

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 28 OCTOBER 2005

**05/0800/FL & 05/0833/LB: PROPOSED CHANGE OF USE FROM FORMER
CHURCH HALL TO 5 NO. FLATS AND ASSOCIATED ALTERATIONS
AT ERSKINE HALL, WALLACE STREET, GALSTON, KA4 8HR
BY MURDOCH PROPERTY DEVELOPMENT LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Planning permission and listed building consent are sought to change the use of the vacant former church hall to residential accommodation in the form of five flats and to carry out associated alterations. The external alterations consist of the installation of replacement windows and doors, the formation of bin stores, an access ramp and five parking spaces to the front of the building. The building will be segregated to form three flats on the ground floor and two at first floor level.

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 formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in paragraphs 5.8 and 7.1 of the report.

2.2 It is further recommended that the Listed Building application 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 attached sheet.

3. CONCLUSIONS

3.1 As indicated in the report the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

3.2 As per Section 6 of the report there are material considerations relevant to the application however it is not considered that these are of sufficient weight to merit the refusal of the application given the application of appropriate conditions.

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 will not require to be referred to the Development Services Committee as that would not be a significant departure from 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: 28 OCTOBER 2005

05/0800/FL & 05/0833/LB: PROPOSED CHANGE OF USE FROM FORMER CHURCH HALL TO 5 NO. FLATS AND ASSOCIATED ALTERATIONS AT ERSKINE HALL, WALLACE STREET, GALSTON, KA4 8HR BY MURDOCH PROPERTY DEVELOPMENT LTD

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 a listed building application, which are to be considered by the Local Planning Committee under the scheme of delegation, due to the fact that objections have been submitted in respect of these applications.

2. APPLICATION DETAILS

2.1 **Site Description:** The building is a Category B listed building within and just on the edge of Galston Outstanding Conservation Area. The building was formerly used as a church hall and is currently vacant. The site is surrounded by residential properties immediately to the north, east and south and by the 'Burn Anne' to the west. The site is approximately 0.18 acres in area.

2.2 **Proposed Development:** Planning permission and listed building consent are sought to change the use of the vacant former church hall to residential accommodation in the form of five flats and to carry out associated alterations. The external alterations consist of the installation of replacement windows and doors, the formation of bin stores, an access ramp and five parking spaces to the front of the building. The building will be segregated to form three flats on the ground floor and two at first floor level.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no objection to the proposal subject to the imposition of conditions on any planning consent pertaining to the parking and footway crossing. It is further advised that the developer is required to obtain a road opening permit prior to the commencement of works on site.

Should the Committee be minded to approve the proposal conditions can be attached relating to these matters and a note advising the developer to obtain a road opening permit.

3.2 Scottish Water have raised no objections subject to the imposition of conditions on any planning consent pertaining to; connections to the wastewater system and/ or water network and the possible requirement that the surface water is treated by a SUDS system.

A note can be attached to any grant of consent addressing all of the matters outlined above with the exception of the SUDS system which can be addressed by means of a condition.

3.3 Scottish Environment Protection Agency (SEPA) have not responded to the proposal.

Noted.

3.4 Galston Community Council have no objections to the proposal.

Noted.

3.5 Scottish Civic Trust have no objections in principle to the re-use of the church to residential units however comment that to minimise alterations to the interior the subdivision should be restricted to two units and the proposed PVCu wood-grain effect replacement windows are unsympathetic to the listed building and Conservation Area.

Historic Scotland have no objections to the proposed internal alterations and it is considered that the building can be satisfactorily segregated to form five flats. The applicant has agreed to amend the proposal to install timber replacement windows.

3.6 The Architectural Heritage Society of Scotland consider that the density of the proposal is too high given the restricted area of the site and the parking restrictions on Wallace Street. Comments are made regarding the lack of private open space for the development. It is suggested that consideration is given to the removal of the single storey extension at the rear which would result in a larger amenity space and enable parking spaces to be located to the rear of the building.

The proposal seeks to re-use the existing building on site and therefore it is considered unnecessary to require the applicants to demolish this part of the building. An assessment is made against the open space provision for the development in Section 5.4 and as detailed it is considered that a relaxation of the standards can be accommodated. As detailed in paragraph 3.1 the Council's Roads

and Transportation Division do not object to the application and require the formation of parking provision to the front of the building.

3.7 Historic Scotland is content with the principle of converting the church to flats and are pleased that the application retains all of the existing windows on the east elevation, the stained window on the west elevation and the amended proposal to retain the existing front door and install timber painted windows instead of uPVC. In addition, they are pleased to note that it has been possible to retain the pair of gallery stairs and comment that they would prefer retention of any of the decorative columns on the ground floor if possible. They also confirm that they are prepared to accept a minimal amount of car parking to the front of the building.

