

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 04 FEBRUARY 2005

**04/0844/FL AND 04/0845/LB: PROPOSED CONVERSION OF FORMER
CHURCH AND CHURCH HALL TO 12 FLATTED DWELLINGS AND
FORMATION OF CAR PARKING AND LANDSCAPING
AT FORMER ST. ANDREWS GLENCAIRN CHURCH,
ST. ANDREWS STREET, KILMARNOCK
BY LUMAX HOMES LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposed development can be detailed as comprising the following components:-

- The existing access will be retained although the stone gateposts will be re-located to accommodate a 4.5 metres wide access. The access lane will be 4 metres wide with a 0.25 metre wide verge covered in rubber matting that will protect the existing trees that are located either side of the access.
- 12 car parking spaces will be provided within the site. Of these spaces, 9 space will be provided to the front of the former Church along the south east boundary and 3 spaces will be provided at the Church hall.
- A separate pedestrian access will be provided to the western boundary at the existing gate. This will include a 1.2 metre wide pathway leading to the main Church and hall.
- The former Church will be converted to provide 9 flats. Four flats will be formed on the ground floor and of these, two flats will provide 1-bedroom and two flats will also be 2-bedroomed with a mezzanine balcony that affords the retention of the Finnie stained glass windows and the organ pipes. The first floor will comprise three flats, one of which is 2-bedroomed and two flats will be 1-bedroom. Two 2-bedroomed flats will be provided in the attic space and to accommodate them velux windows will be formed on the slate roof. The vestibule will be retained as existing and the plaques will be kept on display and the two staircases leading to the first floor will be kept in situ. The Church will be accessed by the existing front entrance and in all communal areas, existing stain glass windows will remain. A disabled access ramp will be formed at the side elevation leading directly into the vestibule. The stained glass windows on the side elevations will be removed although one window of each design is to be donated to the Council's Museum's and Arts Services. Four new

window openings at ground floor level, will be formed on the curved rear elevation to allow daylight to the ground floor flat.

- The organ and pulpit will be removed from the Church and used in other parishes by the Church of Scotland. A parish in Islay is to receive the pulpit and the organ is to be used for repairs.
- The Church Hall will be converted to form 3 flats over 2 floors. Two flats will comprise 1-bedroom and one flat will be 3-bedroomed. Each flat will have its own dedicated entrance and on the ground floor existing openings will be utilised as far as possible with only 2 additional openings formed. All windows will comprise sash and case style to maintain the original design. Velux windows will be formed to allow accommodation on the upper level.
- A bin store will be provided within the grounds to the south side elevation of the main church to accommodate 24 bins. It is proposed to erect a flat roof structure of re-constituted stone base and cope with buff wet dash render.

2. RECOMMENDATION

2.1 It is recommended that the Planning Application No: 04/0844/FL be approved subject to the conditions indicated on the attached sheet.

2.2 It is recommended that the Listed Building Application No: 04/0845/LB should be approved subject to the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997 and subject to the conditions indicated on the enclosed sheet.

3. CONCLUSIONS

3.1 As indicated in Section 5 of this report, the proposal is in accordance with the Development Plan. Given therefore 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 in Section 6 of the report there are relevant material considerations and they are largely supportive of the development. Both NPPG18 and the Memorandum of Guidance support the proposal whilst none of the statutory consultation responses or letters of objection raise issues that are of such significance that would warrant the refusal of this application.

3.3 The proposal comprises a sympathetic conversion of 2 listed buildings which are traditionally constructed properties close to the centre of Kilmarnock. The retention of the properties and their conversion to flats will be undertaken in a sympathetic manner, retaining and improving as many

internal and external features as is practical. The access will remain as existing and the open space and retention of trees will ensure the setting and character of the listed buildings are not compromised. The proposed development will help to safeguard the future presence of these listed buildings.

CONTRARY DECISION NOTE

Should the Committee agree that the applications be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the applications would 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 full planning application and listed building application which are to be considered by the Local Planning Committee under the scheme of delegation because they are larger applications which accord with the Adopted East Ayrshire Local Plan and are of area significance and subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application comprises the former Church of Scotland St. Andrews Glencairn Church and associated Church Hall in addition to the landscaped grounds to the front of the building. The application site extends to some 0.28 hectares and both buildings are currently vacant. The Church, Church Hall and Kirkyard are Category B listed and the mature trees which line the access to the front of the Church are covered by a Tree Preservation Order. Vehicle access is to the front of the site on St. Andrews Street and boundary treatment comprises a natural sandstone wall and traditional metal railings. The Church is formed from blond sandstone with a slate roof and stained glass windows whilst the Church Hall comprises blond sandstone, slate roof and timber sash and case windows.

2.2 **Proposed Development:** The proposed development can be detailed as comprising the following components:-

- The existing access will be retained although the stone gateposts will be re-located to accommodate a 4.5 metres wide access. The access lane will be 4 metres wide with a 0.25 metre wide verge covered in rubber matting that will protect the existing trees that are located either side of the access.

