

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 17 MAY 2002**

**01/0491/LB: PROPOSED NEW SHOPFRONT AND ERECTION OF FASCIA  
SIGN**

**01/0492/FL: PROPOSED NEW SHOP FRONT  
AT 117 KING STREET, KILMARNOCK  
BY BROWNINGS THE BAKERS**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 This is a Full Planning application for the construction of a new shop front and a Listed Building application for the construction of a new shop front and fascia sign. The applications are retrospective as the works have already been carried out on site. The shopfront comprises a timber stallriser and the frame painted brown. The fascia sign installed is deeper than that the fascia sign previously on the building and now conforms with the depth of neighbouring units previously Youngs and Riddicks the Jewellers. The sign is formed from a foamex material with white background set onto a timber fascia board. Two aluminium grilles have been installed on the fascia board and are to be painted white to match the sign background. The applicant's agent has advised that it is not possible to re-locate these grilles, which are part of the ventilation system, as such practice would have required the ducts to be taken through other occupiers' premises incurring the installation of fire collars and dampers. The proposed fascia sign does not require advertisement consent, in terms of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

**2. RECOMMENDATION**

***2.1 The planning and listed building applications should be approved subject to the conditions on the attached sheet.***

**3. CONCLUSIONS**

3.1 As indicated in Section 5 of the report the applications are considered to be in accordance with the development 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 is indicated in Section 6 of the report, there are relevant material considerations. Both the East Ayrshire Local Plan Finalised Version with Modifications and Memorandum of Guidance on Listed Buildings and Buildings in Conservation Areas are supportive of the proposal. Historic Scotland have no adverse comments to make regarding the proposed development. The comments received from AHSS whilst noted are not considered to be of such significance that would warrant refusal of these applications. The proposal will result in a timber shopfront and whilst the fascia board will be deeper than is generally traditional for the age of the building it will ensure continuity with neighbouring properties. The materials of the fascia board are considered acceptable.

### **CONTRARY DECISION NOTE**

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

**Alan Neish**  
**Head of Planning and Building Control**

**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 Building Control**

**1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present for determination a joint report regarding a Full Planning application and a Listed Building application which are to be considered by the Local Planning Committee under the scheme of delegation because the proposed development has been the subject of an objection.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The application site comprises the ground floor shop unit formerly occupied by Gardners the Bakers at 117 King Street, Kilmarnock. The site lies within the pedestrian area of King Street and is a two storey traditional property. The site lies on the west side of King Street and is bounded to the east and west by other retail/commercial properties. The property comprises part of a category 'C'(S) Listed Building.

2.2 **Proposed Development:** This is a Full Planning application for the construction of a new shop front and a Listed Building application for the construction of a new shop front and fascia sign. The applications are retrospective as the works have already been carried out on site. The shopfront comprises a timber stallriser and the frame painted brown. The fascia sign installed is deeper than that the fascia sign previously on the building and now conforms with the depth of neighbouring units previously Youngs and Riddicks the Jewellers. The sign is formed from a foamex material with white background set onto a timber fascia board. Two aluminium grilles have been installed on the fascia board and are to be painted white to match the sign background. The applicant's agent has advised that it is not possible to re-locate these grilles, which are part of the ventilation system, as such practice would have required the ducts to be taken through other occupiers' premises incurring the installation of fire collars and dampers. The proposed fascia sign does not require

advertisement consent, in terms of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

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

3.1 Historic Scotland have advised that it has no adverse comments to make regarding the proposed development.

***Noted.***

3.2 The Scottish Civic Trust has advised that it does not wish to comment on this proposal.

***Noted.***

3.3 The Architectural Heritage Society of Scotland (AHSS) has advised that in spite of neighbouring shops with dropped fascias, they object to this application following suite. It is hoped in future that these properties will be reverted to the traditional proportions more appropriate for a listed building. A narrow fascia over a deadlight would be more acceptable than the deep fascia proposed. In the meantime, the existing properties for this shopfront should be retained to set the standard.

