

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 15 SEPTEMBER 2005

**05/0701/LB: PROPOSED INSTALLATION OF WALL MOUNTED STREET
LIGHTING UNITS AND ASSOCIATED CABLING
AT 108-114 JOHN FINNIE STREET, KILMARNOCK
BY EAST AYRSHIRE COUNCIL'S ROADS AND TRANSPORTATION
DIVISION**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Listed Building Consent is sought for the erection of two wall mounted lighting units and associated cabling onto the front elevation. The proposed lighting units will be situated on the first floor of the properties, the first located adjacent to the corner of 108 John Finnie Street and Nelson Street and the second between two windows at the opposite end of the building. The lighting units and wall mounted brackets will be constructed of galvanised steel and painted black. The lighting units will extend from the building by 1 metre.

2. RECOMMENDATION

2.1 It is recommended that the listed building application be approved subject to the conditions indicated on the attached sheet.

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the report the application is considered to accord with the policies of 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 at Section 6 of the report there are material considerations. The concerns of the objector are noted however they are not considered to be of sufficient weight to justify a recommendation of refusal particularly now that the scheme has been amended. The proposed lighting units are considered to be appropriate in design, scale and external finish to the Listed Building and Conservation Area.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards it will not require to be referred to the Development Services Committee as there would be no significant breach of Council policy.

Alan Neish

Head of Planning, Development and Building Standards

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, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a Listed Building application which is to be considered by the Local Planning Committee under the scheme of delegation as it is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is 108-114 John Finnie Street a grade C(s) red sandstone Listed Building which also forms part of the John Finnie Street Group A listing. The property is also located in the John Finnie Street and Bank Street Outstanding Conservation Area. It is surrounded by other commercial properties. There is a hot food carry out on the ground floor with a flat and storage on the first and second floors.

2.2 **Proposed Development:** Listed Building Consent is sought for the erection of two wall mounted lighting units and associated cabling onto the front elevation. The proposed lighting units will be situated on the first floor of the properties, the first located adjacent to the corner of 108 John Finnie Street and Nelson Street and the second between two windows at the opposite end of the building. The lighting units and wall mounted brackets will be constructed of galvanised steel and painted black. The lighting units will extend from the building by 1 metre.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Architectural Heritage Society of Scotland have no objections and find the proposals acceptable.

Noted.

3.2 Historic Scotland offer informal comments regarding the use of non-ferrous fixings, and recommend that the feeder pillars and cabling is manufactured to match the colour of the building. They also suggest that the cabling should be hidden by the architectural features of the building to maximise discretion.

The issues regarding the type of fixings and the colour of the pillars and cabling can be addressed by attaching conditions to any grant of Listed Building Consent. The proposed location of the cabling on the building follows the architectural feature of the building and therefore complies with their requirement.

4. REPRESENTATIONS

4.1 There is one objector to the proposed development and the grounds of objection are as follows:-

4.2 Intrusion of privacy;
Ability to enjoy property affected;
It is a listed building;
The light is not essential;
Damage to property;
Light shining into rooms.

The objector has been in contact with both the Planning and Roads Divisions regarding the above issues. The above concerns were raised in reaction to the proposed lamp being located on the second floor of the property and the lamp being adjacent to a bedroom. In an attempt to resolve the objector's concerns the applicant has altered the position of the lamp from the second floor of the property to the first floor, to solve the issue of light shining in the bedroom. The lamp has been centred between the two windows and the applicant has offered to paint the back side of the lamp to minimise the effect of the lamp on the building.

This lamp is one in a series of lamps proposed for John Finnie Street as part of an improvement scheme that is currently underway by the Roads and Transportation Division of the Council. The proposals involve the removal of the lamp standards from John Finnie Street and the erection of the proposed lamps in their place. The purpose of this scheme is to improve the aesthetic appearance of John Finnie Street and de-clutter the street by the removal of the lamp standards. It is considered that the amended location of the proposed wall light will not have a detrimental impact on the listed building or the residential amenity of the occupiers.

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).

Ayrshire Joint Structure Plan

5.2 The proposed development does not raise any issues of a strategic nature.

Adopted EALP

5.3 Policy ENV 4 seeks to ensure 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 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.

The proposed street lighting units are in keeping with the character and appearance of the listed building and the John Finnie Street and Bank Street Outstanding Conservation Area.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation replies and letter of objection detailed in Sections 3 and 4 of the report.

Consultation Responses and Representations Received

6.2 The consultations and representations received are addressed in Sections 3 and 4 of the report. Both Historic Scotland and The Architectural Heritage Society of Scotland have no overriding concerns regarding the proposal. The issues raised by the objector regarding intrusion of privacy and light shining into a bedroom have been addressed by altering the location of one of the light units. The design of the proposed lighting units is considered to be in keeping with the listed building.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As is indicated in Section 5 of the report the application is considered to accord with the policies of 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 at Section 6 of the report there are material considerations. The concerns of the objector are noted however they are not considered to be of sufficient weight to justify a recommendation of refusal particularly now that the scheme has been amended. The proposed lighting units are considered to be appropriate in design, scale and external finish to the Listed Building and Conservation Area.

9. RECOMMENDATION

9.1 It is recommended that the listed building application be approved subject to the conditions indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards it will not require to be referred to the Development Services Committee as there would be no significant breach of Council policy.

Alan Neish
Head of Planning, Development and Building Standards

05 September 2005
(FC/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letter of Representation.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.

Anyone wishing to inspect the above papers please contact Fiona Campbell on 01563 576787.

Implementation Officer: Dave Morris

05/0701/LB

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0701/LB

Site of Proposal: 108 to 114 John Finnie Street
KILMARNOCK
KA1 1BB

Nature of Proposal: Proposed Installation of Wall Mounted Street
Lighting Units and Associated Cabling

Name & Address of Applicant: Tom Malcolmson
EAC Roads and Transportation Division
Greenholm Street
KILMARNOCK
KA1 4DR

Name & Address of Agent:

DPOs Reference: FC/MMM

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

1. The proposed development shall be carried out in accordance with the application form and plans submitted on 22 June 2005 as superseded by the "Amended" photo montage. Notwithstanding the details hereby approved all fixings to be used in the erection of the wall mounted lighting units shall be non-ferrous.

REASON To minimise the visual impact on the listed building.

2. Notwithstanding the plans hereby approved the 'feeder pillars' and cabling shall be painted in a colour to match the existing building and samples of the colour to be used shall be submitted to and approved in writing by the Planning Authority before any development commences on site and implemented thereafter as approved.

REASON In the interests of visual amenity.

**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.**