- 12 car parking spaces will be provided within the site. Of these spaces, 9 space will be provided to the front of the former Church along the south east boundary and 3 spaces will be provided at the Church hall.
- A separate pedestrian access will be provided to the western boundary at the existing gate. This will include a 1.2 metre wide pathway leading to the main Church and hall.
- The former Church will be converted to provide 9 flats. Four flats will be formed on the ground floor and of these, two flats will provide 1-bedroom and two flats will also be 2-bedroomed with a mezzanine balcony that affords the retention of the Finnie stained glass windows and the organ pipes. The first floor will comprise three flats, one of which is 2-bedroomed and two flats will be 1-bedroom. Two 2-bedroomed flats will be provided in the attic space and to accommodate them velux windows will be formed on the slate roof. The vestibule will be retained as existing and the plaques will be kept on display and the two staircases leading to the first floor will be kept in situ. The Church will be accessed by the existing front entrance and in all communal areas, existing stain glass windows will remain. A disabled access ramp will be formed at the side elevation leading directly into the vestibule. The stained glass windows on the side elevations will be removed although one window of each design is to be donated to the Council's Museum's and Arts Services. Four new window openings at ground floor level, will be formed on the curved rear elevation to allow daylight to the ground floor flat.
- The organ and pulpit will be removed from the Church and used in other parishes by the Church of Scotland. A parish in Islay is to receive the pulpit and the organ is to be used for repairs.
- The Church Hall will be converted to form 3 flats over 2 floors. Two flats will comprise 1-bedroom and one flat will be 3-bedroomed. Each flat will have its own dedicated entrance and on the ground floor existing openings will be utilised as far as possible with only 2 additional openings formed. All windows will comprise sash and case style to maintain the original design. Velux windows will be formed to allow accommodation on the upper level.
- A bin store will be provided within the grounds to the south side elevation of the main church to accommodate 24 bins. It is proposed to erect a flat roof structure of re-constituted stone base and cope with buff wet dash render.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Water objects due to the cost of providing infrastructure to serve the development being outwith "reasonable cost" obligations. They would remove their objection of the applicant bears the cost of the increase in capacity of Scottish Water's existing infrastructure to accommodate this

development and/or promotes a scheme that does not compromise the quality and quantity of discharge from the existing sewerage system.

A note can be attached to any grant of planning consent advising the applicant of the requirements of Scottish Water.

3.2 Transco have raised no objections to the proposed development.

Noted.

3.3 The Piersland Bentinck Community Council and the Scottish Environment Protection Agency have not replied to their consultation letter at the time of writing this report.

Noted.

3.4 East Ayrshire Council's Outdoor Amenities advise the following:-

- There are no objections to the removal of the three small trees and their replacement with 5 trees provided these trees are extra heavy standard in size (16-18cm in girth) and of suitable type of this location.
- The avenue of lime trees should have a protective barrier erected around them at 6 metres or at the canopy dip line whichever is the greater under BS5837 in order to protect the roots and canopies of the trees.
- The new location of the gates needs to be identified so that there is no tree root damage. The re-surfacing of the access road should be on top of the existing surface and new kerbing should not interfere with any of the tree roots.
- Areas of the plan identified as access and private gardens encroach onto parts of the ground where it appears interments have been carried out. Any works/development of these areas would require any interred remains to be exhumed and re-interred and to do this would require an application to the Sheriff by either the Church or the developer.

The Developer has been liaising with Outdoor Amenities who have advised they are now satisfied with the works to the trees and the necessary details can be adequately controlled by condition should consent be granted.

The application site has been amended and there will be no building over interred remains. In order to ensure that no pathways or terraces conflict with any possible burials given the age of the Cemetery, a condition could be attached requiring further details to be lodged to ensure that there is no conflict.

3.5 Scottish Civic Trust (SCT) are satisfied with the amended proposals although recommend that the velux windows in the church be of studio conservation style which if grouped appropriately would look similar to lights often found in church roofs where internal decorative skylights are found. They also recommend the relocation of the bin store to allow it to be screened by the proposed new trees so as not to impact so detrimentally on the setting of the principle elevation of the Church. In respect of the church hall, revisions would be welcome to the upper floor which is proposed to be inserted across the full height windows which will impact on the internal appreciation of the windows and external appearance of the building. The floor could be cut-back where it meets the windows. In addition in respect of apartment 1, given that light will be introduced all both outer sides of the upper bedrooms the velux windows on the plane of the principal elevation should be omitted.

It is noted that Scottish Civic Trust are generally happy with the revised proposals which have been subject of detailed discussions and meetings with the developer. The developer has radically revised the internal arrangement of both the church and church hall and it is considered that the scheme now takes appropriate cognisance of the listed character. It is intended to relocate the bin store to a less prominent location that does not detract from the setting of the front elevation of the church. The velux windows in terms of their design can be addressed by condition and agreed at a later date should consent be granted although the location of the velux windows on the plane of the roof is not considered to detrimentally impact on the visual impact of the Church or Church hall.

