

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 16 MARCH 2007 06/0735/FL & 06/0756/CA : PROPOSED DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF FLATTED DEVELOPMENT AT 33-37 WALLACE STREET GALSTON BY LUMAX HOMES

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposal aims to demolish the three storey former veterinary practise and replace the building with a three storey residential block with a driveway pend leading to the private off road parking and private amenity space.

1.2 The roof will be finished in lead and slate with cast iron rainwater goods, the front and rear elevations will be finished in smooth render with red cast sandstones sills, the exposed gables will be finished in dry dash render. The proposal provides a bin store area, 15 parking spaces and 350 sq metres of private amenity space.

2. RECOMMENDATION

2.1 It is recommended that the Planning Application be approved subject to the conditions indicated on the attached sheet and that the issuing of the planning decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a legal agreement with the applicants in respect of a financial contribution to be made in terms of Policy TLR5 as referred to in paragraphs 5.4 and 7.1 of the report.

2.2 It is further recommended that the Conservation Area Consent application be approved subject to the conditions indicated on the attached sheet but that the decision notice not be issued until the application has been notified to Historic Scotland under the Listed Building and Buildings in Conservation Areas (Scotland) Regulations 1997.

3. CONCLUSIONS

3.1 As is 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 indicated in Section 6 of the report there are material considerations relevant to these applications however none are of significant enough weight as would merit their refusal.

CONTRARY DECISION NOTICE

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

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 16 MARCH 2007 06/0735/FL & 06/0756/CA : PROPOSED DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF FLATTED DEVELOPMENT AT 33-37 WALLACE STREET GALSTON BY LUMAX HOMES

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 an application for Conservation Area Consent which are to be considered by the Local Planning Committee under the scheme of delegation as they are subject to objections.

2. APPLICATION DETAILS

2.1 Site Description: The application site is the former veterinary practise in Wallace Street, Galston. The building is a prominent three storey building, originally a cinema, located at the junction of Station Road and Wallace Street. The building, which is in a poor state of repair, sits hard to the heel of the public footpath and has a vehicle access to the south of the main building. The site contains several dilapidated outbuildings.

2.2 The application site is located within Galston Town Centre and within the Outstanding Conservation Area. The proposal is bounded to the north by two storey terraced sandstone properties on Wallace Street and to the south by a 1980's bungalow. The Burnawn watercourse forms the western boundary of the site to the rear of the proposal.

2.3 Proposed Development: The proposal aims to demolish the three storey former veterinary practise and replace the building with a three storey residential block with a driveway pend leading to the private off road parking and private amenity space.

2.4 The roof will be finished in lead and slate with cast iron rainwater goods, the front and rear elevations will be finished in smooth render with red cast sandstones sills, the exposed gables will be finished in dry dash render. The proposal provides a bin store area, 15 parking spaces and 350 sq metres of private amenity space.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have sought additional car parking; 20 spaces as opposed to the 15 provided;

have requested an alternative bin collection point adjacent to the road and appropriate construction of the new access.

Noted. The 12 flats are provided with 15 spaces. This is considered to be appropriate given that the site is located in the town centre. An alternative collection stance for wheelie bins is now provided.

3.2 East Ayrshire Council Roads and Transportation Division (Flooding Section) have no objection to the proposal as the site is a brown field site which is to be protected by the Galston Flood Prevention scheme which is currently under construction.

Noted

3.3 Galston Community Council have no objections to on the proposal.

Noted.

3.4 West of Scotland Archaeology Service have no objection to the proposal.

Noted

3.5 Scotland Gas Networks have no objection to the proposal.

Noted

3.6 Historic Scotland advise that any new development within the Galston Outstanding Conservation Area should take account of the established character and appearance of the area. This is made up largely of two-storey red sandstone tenements, often with shops at ground level and/or traditional attic dormers. The current proposal bears little relation to its context and adds nothing to the sense of place. The Memorandum of Guidance (1998), Section 4.40 states: 'special regard should be paid to such matters as scale, bulk, height, materials, colour, vertical or horizontal emphasis and detailed design'. While not advocating a pastiche, there should be some clear relationship with the character of Galston's traditional buildings. This can be achieved by acknowledging aspects of their form, corresponding to their height, pattern, size of window openings, treatment at street level, materials and colours.

3.7 This site is located in a very prominent position in the town. We strongly advise that an amended scheme is sought prior to consent for demolition of the existing building. It would be helpful if contextual drawings were provided showing the relationship between the proposed new build and existing buildings.