Conditions can be attached to any grant of planning and listed building consent to ensure that the existing front doors and stained glass windows are retained, the replacement windows are timber and details to be submitted in respect of the decorative columns.

4. REPRESENTATIONS

Two letters of objection have been received from four objectors. The grounds of objection are summarised as follows:-

4.1 Loss of privacy to 41 Wallace Street.

With the exception of the formation of an additional window opening for an en-suite shower room on the north elevation, there are no new window openings proposed on this elevation. There are no window openings on the gable of the property at 41 Wallace Street, therefore there is no direct window to window relationship and it is considered that the existing screening along the common boundary between the properties prevents any significant overlooking impact from the existing windows at first floor level to the rear garden area of 41 Wallace Street. Therefore it is considered that no significant new impact in terms of overlooking shall be imposed.

4.2 Fifteen waste bins being positioned adjacent to the garden boundary of 41 Wallace Street.

A bin store for six bins is proposed on the side boundary of 41 Wallace Street, with an additional three located close to the rear garden boundary. Bins are a requirement for any residential development and would have been required for the previous Church hall use on the site (given that there is a kitchen within the existing property), therefore it is considered that no significant new impact would arise from the bin stores.

4.3 The use of the flats once built given that there is no procedure for vetting of potential clients, where D.S.S. usage of the flats is strongly opposed.

The flats will be used for residential accommodation and details of purchasers/ tenants are not a material planning consideration.

4.4 Negative impact on the local environment from an increase in noise, increase in traffic and, increase in danger to young children from the increased traffic.

It is considered that the proposed use of the premises for residential purposes is compatible with the surrounding area, which is predominantly residential. It is considered that the proposal shall not impose any significant new impact in terms of noise. It is considered that the previous use of the site as church hall would have attracted vehicles to the area, therefore it is considered that it is unlikely to result in any significant increase in traffic to the public road. As detailed in section 3.1 the Council's Roads and Transportation Division have no objections to the application subject to the application of conditions.

4.5 Concern regarding the accuracy of the sizes on the drawings/ plans.

The plans are scaled and are considered to be an accurate representation of the building on site and in relation to its surrounding.

4.6 Concern regarding depreciation of property prices on Wallace Street as a result of the proposal.

Any effect on adjoining property prices is not a material planning consideration.

4.7 No parking provision within the site and impact on parking provision on Wallace Street where it is anticipated the proposal will result in an increase of ten to twenty vehicles of a private or commercial nature.

The parking layout proposed has been accepted by the Council's Roads and Transportation Division. The positioning of the parking to the front of the site will help maintain the character and setting of the listed building within the Outstanding Conservation Area.

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 East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 With regard to the Structure Plan there are no policies applicable to the assessment of the proposal.

East Ayrshire Local Plan

5.3 Policy RES 7 encourages the rehabilitation or conversion of existing, and traditionally designed and constructed buildings to residential use, subject to a set of stated criteria being met, as follows;

- (i) the Council will require to be satisfied that the structural condition of the building is suitable for its conversion to residential use;

There is no evidence of structural decay within the building and given that the building has not been vacant for a substantial length of time it is not considered necessary in this instance to require the submission of a structural survey of the building. The applicant will require to comply with the necessary Building Regulations.

- (ii) the proposal is capable of being implemented while retaining, to at least eaves level, the existing external walls of the building. Any extension shall be limited to a maximum of 50% of the ground floor area of the existing building and a minimum 50% of the external wall area in the completed conversion/ rehabilitation shall be formed from the external walls of the original building;

No extensions or major alterations are proposed, therefore it is considered that the proposal meets with criterion (ii).

- (iii) the development meets the service requirements of all appropriate statutory undertakers and the Council as Roads Authority;

The statutory undertakers and the Council's Roads and Transportation Division do not object to the proposal and subject to conditions will meet their requirements.

- (iv) the proposal is fully in keeping with the character and appearance of the area within which it is located;

This comparatively large listed building within the Outstanding Conservation Area will be retained and accordingly its significance within the townscape of Galston. Minimal external alterations are proposed to the building and it is considered that residential use is compatible with the surrounding area which is predominantly in residential use. Therefore, it is considered that the proposal is in keeping with the character and appearance of Galston Outstanding Conservation Area within which it is located.

- (v) the proposal meets all the design requirements of the Council and reflects the style and design of the original building located on the site; and

It is considered that there are minimal external alterations proposed to the building and Historic Scotland are generally supportive of the proposal and the alterations proposed as detailed in Section 3.7.

- (vi) the proposal does not damage the architectural integrity of the building and re-uses, wherever possible, existing traditional building materials found on site.