3.6 Historic Scotland also express pleasure at the progress made with this proposal and the efforts undertaken. The retention of the internal features should allow for a successful conversion that maintains much traditional character. The only remaining areas of concern relate to certain elements of fenestration and the repair and replacement of the existing windows in the Church hall and the painting of the replacement windows in the Church a dark colour which is more traditional and should enable windows to recede visually, letting the architecture of the building remain the focal point. Roof lights should sit within the roof plan rather than sitting proud and should be of conservation style. The bin store should be located further back from the front elevation and screened with planting. Other hard landscaping should be as minimal and as unobtrusive as possible.

These comments are generally in line with those made by the Scottish Civic Trust and members are referred to the response to paragraph 3.5 above.

3.7 East Ayrshire Council's Roads and Transportation Division have advised that there are no objections with respect to flooding matters as the site appears to be outwith the potential flood plain of the River Irvine. In

respect of traffic and parking issues, the proposed development, is considered acceptable.

Noted.

3.8 East Ayrshire Museums and Amenities Services have agreed to accept two of the stained glass windows from the Church and will accept one of each design provided these are removed and crated by the developer.

Noted. This requirement can be addressed by condition should consent be granted.

4. REPRESENTATIONS RECEIVED

4.1 There are 3 objectors to the development including one from Scottish Water which is detailed in paragraph 3.1. The remaining points are as follows:-

4.2 There are a limited number of parking spaces available for a development that has 25 bedrooms. St Andrews Street and Lane have around twenty 2 and 3-bedroomed houses which have no off-street parking provisions and residents park at the kerb side. There is little space for any additional cars that can not be accommodated within the grounds of this new development.

The amended proposal remains at 12 flats although there are now 25 bedrooms as the proposal has been amended. The Council's Roads and Transportation Division have considered this objection and have advised that as the proposals relate to the conversion of an existing building, the Roads Development Guide permits a parking standard of one space per dwelling. The plans meet this level of parking and the amended details illustrate that the site can be accessed in an acceptable manner.

4.3 Additional cars parked adjacent to the property would make the existing St. Andrews Street, Bentinck Street and East Netherton Street junction congested and more hazardous.

The Council's Roads and Transportation Division have advised that they do not consider that the proposed development will comprise a road safety hazard.

4.4 The recent purchase of a neighbouring property by one objector was due to the peace, tranquillity and view from the front of the property and it is considered that this development would remove one of the few green park areas in Kilmarnock.

The applicant is not now proposing any additional building and the development relates purely to the conversion of the former Church and Church hall. Both buildings have been vacant for some time now and the open front aspect of grass and trees will not be affected by the works. The only physical works will relate to the formation of car park, the re-surfacing of the access and the new bin stores. None of these works will affect the amenity value of the site as it currently exists and in fact the conversion will bring vacant buildings back into use.

4.5 There would be additional noise nuisance in the area due to the extra vehicular traffic.

The application proposes a residential development of 12 flats and it is not considered that the additional traffic generated by such a smaller number of flats will be significant to cause a noise nuisance.

4.6 The proposed development will affect any subsequent re-sale value of neighbouring residential property.

This is not a material planning consideration.

5. ASSESSMENT AGAINST THE 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 Adopted East Ayrshire Local Plan (2003).

Approved Ayrshire Joint Structure Plan

5.2 There are no relevant policies within the Approved Ayrshire Joint Structure Plan.

Adopted East Ayrshire Local Plan

5.3 The proposed development requires to be assessed against Policies RES7, RES22, ENV1, ENV2, ENV4 and ENV7.

5.4 Policy RES7 encourages the sympathetic conversion to residential use of buildings within settlements subject to certain criteria. These include ensuring that works do not compromise the architectural integrity of the building, re-use of materials and meet Council design requirements reflecting the style and design of the original building. The proposal must be fully in keeping with the character and appearance of the area and meet the service requirements of all statutory undertakers and the Council's Roads Authority.

It is considered that the proposal meets the requirements of this Policy. The external alterations proposed are minimal and will not affect the listed character or status of the Church or Church Hall. All works will be of appropriate design and using traditional materials and external finishes, having a positive affect on the appearance of the listed buildings and bringing them back into a long term use thereby ensuring their continued presence in the historic building fabric of Kilmarnock.

5.5 Policy RES 22 is also relevant and relates to private open space standards in new residential developments. For flats the requirement is 25m² for each bedroom.

The proposal is set within an extensive plot comprising grounds to the front that contribute towards the setting of the Church and associated hall. These grounds will be retained as communal landscaped open space serving the overall development. Whilst there is no designated private space within the development, it is considered that to retain the ground as communal open areas as proposed, would better respect the setting of the Church than having land feued to each individual property and fenced off.

5.6 Policies ENV1, ENV2 and ENV4 state that the Council will seek to ensure that all development within or affecting the setting of a listed building is sympathetic in terms of layout, size, scale, design, siting, materials and colour of finish. There will be a presumption in favour of protecting such heritage resources and against the demolition (partial and whole) of such properties. Any redevelopment proposals must have due regard to the architectural and historic qualities of the area/building concerned.

The proposal is not considered to be contrary to Policy ENV 2 because it will not adversely affect the character or setting of a Listed Building. The proposal intends to utilise traditional materials and will respect many of the remaining internal architectural features such as internal plasterwork, stairways timber partitioning and stained glass windows. The buildings have been vacant for some time with their condition deteriorating. The present proposal is seeking to introduce an improvement to the existing situation with the removal of inappropriate extensions and the repair and renovation of the Church and associated hall. The proposal is therefore considered to comply with Policies ENV1, ENV2 and ENV4.