3.8 They have not responded to the amended scheme at the time of writing this report but with respect to the demolition of the existing building, comment

that its effect on the Outstanding Conservation Area is neutral or, at most, negative.

Noted

3.9 Scottish Civic Trust advise that the Trust object to this proposal. They seek assurance that number 37 has been or will be considered independently of 33-35. They feel that the proposed new building is too high and fails to address the character of the Conservation Area.

Noted. These comments relate to the original version of the planning application which has since been amended to achieve a more sympathetic development.

3.10 Architectural Heritage Society advise that they find the amended proposals generally more acceptable for this part of Galston but the presentation should have had some contextual drawings for an adequate statement for the Conservation Area.

3.11 We suggest, however, that the gimmicky 'VFA Velux sets' at the outer ends of the elevation to Wallace Street are inappropriate in this context. To balance visually with the central gable, two gabled wallhead dormers would be a better design solution. They should each have two matching sash and case windows.

Noted

3.12 East Ayrshire Council Environmental Health, Licensing and Community Safety Division have no objections but recommend conditions or notes relative to hours of working on site, avoiding nuisance to adjacent residents and disposal of demolition wastes.

4. REPRESENTATIONS

4.1 The proposals were advertised in the Kilmarnock Standard as development contrary to the Development Plan and affecting the setting of the Conservation Area. Six objectors have made representations in relation to the original proposal however only one individual has made representation in relation to the revised scheme. The views that were expressed against the original scheme related to ;

4.2 Overlooking of adjacent buildings.

It is considered that the revised scheme will not have a significant overlooking effect or detrimental impact on the privacy of the adjacent properties given that they are in a town centre location.

4.3 Three storey building being out of character with the streetscape.

The revised scheme which is two storey, plus development within the roofspace is not truly three storey and will punctuate the streetscape providing a feature building, similar in scale to the former picture house, at the junction of Wallace Street and Station Road.

4.4 Trees at the western end of the site should be retained.

The tree at the western end of the development site will be removed to allow for the erection of the flood prevention measures in the Burnawn as part of the approved Galston Flood Prevention Scheme.

4.5 The building should have a passageway under the flats to allow access to off street parking behind the development.

The revised scheme does contain a passageway which allows the scheme to retain a traditional frontage while providing off road car parking to the rear.

4.6 The letter of representation received from the owner of the adjacent property after the revised scheme was submitted indicates the following:

4.7 The proposed building is too high and dwarfs the bungalow at 39 Wallace Street. The gap between the building is too narrow and should be increased.

While it is noted that the 1980 bungalow is only single storey adjacent to the three storey development. It is considered that given the orientation of the new building relative to the bungalow, lying due north of it, it will not overshadow the bungalow. Similarly, the design of the new proposal will not significantly overlook the neighbouring property and will enhance the appearance and character of this part of the Conservation Area, with a resultant enhancement to the amenity of the surrounding area.

4.8 Details of the common boundary fence are not submitted. Said fence should be visually acceptable from both sides.

A condition can be attached to any grant of planning consent addressing the quality of the boundary fencing at this location.

4.9 A contract should be drawn up between the householder at 39 Wallace Street and Lumax homes regarding the potential damage to the building and repairs of said damage.

This is a private legal matter which should be addressed directly between the parties concerned and is not a material planning consideration.

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 these applications the development plan comprises the Adopted East Ayrshire Local Plan (EALP).

Adopted East Ayrshire Local Plan (EALP)

5.2 Policy RTC11 encourages and supports the reuse of vacant properties formerly in Schedule 5 use and the redevelopment of gap or infill sites within town centres for appropriate similar Schedule 5 uses. The re-use of such properties or the redevelopment of the land to an appropriate residential or other alternative use not included in Schedule 5 will be acceptable only where two stated criteria can be met, as follows:

- (i) it can be demonstrated, to the satisfaction of the Council, that an appropriate use falling within the Classes described in Schedule 5 cannot be found; and

The applicant has demonstrated that the property was marketed for schedule 5 uses however did not receive any interest from the market place.

- (ii) the proposed use of the property is sympathetic to the character and amenity of the area concerned.

The proposal is a well designed residential development which would be sympathetic to the character and amenity of the area.

5.3 Policy RES4 states that, within Settlement Boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites, including those sites created through the large scale demolition of existing housing, not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed against a set of four stated criteria, as follows:

- (i) impact on the surrounding natural and built environment and adjacent uses;

The site is located within Galston Outstanding Conservation Area and it is considered that the proposed design is appropriate to

this location. The existing building on site is an eyesore therefore the site presents an opportunity to improve the appearance of this part of Galston.