It is considered that there are minimal external alterations proposed to the building, Historic Scotland are generally supportive of the proposal and the alterations proposed as detailed in section 3.7. Therefore it is considered that the proposal represents a sympathetic re-use of this Category B listed building which secures and respects the architectural integrity of the building.

5.4 Policy ENV 1 seeks to protect, preserve and enhance all heritage resources requiring conservation including Listed Buildings and Conservation Areas, together with their respective settings, Scheduled Ancient Monuments and Archaeological sites and landscapes.

The proposal will result in the retention of this significant 'B' listed building within an Outstanding Conservation Area.

5.5 Policy ENV 2 actively encourages the retention, restoration, renovation and re-use of listed buildings, unlisted buildings in Conservation Areas and other locally important, especially traditional older properties throughout the area. There will be a presumption against the demolition or partial demolition of all such properties.

The proposal represents a satisfactory re-use of a significant listed building within the Outstanding Conservation Area.

5.6 Policy ENV 4 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.

Relatively few alterations to this B Listed Building are proposed, therefore it is considered that there is a limited impact on the setting of the listed building and Outstanding Conservation Area. Furthermore, Historic Scotland are generally supportive of the development and the alterations proposed as detailed in Section 3.7. Therefore it is considered that the proposal complies with policy ENV 4.

5.7 Policy RES 22 requires all developers to observe the minimum standards for the provision of private open space detailed in Schedule 4 of the Local Plan.

In total there is an area of some 322 sq metres of open space around the building, whilst only some 90 sq metres of that provision can be considered private open space which is located to the rear. In this instance, given that the proposal represents the re-use of an existing Listed Building within an Outstanding Conservation Area and as this policy permits the relaxation of open space standards, it is considered appropriate to retain the building and its setting.

5.8 The applicant has been requested to confirm a contribution to the Sports, Leisure and Recreation Fund under Policy TLR 5 of the Adopted East Ayrshire Local Plan.

The applicant has indicated that they would be willing to make a contribution to the TLR5 Fund at the requested level of 1% of construction costs.

5.9 In conclusion, it is considered that the proposal is in accordance with the provisions of the Development Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultation Responses

6.2 The consultation responses do not indicate that the applications should be refused.

Representations

6.3 The representations received have been summarised in Section 4 of the Report and they are not considered to be of such weight as to merit refusal of the applications.

Impact on the Amenity of the Area

6.4 It is considered that the proposal represents the successful re-use of a B Listed Building to residential accommodation which is considered a compatible and appropriate use which will enhance the setting of that part of the Outstanding Conservation Area and will not impose undue adverse impact on the amenity of the surrounding area.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 The applicant has agreed to enter into an appropriate legal agreement with the Council with regard to a contribution in terms of Policy TLR 5.

8. CONCLUSIONS

8.1 As indicated in the report the applications are considered to be in accordance with the terms of the Development Plan. Therefore they should be approved unless material considerations indicate otherwise.

8.2 As per Section 6 of the report there are material considerations relevant to these applications, however, it is not considered that these are of sufficient weight to merit the refusal of the applications given the imposition of appropriate conditions.

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 formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in paragraphs 5.8 and 7.1 of the report.

9.2 It is further recommended that the Listed Building application 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 attached 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 will not require to be referred to the Development Services Committee as that would not be a significant departure from Council policy.

Alan Neish
Head of Planning, Development and Building Standards

18 October 2005
(GC/IMB/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation Responses.
5. Adopted East Ayrshire Adopted Local Plan.
6. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Gillian Craig, Senior Planning Officer, on 01563 576769.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0800/FL

| | |
|------------------------------|---|
| Site of Proposal: | Erskine Hall Wallace Street GALSTON KA4 8HR |
| Nature of Proposal: | Proposed Change of Use from Former Church Hall to 5 No. Flats and Associated Alterations |
| Name & Address of Applicant: | Murdoch Property Development Ltd 22E Maxwood Road GALSTON KA4 8JN |
| Name & Address of Agent: | N/A |

DPOs Reference: GC/IMB

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

1. Notwithstanding the plans hereby approved, prior to the commencement of any works on site, full details of the parking provision to the front of the building to meet the requirements of the Council's Roads and Transportation Division, shall be submitted to and approved by the Planning Authority, and thereafter implemented as approved.

REASON To ensure adequate parking provision is provided for the site and the surface materials are appropriate for the Conservation Area.

2. The parking arrangements as approved under Condition 1 shall be formed in accordance with the approved details prior to the occupation of the first flat and thereafter maintained.

REASON In the interests of residential amenity and road safety.

3. Notwithstanding the plans hereby approved the alterations to the public footway shall be undertaken prior to the occupation of the first flat and to the satisfaction of East Ayrshire Council's Roads and Transportation Division.

REASON In the interests of road safety.