5.7 Policy ENV 7 is also relevant and advises that all developers will be expected to fully comply with the Council's Design Guidance. All redevelopment proposals shall reflect the overall design and appearance of the building. Whenever possible, the proposal shall seek to preserve, enhance or incorporate features which positively contribute to the character or appearance of the listed building. Works shall be appropriate in terms of

size, scale, fenestration, finish and materials used. Alterations must be subordinate to the original building and in terms of design and finish must reflect and enhance the existing listed buildings. Roof lights should be of traditional design in terms of proportion, size and materials and not projecting unduly above the plane of the roof, rooflights of non-traditional design and materials will not be considered acceptable.

The proposal is considered to comply with the Council's Design Guidance and as such, the terms of Policy ENV7. As discussed previously in this report the proposed alterations have been fully considered and found to be satisfactory following amendments which included the deletion of a two storey extension and internal reorganisation in order to retain the symmetry of the two balcony stairs within the vestibule and the Finnie stained glass windows. The location of the velux windows on the plane of the roof are not considered to have a detrimental impact on the visual appearance of the listed building. They will not be readily visible. The final design of the velux windows can be addressed by attaching a condition to any grant of consent.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Memorandum of Guidance

6.2 Advice is provided by the Memorandum of Guidance which states that new uses for old buildings may often be the key to their continued survival and such circumstances may justify planning authorities to relax controls in order to give a historic building a new lease of life. Planning Authorities should endeavour to find a use which will preserve the historic features of the building. Where alterations are proposed, Planning Authorities must seek to preserve the architectural integrity of the building. 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 meets the provisions of the Memorandum of Guidance. The building has been vacant for some time and this proposal represents a valuable opportunity to ensure the retention and re-use of the building which is an excellent example of a traditional Scottish Church of sandstone and slate construction set on an elevated level. The alterations are entirely in keeping with the existing building and have been well designed and are of appropriate size and scale.

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 siting, density, scale, measuring, proportions, materials, landscape setting, access, local design characteristics, 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 proposed development is of a high quality converting the original Church and hall and improving the properties through traditional and appropriate alterations and it is therefore considered that the proposed development will not have an adverse effect on the visual quality and setting of the listed buildings.

Consultation Responses and Representations Received

6.4 The consultation responses are detailed in Section 3 of this report and it is not considered that these raise any negative issues that would warrant the refusal of this application. There has been a significant level of discussion and negotiation with Historic Scotland and the Scottish Civic Trust which has resulted in an improved scheme which takes a better account of the listed structures and their setting. Whilst a car parking area will be formed in the front area of open space, the main car parking will be along the south boundary which will not greatly disturb the views of the principal elevation of the Church. The tree lined access will also be retained and the re-surfacing of the access and increase in width will be undertaken following the advice of the Council's Arboricultural Officer to ensure the retention of the trees which contribute significantly to the ambience of the surrounding area.

6.5 The objections raised are detailed in Sections 3 and 4 of this report and are not considered to raise any issues that would warrant the refusal of this application.

Planning History

6.6 An application for listed building consent (ref: 03/0698/LB) was submitted by the Church of Scotland for the "Proposed Removal of Pews, Organ and Pulpit". Prior to the determination of this application it was withdrawn by the applicants as it was considered at the time to be premature without a formal scheme for the redevelopment of the Church and its associated hall. At this time the pulpit was to be transferred to a congregation in Kildonan, Islay, and the organ was to be used to repair an organ in another Church of Scotland building.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As indicated in Section 5 of this report, the proposal is in accordance with the Development Plan. Given therefore 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 in Section 6 of the report there are relevant material considerations and they are largely supportive of the development. Both NPPG18 and the Memorandum of Guidance support the proposal whilst none of the statutory consultation responses or letters of objection raise issues that are of such significance that would warrant the refusal of this application.

8.3 The proposal comprises a sympathetic conversion of 2 listed buildings which are traditionally constructed properties close to the centre of Kilmarnock. The retention of the properties and their conversion to flats will be undertaken in a sympathetic manner, retaining and improving as many internal and external features as is practical. The access will remain as existing and the open space and retention of trees will ensure the setting and character of the listed buildings are not compromised. The proposed development will help to safeguard the future presence of these listed buildings.

9. RECOMMENDATION

9.1 It is recommended that the Planning Application No: 04/0844/FL be approved subject to the conditions indicated on the attached sheet.

9.2 It is recommended that the Listed Building Application No: 04/0845/LB should be approved subject to the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997 and subject to the conditions indicated on the enclosed sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the applications be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the applications would 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

26 January 2005
(FMF/RH/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultations.
4. Letters of Objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. National Planning Policy Guidance 18.
8. Planning Application 03/0698/LB.

