Policies ENV4 and ENV7 of the Adopted East Ayrshire Local Plan.
2. The proposed window would be contrary to the guidance regarding listed buildings contained in the Memorandum of Guidance on Listed Buildings and Conservation Areas and NPPG18 "Planning and Historic Environment" as the window would have a detrimental effect on the character and amenity of the listed building.

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VIEWING PLEASE CONTACT (01563) 576790.**