- (ii) transportation and infrastructure implications;

There are not considered to be any infrastructure or transport implications for this development.

- (iii) compatibility with surrounding densities and housing types; and

The proposed housing development fits in well with surrounding residential properties and indeed replaces a building of not dissimilar proportions.

- (iv) compliance with the Council's Development Promotion and Design Guidance.

It is considered that the proposed development accords with the Council's design guidance.

- (v) Policy RES22 requires all developers to observe the minimum standards for the provision of private open space detailed in Schedule 4 of the Local Plan.

The amenity open space requirement for this development is 550m² the proposal provides only 350 sq metres of amenity open space. However given this is the redevelopment of a brown field site within the town centre and Outstanding Conservation Area it is considered that the reduced provision of amenity space is acceptable.

- (vi) Policy ENV4 seeks to ensure that all development within or affecting the setting of a Conservation Area or affecting the appearance or setting of a Listed Building, is sympathetic to the area or building concerned in terms of its layout, size, scale, design, siting, materials and colour of finish. The policy also states that development 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.

As stated under policy RES 4 above, it is considered that the proposed design is fully sympathetic to the Outstanding Conservation Area within which it is located. The applicant proposes the use of slate on the front and rear slopes of the roof, with the remainder finished in lead. The building will be finished in render with cast iron downpipes, which will all enhance the character and appearance of the Conservation Area.

5.4 Policy TLR5 states that the Council will request all potential developers of residential sites comprising four or more houses, to enter into a Section 75 Agreement with the Authority for contributions towards the provision of appropriate leisure and recreational facilities within the area to which the development relates.

The applicants have indicated that they are willing to make a contribution to the TLR5 fund.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the applications are the consultation responses received, the letters of representation and the impact on amenity of the area.

Consultations Responses

6.2 The Consultation responses are generally supportive of the development.

Representations Received

6.3 It is considered that the revised scheme addresses the issues raised by the objectors.

Impact on Amenity

6.4 It is considered that the proposed development is compatible with the immediate locality of the town centre and the Outstanding Conservation Area and therefore will result in a significant improvement to this prominent site within the town.

6.5 To avoid the site lying vacant following demolition over any lengthy period, it would be appropriate to condition the Conservation Area consent to the effect that the demolition should not take place until there is in place a let contract for implementation of the site's redevelopment in accordance with a detailed planning consent.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 The applicant's agreement to make a contribution to the Sports, Leisure and Recreation Fund in terms of Policy TLR 5 will require a legal agreement to be entered into between the Council and the applicant.

8. CONCLUSIONS

8.1 As is 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 indicated in Section 6 of the report there are material considerations relevant to these applications however none are of significant enough weight as would merit their refusal.

9. RECOMMENDATION

9.1 It is recommended that the Planning Application be approved subject to the conditions indicated on the attached sheet and that the issuing of the planning decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a legal agreement with the applicants in respect of a financial contribution to be made in terms of Policy TLR5 as referred to in paragraphs 5.4 and 7.1 of the report.

9.2 It is further recommended that the Conservation Area Consent application be approved subject to the conditions indicated on the attached sheet but that the decision notice not be issued until the application has been notified to Historic Scotland under the Listed Building and Buildings in Conservation Areas (Scotland) Regulations 1997.

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 they 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

8 March 2007
(CSI/IMB)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Letters of Representation.
4. Adopted East Ayrshire Local Plan.

Anyone wishing to inspect the above papers please contact William Stewart,
Principal Planning Officer 01563 578165.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL**TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997**Application No: 06/0735/FL

Site of Proposal: 33 & 37 Wallace Street,
GALSTON
East Ayrshire
KA4 8HR

Nature of Proposal: 12 Flat Residential Development With
Integral Parking

Name & Address of Applicant: Lumax Homes
Unit 2 – 2 Southhook road
KILMARNOCK
KA1 2NN

Name & Address of Agent: Taylor Associates
17 Barns Street
A Y R
KA7 1XB

DPOs Reference: CSI/IMB

1. A landscaping scheme showing number, species and sizes of trees/shrubs to be planted together with the intended maintenance regime, shall be submitted to and agreed in writing by the Planning Authority prior to any work commencing on site. The approved scheme shall be implemented in the first planting season following occupation of the first flat and maintained thereafter as agreed.

REASON In the interests of the amenity of the surrounding area.

2. Prior to any works commencing on site, the developer shall confirm in writing to the Planning Authority that they can achieve all the necessary connections to Scottish Water's infrastructure.

REASON To ensure satisfactory water and drainage connections for the development.