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

Implementation Officer: Dave Morris

040845LB

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/0844/FL

Site of Proposal:	Former St Andrews Glencairn Church St Andrews Street KILMARNOCK
Nature of Proposal:	Proposed Conversion, Alteration and Extension of Former Church and Church Hall to 12 Flatted dwellings and Formation of Car Parking and Landscaping
Name & Address of Applicant:	Lumax Homes Per Maxwell 23 Main Street Craigie KILMARNOCK KA1 5LY
Name & Address of Agent:	John Maxwell Ross Woods Architects 8 Park Quadrant GLASGOW G3 6BS

DPOs Reference: FMF/MMM

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

1. The proposed development shall be carried out in accordance with the application form received on 09 August 2004 and the amended plans received by the Planning Authority on 17 December 2004.

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

2. Notwithstanding the details approved under the terms of Condition 1 above, details and samples of the materials of all external ground surfaces within the development site shall be submitted to and approved by the Planning Authority before development commences on site and shall be thereafter implemented on site as approved.

REASON In the interests of achieving a quality development to the benefit of visual amenity.

3. Notwithstanding the approved details, under the terms of Condition 1 above plans to a minimum scale of 1:50 shall be submitted to and approved by the Planning Authority before development commences on site of the following details and design features:

- i) The relationship between the stonework, window frames and window surrounds on all elevations.
- ii) The relationship and positioning of all velux windows on the plane of the roofs.

The above details shall thereafter be implemented as approved.

REASON In the interests of achieving a quality development to the benefit of visual amenity.

4. Notwithstanding the submitted plans, a landscaping scheme including the treatment of the boundary of the site/areas for public open space and including details of the proposed phasing of the landscaping shall be submitted to and approved by the Planning Authority prior to commencement of any development on site. The scheme shall be implemented not later than the next appropriate planting season after the development has been carried out. Any trees removed without consent of the Planning Authority or seriously damaged at any time thereafter shall be replaced by trees of similar size or species as may be agreed in writing with the Planning Authority. The landscaping scheme shall include the retention of as many of the existing trees on site as possible and shall indicate any phasing details relevant to the provision of landscaping on site. The landscaping scheme shall indicate the 3 trees to be removed and shall provide details of the location and species of the 5 replacement trees which shall be of minimum 10.8 cm in girth.

REASON In the interests of achieving a quality development to the benefit of visual amenity.

5. The landscaping/open space relating to this development as part of Condition 4 above shall be laid out simultaneously with the development, or each phase thereof, and shall be maintained thereafter in accordance with a maintenance scheme to be submitted to and approved by the Planning Authority prior to the commencement of any development on site.

REASON To ensure that the open space areas are laid out in a proper manner in the interests of residential amenity.

6. Notwithstanding the approved plans, under the terms of Condition 1 above, details of the design, height and construction of all fences, walls and gates to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site and shall thereafter be implemented on site as approved.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

7. No trees shall be felled, lopped, have roots cut, or be the subject of any other works without the written consent of the Planning Authority.

REASON In the interests of visual amenity and to maintain wherever possible the existing visual contribution of the trees to the amenity of the area.

8. Notwithstanding the terms of Conditions 1 and 6 above, the stone wall and existing metal railings along the site boundary at St Andrews Street, Richardland Road and Bellsland Place at Portland Street/Garden Street shall be retained and the details to be submitted for the written approval of the Planning Authority under the terms of Condition 6 above shall include details allowing for the retention of and any remedial works to this wall and railings.

REASON In the interests of retaining the historic wall and railings of the former St Andrews Church.

9. Notwithstanding the approved plans under the terms of Condition 1 above, details of measures to prevent unauthorised use of the parking spaces shall be submitted to and approved by the Planning Authority and implemented thereafter according to the approved details.

REASON The development may be the subject of unauthorised parking.

10. The developer of this site shall ensure that, during the development phase, adequate and continuing measures are taken to ensure that roads and footpaths adjoining the site are maintained free from mud and other materials carried from the site.

REASON In the interests of the amenity of the area.

11. Notwithstanding the approved plans, details of the design of any external lighting columns and any external building floodlighting scheme to be erected within the site shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented thereafter according to the approved details.

REASON In the interests of visual amenity and to ensure that there is no light pollution to neighbouring residential properties.

12. Notwithstanding the approved site plan, the location of the bin store within the application site is not approved. Prior to any works commencing on site, the developer shall submit three copies of the location of the bin store which shall include provision for the storage needs of a 3-bin re-cycling system. These details shall be approved by the Planning Authority and implemented prior to the occupation of any flats on site. The bin store shall be located further back from the front elevation of the Church and the details

to be submitted shall include details of proposed planting to screen the bin store.

REASON In order to ensure that adequate refuse storage provision exists and that the bin stores within the application site are located so as to be accessible to the Council's refuse vehicles for the uplifting of refuse.

13. No construction works, site clearance or preparation works shall take place before 8:00 am and after 6:00 pm, Monday to Friday, before 8:00 am or after 12 noon on Saturdays and at no time on a Sunday.

REASON In the interests of the amenity of the area.

14. At all times during the construction of the development hereby approved, all trees to be retained within the site shall be protected by a 6 metres protective zone, or by one extending out to the tree canopy drip line whichever is the greater, in accordance with details to be submitted to and approved in writing by the Planning Authority.