***Noted. Pre-application discussion with Historic Scotland highlighted the fact that it is likely the existing size of the fascia board is based on an earlier Edwardian shopfront and the neighbouring shopfronts maintained it in scale and detail. Even though the proposed fascia board (and those of existing neighbouring properties) are over scaled for a building of this type and period, the Inspectorate recognises that unifying the size of fascia board with its neighbours would have a positive rather than negative effect on the character of the listed building. It is however important that the lowest point of the new fascia board is the same as the bottom of Young's signboard and not level with the bottom of the roller blind.***

***The Inspectorate also support increasing the height of the stall riser to that of the neighbouring shops as this would benefit the character of the listed building considerably. The applications will result in the installation of a timber shop front which will add to the character of Kilmarnock's historic centre.***

3.4 Bonnyton and Woodstock Community Council have not replied to their consultation at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS RECEIVED**

4.1 One letter of representation has been received from the AHSS and their points of objection are detailed in paragraph 3.3 above.

#### **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 be 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 and the Adopted Kilmarnock Local Plan (1985). The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan the proposal would fall to be considered against this document and associated policies. The proposal can be assessed against Policy 4.9.2 of the Adopted Kilmarnock Local Plan which specifies design guidance for alterations to listed buildings. The Policy states that alterations to existing buildings shall be compatible with the scale and design of adjacent buildings. Materials shall be compatible with existing and adjacent buildings and shall comprise what is most appropriate in the particular location. Shopfronts shall be of a design and scale appropriate to the building in which they are located and together with fascia boards shall not cover architectural features. Policy 4.9.5 relates to advertisements and advises that fascia signs shall be non-internally illuminated and relate in design and scale to the existing building and be on timber boarding.

***The alterations now proposed to a category C(S) listed building are considered appropriate in terms of scale, design and materials. As detailed in the response to paragraph 3.3 above, the alterations will be in keeping with the neighbouring shop units and will use traditional materials; ie timber framed shopfront. Whilst the sign is a more modern material it is to be located on a timber fascia board and is of a matt finish. It is also noted that the building is located in a street of generally modern character where there are different styles of buildings. The alterations are considered to comply with the terms of Policy 4.9.2 of the Adopted Kilmarnock Local Plan.***

## 6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant in the determination of this application are the East Ayrshire Local Plan Finalised Version with Modifications (EALP), the Memorandum of Guidance on Listed Buildings and Buildings in Conservation Areas, and the consultation responses received.

### East Ayrshire Local Plan Finalised Version with Modifications

6.2 Policies ENV1 and ENV4 are relevant in the consideration of this application. These policies seek to protect, preserve and enhance listed buildings and ensure that all development affecting the appearance or setting of a listed building, is sympathetic to the building concerned in terms of size, scale, design, materials and colour of finish. All proposals should have due regard to the architectural and historic qualities of the building. These policies were formed to ensure the preservation of all buildings of historic or architectural importance which contribute to townscape character and to ensure that new development is sympathetic to the character of existing buildings of architectural and historic interest.

***it is not considered that the proposed development is contrary to Policies ENV1 and ENV4 of EALP. The works will use traditional materials, or modern materials having a compatible appearance, which are sympathetic to the age and character of the building and the alterations to the shopfront will ensure a development consistent with neighbouring shopfronts. The raising of the height of the stallriser will ensure an improved relationship with neighbouring units and this is the same situation with the proposed deeper fascia board. Whilst the fascia board will be deeper than is generally traditional for the age of the building, it will ensure continuity with neighbouring properties and is preferable to a situation whereby there is a marked difference in style of shopfront resulting in greater visual impact.***

6.3 Policy ENV 7 of EALP expects all developers to comply fully with the Council's Design Guidance. The East Ayrshire Council Design Guidance advises in respect of listed buildings that shopfronts should be carried out in traditional materials, compatible in design, colour and texture with the character and appearance of the building. Stallrisers and fascia boards should take account of the height and design of those on any adjacent properties. 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 signs should be of timber construction or of other materials of traditional appearance, hand-painted in matching, compatible and toning colours.