3. External construction works and deliveries to the site shall only take place between the hours of 08:00 a.m. and 6:00 p.m. Monday to Friday, 08:00 a.m. to 1:00 p.m. on a Saturday and at no time on a Sunday.

REASON In the interests of the residential amenity of the surrounding area.

4. During construction, the applicant/developer shall ensure that 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 by construction and any other vehicles.

REASON In the interests of road safety and the amenity of the surrounding area.

5. Details of the boundary treatments shall be submitted to and agreed in writing with the Planning Authority prior to any work commencing on site, thereafter, the approved treatment shall be implemented prior to the occupation of the first flat and retained and maintained in accordance with the approved details.

REASON In the interests of the of the residential and visual amenity of the surrounding area.

6. The collection stances shown in drawing no. 706:03, dated 22 January 2007, shall only be used on bin collection days, with the bins being stored at all other times within the bin stores located to the rear of the building.

REASON In the interests of the amenity of the area.

7. No flats shall be occupied until the access road and car parking area are completed to basecourse level and any necessary drainage system has been installed. Thereafter, the final wearing surfaces shall be completed prior to the occupation of the last two flats on site.

REASON In the interests of highway safety and residential amenity.

8. Notwithstanding the submitted plans, samples of all external materials, including roofing material and entrance doors shall be submitted to and agreed in writing by the Planning Authority prior to any work commencing on site, and thereafter implemented as approved.

REASON In the interests of the visual amenity of the surrounding area.

9. Should any unforeseen contamination be identified during the demolition/redevelopment of the site, the Planning Authority should be so advised together with any proposed remediation measures; including subsequent validation procedures confirming satisfactory completion of said measures.

REASON In the interests of public safety.

NOTES

1. The applicant is advised to contact Scottish Water, prior to commencing any works on site, to discuss connections to the public network.
2. The applicant is advised to contact the Council's roads and Transportation Division prior to commencing any works on site, to ensure he has all the necessary permits and/or consents.
3. Demolition work should be undertaken in accordance with the relevant Code of Practice and all demolition wastes disposed of to the satisfaction of the waste regulatory authority.
4. Demolition and subsequent site construction works should not cause any nuisance to existing occupiers in the vicinity through dust, smoke or noise.
5. The applicant is advised to contact Craig McMurray at the Council's Roads and Transportation Division, Greenholm Street, Kilmarnock (01563 578165) to discuss any implications of the works on the Galston Flood Prevention Scheme, prior to commencing any works on site.
6. The developer should contact Scotland Gas Networks to arrange a site meeting to ascertain the location of sensitive plant in the area.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 06/0756/CA

Site of Proposal: 33 & 37 Wallace Street,
GALSTON
East Ayrshire
KA4 8HR

Nature of Proposal: Demolition of Veterinary Surgery
(Previously Cinema)

Name & Address of Applicant: Lumax Homes
Unit 2 – 2 Southhook road
KILMARNOCK
KA1 2NN

Name & Address of Agent: Taylor Associates
17 Barns Street
A Y R
KA7 1XB

DPOs Reference: CSI/IMB

1. Construction works and deliveries to the site shall only take place between the hours of 08:00 a.m. and 6:00 p.m. Monday to Friday, 08:00 a.m. to 1:00 p.m. on a Saturday and at no time on a Sunday.

REASON In the interests of the amenity of the surrounding area.

2. During construction the applicant/developer shall ensure that 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 by construction and any other vehicles.

REASON In the interests of road safety and the amenity of the surrounding area.

3. The demolition hereby approved shall not be commenced until such time as there is in place a let contract for the redevelopment of the site in accordance with an issued planning consent.

REASON In the interests of the amenity of the Outstanding Conservation Area.

4. Should any unforeseen contamination be identified during the demolition/redevelopment of the site, the Planning Authority should be so advised together with any proposed remediation measures; including subsequent validation procedures confirming satisfactory completion of said measures.

REASON In the interests of public safety.

NOTES

1. Demolition work should be undertaken in accordance with the relevant Code of Practice and all demolition wastes disposed of to the satisfaction of the waste regulatory authority.

2. Demolition and subsequent site construction works should not cause any nuisance to existing occupiers in the vicinity through dust, smoke or noise.

3. The applicant is advised to contact Craig McMurray at the Council's Roads and Transportation Division, Greenholm Street, Kilmarnock (01563 578165) to discuss any implications of the works on the Galston Flood Prevention Scheme and requirement for a traffic management proposal relating to demolition, prior to commencing any works on site.

4. The developer should contact Scotland Gas Networks to arrange a site meeting to ascertain the location of sensitive plant in the area.

**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.**