REASON To prevent the root systems of the trees from suffering compaction.

15. Notwithstanding the approved plans, details and samples of the access and car parking surfacing shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any works on site and shall be implemented on site prior to the occupation of the first flat. The details to be submitted shall include samples and specifications of the rubber matting and exact details of its installation in relation to the existing trees on site.

REASON In the interests of visual amenity and to ensure that the proposed walls to the access will not adversely impact upon the root systems of the trees.

16. All car parking spaces within the site shall be provided prior to the occupation of the first of the flats and shall not be used for the parking of construction vehicles at any time after occupation of the first flat dwellinghouse.

REASON To ensure the provision of car parking spaces in the interests of residential amenity and road safety.

17. Prior to the commencement of any works on site, the developer shall submit three copies of a report confirming the Schedule of Repairs required to the external fabric of the former Church and Church hall for the approval of the Planning Authority. Any repairs work approved shall be undertaken in complete accordance with the approved Schedule of Repairs and shall not be carried out until the Planning Authority has confirmed its written acceptance of the Schedule of Repairs.

REASON In order to ensure that any repair work to the external fabric of the building is undertaken in a sympathetic manner to respect the age and character of the building and conservation area and in a manner which will not result in damage to the building's external fabric.

18. No slate ventilators shall be formed on the roof of the building without the prior written consent of the Planning Authority and no trickle vents shall be located on the window units without the prior written consent of the Planning Authority.

REASON In the interests of visual amenity.

19. Prior to any work commencing on site, details of the design, materials and colour of the proposed external and internal entrance doors shall be submitted to and approved in writing by the Planning Authority (including to each flat). Such details shall also include a scheme for any security entry/exit system for the building and following approval of same, the security entry scheme shall be implemented as approved and all inner and outer entrance doors installed prior to the occupation of any of the flats.

REASON In order to ensure that the entrance doors to the buildings and each flat are appropriate in terms of design, finish and materials to the age and character of the listed building and to ensure that any security entry system will not damage the external fabric of the buildings.

20. Prior to the commencement of any works on site, details of the internal pathway arrangement within the site and private terraces to access the Church and Church hall in terms of their relationship with interred remains in the existing cemetery shall be submitted to and approved by the Planning Authority and shall thereafter be implemented prior to the occupation of any of the flats.

REASON In order to ensure that the proposed development does not disturb any interred remains that may be buried in the cemetery.

21. Prior to any work commencing on site details of a method statement for the re-location of the gateposts, gates and railings to accommodate the wider access onto St Andrews Street and how this will be undertaken on site in order to protect the root systems of the trees shall be submitted to and approved in writing by the Planning Authority. All works shall thereafter be undertaken in accordance with the approved details and a minimum of 7 days' written notice shall be provided to the Planning, Development and Building Standards Division of works commencing on site to allow visual inspection of the works.

REASON In order to protect the health of the trees close to the gateposts.

22. Prior to any work commencing on site, the developer shall submit full details in plan and written form (supplemented by photographs as necessary),

confirming the method of protection to be used to protect the original features that are to be retained, namely:-

- The two stairways in the vestibule;
- The existing entrance doors on the front elevation;
- The plaques at the vestibule and Chancel;
- The timber panelling at the Chancel;
- The stained glass windows to be retained including the Finnie windows;
- The organ pipes;
- The plasterwork surrounding the organ pipes and the pilasters leading into the Chancel.
- The ceiling rose.

Thereafter for the full period of construction works, the agreed methods of protection shall be retained on site at all times to the satisfaction of the Planning Authority. Such measures of protection shall include details confirming the storage of any items off site for the duration of the construction period.

REASON In order to ensure that the original features of the listed building are fully protected for the period of construction and are not damaged during construction works.

23. Prior to any work commencing on site, full details of the existing and proposed windows including the design, materials and specifications of all window frames, the thickness of the horizontal and vertical glazing bars, the method of opening and hinge points, and beading, shall be submitted to and approved in writing by the Planning Authority and thereafter implemented as approved. In this regard, the submitted details of the proposed windows shall also include the provision of a sample window to be installed on site confirming the agreed method of opening, materials, design and thickness of the glazing bars.

REASON In order to ensure that the design, finish and method of opening of all proposed windows are appropriate to the age and character of the listed building and are in keeping with the proportions of the existing windows scheduled for replacement.

24. Prior to any work commencing on site, details of the method to enclose the ceiling rose shall be submitted to and approved, in writing by the Planning Authority. The detail shall thereafter be implemented as approved prior to the occupation of the attic flats.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

25. Prior to any work commencing on site, clarification of which stained glass windows are to be donated to East Ayrshire Museums and Arts Services shall be submitted to and approved in writing by the Planning

Authority. Such details shall include the method for the removal and crated storage of such windows and shall clarify their transport to Museums and Arts Services. No stained glass windows shall be removed from the Church until the written approval of the Planning Authority has been granted.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