4. Before any work commences on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved by the Planning Authority in writing. The Sustainable Urban Drainage System shall thereafter be installed on site prior to the occupation of any of the flats.

REASON To ensure that adequate drainage is provided.

5. Details of the foul drainage arrangements shall be submitted to and agreed in writing by the Planning Authority, prior to any work commencing on site.

REASON To ensure that adequate foul drainage is provided.

6. Notwithstanding the plans hereby approved, details of the design and materials of the bin stores and access ramp to be constructed on the site shall be submitted to and approved by the Planning Authority before any development commences on the site. Thereafter, the approved details shall be implemented prior to the occupation of any flats and be maintained in accordance with the approved details.

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

7. Notwithstanding the plans hereby approved, details of hard and soft landscaping to the amenity areas and the surfacing of the parking and roadway shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any development on site. Thereafter, the approved details shall be implemented prior to the occupation of any flats and shall be maintained in accordance with the approved details.

REASON To ensure that the landscaping scheme is to the satisfaction of the Planning Authority in the interests of the residential amenity and visual amenity of the Conservation Area.

8. The details approved under Condition 7 shall at all times be maintained 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 amenity space is maintained in a proper manner in the interest of residential amenity and visual amenity and visual amenity of the Conservation Area.

9. Notwithstanding the plans hereby approved, prior to the commencement of works on site, details of the replacement windows and door shall be submitted for the prior written approval of the Planning Authority and thereafter implemented in accordance with the approved details, prior to occupation of the first flat in the development.

REASON To protect the character and amenity of the Conservation Area.

10. Notwithstanding the plans hereby approved, prior to the commencement of works on site, details of the repair works and colour scheme for the paintwork to the existing front entrance doors shall be submitted for the prior written approval of the Planning Authority and thereafter implemented in accordance with the approved details, prior to the occupation of the last flat in the development.

REASON To protect the character and amenity of the Conservation Area.

11. External construction work shall only take place on Mondays to Fridays between the hours of 8.00 a.m. and 6.00 p.m., on Saturdays between the hours of 8.00 a.m. and 1.00 p.m. and not at all on Sundays.

REASON To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity.

NOTES TO APPLICANT

1 The developer shall make early contact with Scottish Environment Protection Agency and Scottish Water to confirm their request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.

2 The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.

3. A road opening permit is required to undertake the alterations to the footway and is obtained from the Council's Roads and Transportation Division.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0833/LB

Site of Proposal: Erskine Hall
Wallace Street
GALSTON
KA4 8HR

Nature of Proposal: Proposed Change of Use from Former Church
Hall to 5 No. Flats and Associated Alterations

Name & Address of Applicant: Murdoch Property Development Ltd
22E Maxwood Road
GALSTON
KA4 8JN

Name & Address of Agent: N/A

DPOs Reference: GC/IMB

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

1. Notwithstanding the plans hereby approved details of works to the internal decorative columns on the ground floor shall be submitted for the prior written approval of the Planning Authority. Any approved works shall be completed prior to the occupation of any flats.
2. Notwithstanding the plans hereby approved details of the design and materials of the bin stores and access ramp to be constructed on the site shall be submitted to and approved by the Planning Authority before any development commences on the site. Thereafter, the approved details shall be implemented prior to the occupation of any flats and be maintained in accordance with the approved details.

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

3. Notwithstanding the plans hereby approved details of hard and soft landscaping to the amenity areas and the surfacing of the parking and roadway shall be submitted to and approved in writing by the Planning Authority prior to

the commencement of any development on site. Thereafter, the approved details shall be implemented prior to the occupation of any flats and shall be maintained in accordance with the approved details.

REASON To ensure that the landscaping scheme meets the satisfaction of the Planning Authority in the interest of residential amenity and visual amenity of the listed building.

4. The details approved under Condition 3 shall thereafter be maintained in accordance with a maintenance scheme to be submitted to and approved prior to the commencement of any development on site.

REASON To ensure that the amenity space is maintained in a proper manner in the interest of residential amenity and visual amenity of the Listed Building.

5. Notwithstanding the plans hereby approved, prior to the commencement of works on site, details of the repair works and colour scheme for the paintwork to the existing front entrance doors shall be submitted for the prior written approval of the Planning Authority and thereafter implemented in accordance with the approved details, prior to the occupation of the first flat in the development.

REASON To protect the character and amenity of the Listed Building.

6. Notwithstanding the plans hereby approved, prior to the commencement of works on site, details of the repair works and colour scheme for the paintwork to the existing front entrance doors shall be submitted for the prior written approval of the Planning Authority and thereafter implemented in accordance with the approved details, prior to the occupation of the last flat in the development.

REASON To protect the character and amenity of the Listed Building.

**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.**