**See response to paragraphs 6.2 and 6.4 above.**

Memorandum of Guidance on Listed Buildings and Buildings in Conservation Areas

6.4 The Memorandum of Guidance on Listed Buildings and Buildings in Conservation Areas states that shopfronts of definite quality should always be retained but where replacement of an unsympathetic modern shopfront is proposed a more sensitive design should always be sought. If the fascia is excessively deep, the opportunity should be sought to remove it and create a fascia of more appropriate depths and height. New lettering should always be carefully designed to respect the character of the building and should never be above shop fascia level. Traditional hand-painted lettering by sign writers should always be encouraged.

***It is not considered that the shopfront and fascia sign are contrary to the Memorandum of Guidance. The proposed shopfront is formed from traditional materials with a timber frame. The fascia sign is already on site and although not formed from timber is not considered to be incongruous.***

***Whilst the fascia will be of a depth which is not traditional to the building, it is considered acceptable in this instance. The proposed fascia panel will match those of neighbouring properties and will provide some continuity at ground floor level.***

Statutory Consultation Responses and Representations

6.5 The consultation responses and letters of representation have been detailed and considered in Sections 3 and 4 of this report. It is not considered that the issues raised are of such significance as to warrant refusal of these applications.

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

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

7.2 There may be legal implications for the Council in the event of the applications being refused and if enforcement action is pursued.

## **8. CONCLUSIONS**

8.1 As indicated in Section 5 of the report the applications are considered to be in accordance with the development 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 is indicated in Section 6 of the report, there are relevant material considerations. Both the East Ayrshire Local Plan Finalised Version with Modifications and the Memorandum of Guidance on Listed Buildings and Buildings in Conservation Areas are supportive of the proposal. Historic Scotland have no adverse comments to make regarding the proposed development. The comments received from AHSS whilst noted are not considered to be of such significance that would warrant refusal of these applications. The proposal will result in a timber shopfront and whilst the fascia board will be deeper than is generally traditional for the age of the building it will ensure continuity with neighbouring properties. The materials of the fascia board are considered acceptable.

## **9. RECOMMENDATION**

**9.1 The planning and listed building applications should be approved subject to the conditions on the attached sheets.**

### **CONTRARY DECISION NOTE**

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

**Alan Neish**  
**Head of Planning and Building Control**

07 May 2002  
(FMF/MMM/SA)  
FV-DVM

## **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Notice of Public Advertisement.
3. Statutory Consultation Responses.
4. Adopted Kilmarnock Local Plan.
5. East Ayrshire Local Plan Finalised Version with Modifications.
6. Memorandum of Guidance on Listed Buildings and Buildings in Conservation Areas.
7. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Fiona Finlay on 01563 576768.

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

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

01/0491/LB

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Site of Proposal:	117 King Street KILMARNOCK
Nature of Proposal:	Proposed New Shopfront and Erection of Fascia Sign
Name & Address of Applicant:	Brownings The Bakers Unit 1 Bonnyton Industrial Estate Munro Place KILMARNOCK KA1 2NP
Name & Address of Agent:	James W Mair 25 Woodside Avenue KILMARNOCK KA1 1TU

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DPOs Reference: FMF /MMM/SA

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

1. The proposed development shall be carried out in accordance with the application form received on 19 July 2001 and the amended plans and letter received by the Planning Authority on 25 February 2002 and 4 March 2002.

REASON To ensure that development is carried out in accordance with the approved details.

## EAST AYRSHIRE COUNCIL

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

01/0492/FL

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Site of Proposal:	117 King Street KILMARNOCK
Nature of Proposal:	Proposed New Shopfront
Name & Address of Applicant:	Brownings The Bakers Unit 1 Bonnyton Industrial estate Munro Place KILMARNOCK KA1 2NP
Name & Address of Agent:	James W Mair 25 Woodside Avenue KILMARNOCK KA1 1TU

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DPOs Reference: FMF /MMM/SA

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

1. The proposed development shall be carried out in accordance with the application form received on 19 July 2001 and the amended plans and letter received by the Planning Authority on 25 February 2002 and 4 March 2002.

REASON To ensure that development is carried out in accordance with the approved details.

**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.**

<b>AGENDA</b>
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