NOTES:-

1. Early contact is recommended with Scottish Water at 35 Glenburn Road, Prestwick regarding connecting to the public sewerage system.
2. Prior to the commencement of any works on site for the development hereby approved, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.
3. The applicant should ensure that prior to development commencing on site, they have secured agreement from Scottish Water regarding the suitability of all proposed drainage connections and the suitability of the existing infrastructure to accommodate such connection.
4. The applicant should contact East Ayrshire Council's Roads and Transportation Division at Greenholm Street, Kilmarnock, in order to obtain the necessary road opening permits.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/0845/LB

Site of Proposal:	Former St Andrews Glencairn Church St Andrews Street KILMARNOCK
Nature of Proposal:	Conversion, Alteration and Extension of Former Church and Church Hall to 12 Flatted Dwellings and Formation of Car Parking and Landscaping
Name & Address of Applicant:	Lumax Homes Per Maxwell 23 Main Street Craigie KILMARNOCK KA1 5LY
Name & Address of Agent:	John Maxwell Ross Woods Architects 8 Park Quadrant GLASGOW G3 6BS

DPOs Reference: FMF/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 received on 23 August 2004 and the amended plans received by the Planning Authority on 17 December 2004.

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

2. Notwithstanding the details approved under the terms of Condition 1 above, details and samples of the materials of all external ground surfaces and boundary treatments within the development site shall be submitted to and approved by the Planning Authority before development commences on site and shall be thereafter implemented on site as approved.

REASON In the interests of achieving a quality development to the benefit of visual amenity.

3. Notwithstanding the approved details, under the terms of Condition 1 above plans to a minimum scale of 1:50 shall be submitted to and approved by the Planning Authority before development commences on site of the following details and design features:

- i) The relationship between the stonework, the window frames and window surrounds on all elevations.
- ii) The relationship and positioning of all velux windows on the plane of the roofs.

The above details shall thereafter be implemented as approved.

REASON In the interests of achieving a quality development to the benefit of visual amenity.

4. Notwithstanding the submitted plans, a landscaping scheme including the treatment of the boundary of the site/areas for public open space and including details of the proposed phasing of the development shall be submitted to and approved by the Planning Authority prior to commencement of any development. The scheme shall be implemented not later than the next appropriate planting season after the development has been carried out. Any trees removed without consent of the Planning Authority or seriously damaged at any time thereafter shall be replaced by trees of similar size or species as may be agreed in writing with the Planning Authority. The landscaping scheme shall include the retention of as many of the existing trees on site as possible and shall indicate any phasing details relevant to the provision of landscaping on site. The landscaping scheme shall indicate the 3 trees to be removed and shall provide details of the location and species of the 5 replacement trees which shall be of minimum 10.8 cm in girth.

REASON In the interests of achieving a quality development to the benefit of visual amenity.

5. The landscaping/open space relating to this development as part of Condition 4 above shall be laid out simultaneously with the development, or each phase thereof, and shall be maintained thereafter in accordance with a maintenance scheme to be submitted to and approved by the Planning Authority prior to the commencement of development on site.

REASON To ensure that public open space areas are laid out in a proper manner in the interests of residential amenity.

6. Notwithstanding the approved plans, under the terms of Condition 1 above, details of the design, height and construction of all fences, walls and gates to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site and shall thereafter be implemented on site as approved.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

7. No trees shall be felled, lopped, have roots cut, or be the subject of any other works without the written consent of the Planning Authority.

REASON In the interests of visual amenity and to maintain wherever possible the existing visual contribution of the trees to the amenity of the area.

8. Notwithstanding the terms of Conditions 1 and 6 above, the stone wall and existing metal railings along the site boundary at St Andrews Street, Richardland Road and Bellsland Place at Portland Street/Garden Street shall be retained and the details to be submitted for the written approval of the Planning Authority under the terms of Condition 6 above shall include details allowing for the retention of and any remedial works to this wall and railings.

REASON In the interests of retaining the historic wall and railings of the former St Andrews Church.

9. Notwithstanding the approved plans, details of the design of any external lighting columns and any external building floodlighting scheme to be erected within the site shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented thereafter according to the approved details.

REASON In the interests of visual amenity and to ensure that there is no light pollution to neighbouring residential properties.

10. Notwithstanding the approved site plan, the location of the bin store within the application site is not approved. Prior to any works commencing on site, the developer shall submit three copies of the location of the bin store which shall include provision for the storage needs of a 3-bin re-cycling system. These details shall be approved by the Planning Authority and implemented prior to the occupation of any flats on site. The bin store shall be located further back from the front elevation of the Church and the details to be submitted shall include details of proposed planting to screen the bin store.

REASON In order to ensure that adequate refuse storage provision exists and that the bin stores within the application site are located so as to be accessible to the Council's refuse vehicles for the uplifting of refuse.

11. Notwithstanding the approved plans, details and samples of the access and car parking surfacing shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any works on site and shall be implemented on site prior to the occupation of the first flat. The details to be submitted shall include samples and specifications of the rubber matting and exact details of its installation in relation to the existing trees on site.

REASON In the interests of visual amenity and to ensure that the proposed walls to the access will not adversely impact upon the root systems of the trees.

12. Prior to the commencement of any works on site, the developer shall submit three copies of a report confirming the Schedule of Repairs required to the external fabric (including chimneys) of the former Church and Church hall for the approval of the Planning Authority. Any repairs work approved shall be undertaken in complete accordance with the approved Schedule of Repairs and shall not be carried out until the Planning Authority has confirmed its written acceptance of the Schedule of Repairs.

REASON In order to ensure that any repair work to the external fabric of the building is undertaken in a sympathetic manner to respect the age and character of the building and conservation area and in a manner which will not result in damage to the building's external fabric.

13. No slate ventilators shall be formed on the roof of the building without the prior written consent of the Planning Authority and no trickle vents shall be located on the window units without the prior written consent of the Planning Authority.

REASON In the interests of visual amenity.

14. Prior to the commencement of any works on site, details of the internal pathway arrangement within the site and private terraces to access the Church and Church hall in terms of their relationship with interred remains in the existing cemetery shall be submitted to and approved by the Planning Authority and shall thereafter be implemented prior to the occupation of any of the flats. Such details shall also include a scheme for any security entry/exit system for the building and following approval of same, the security entry scheme shall be implemented as approved and all inner and outer entrance doors installed as agreed with the Head of Planning, Development and Building Standards prior to the occupation of any of the flats.

REASON In order to ensure that the entrance doors to the buildings and each flat are appropriate in terms of design, finish and materials to the age and character of the listed building and to ensure that any security entry system will not damage the external fabric of the buildings.

15. Prior to any work commencing on site details of a method statement for the re-location of the gateposts, gates and railings to accommodate the wider access and how this will be undertaken on site in order to protect the root systems of the trees shall be submitted to and approved in writing by the Planning Authority. All works shall thereafter be undertaken in accordance with the approved details and a minimum of 7 days' written notice shall be provided to the Planning, Development and Building Standards Division of works commencing on site to allow visual inspection of the works.

REASON In order to protect the health of the trees close to the gateposts.

16. Prior to any work commencing on site, the developer shall submit full details in plan and written form (supplemented by photographs as necessary),

confirming the method of protection to be used to protect the original features that are to be retained, namely:-

- The two stairways in the vestibule;
- The existing entrance doors on the front elevation;
- The plaques at the vestibule and Chancel;
- The timber panelling at the Chancel;
- The stained glass windows to be retained including the Finnie windows;
- The organ pipes;
- The plasterwork surrounding the organ pipes and the pilasters leading into the Chancel.
- The ceiling rose.

Thereafter for the full period of construction works, the agreed methods of protection shall be retained on site at all times to the satisfaction of the Planning Authority. Such measures of protection shall include details confirming the storage of any items off site for the construction period.

REASON In order to ensure that the original features of the listed building are fully protected for the period of construction and are not damaged during construction works.

17. Prior to any work commencing on site, full details of the existing and proposed windows including the design, materials and specifications of all window frames, the thickness of the horizontal and vertical glazing bars, the method of opening and hinge points, and beading, shall be submitted to and approved in writing by the Planning Authority and thereafter implemented as approved. In this regard, the submitted details of the proposed windows shall also include the provision of a sample window to be installed on site confirming the agreed method of opening, materials, design and thickness of the glazing bars.

REASON In order to ensure that the design, finish and method of opening of all proposed windows are appropriate to the age and character of the listed building and are in keeping with the proportions of the existing windows scheduled for replacement.

18. There shall be no removal of any stained glass windows, organ, organ pipes and pulpit until the Head of Planning, Development and Building Standards has had sight of and has confirmed in writing that he is satisfied that a contract is in place for the conversion of the former St Andrews Church and Church Hall in accordance with planning permission ref: 04/0844/FL.

REASON In order that the stained glass windows are not removed as a separate entity to the works to convert the former Church and Church Hall.

19. Prior to any work commencing on site, full details of the existing and proposed windows including the design, materials and specifications of all window frames, the thickness of the horizontal and vertical glazing bars, the method of opening and hinge points, and beading, shall be submitted to and approved in writing by the Planning Authority and thereafter implemented as approved. In this regard, the submitted details of the proposed windows shall also include the provision of a sample window to be installed on site confirming the agreed method of opening, materials, design and thickness of the glazing bars.

REASON In order to ensure that the design, finish and method of opening of all proposed windows are appropriate to the age and character of the listed building and are in keeping with the proportions of the existing windows scheduled for replacement.

20. Prior to any work commencing on site, clarification of which stained glass windows are to be donated to East Ayrshire Museums and Arts Services shall be submitted to and approved in writing by the Planning Authority. Such details shall include the method for the removal and crated storage of such windows and shall clarify their transport to Museums and Arts Services. No stained glass windows shall be removed from the Church until the written approval of the Planning Authority has been granted.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

NOTES:-

1. Early contact is recommended with Scottish Water at 35 Glenburn Road, Prestwick regarding connecting to the public sewerage system.
2. Prior to the commencement of any works on site for the development hereby approved, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.
3. The applicant should ensure that prior to development commencing on site, they have secured agreement from Scottish Water regarding the suitability of all proposed drainage connections and the suitability of the existing infrastructure to accommodate such connection.
4. The applicant should contact East Ayrshire Council's Roads and Transportation Division at Greenholm Street, Kilmarnock, in order to obtain the necessary road opening permits.

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