

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 16 AUGUST 2002

02/0045LB AND 02/0046FL: PROPOSED CHANGE OF USE FROM CHURCH TO COMMERCIAL OFFICE PREMISES (CLASSES 2 AND 4 OF USE CLASSES ORDER) AND INTERNAL AND EXTERNAL ALTERATIONS TO BUILDING AND CREATION OF NEW VEHICULAR ACCESSES, WEST HIGH CHURCH, PORTLAND STREET KILMARNOCK BY LABEL SPEC LTD

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning and listed building consent are sought for a change of use of a former church to commercial office premises within Classes 2 and 4 of the Use Classes Order (Scotland) 1992. External and internal alterations are also proposed to the building and the creation of new vehicular accesses. It is proposed to sub-divide the ground floor area of the main hall of the former Church into 10 individual offices with a reception and open plan office area in the centre. A new stairway to the first floor is proposed adjacent to the organ pipes. A new balustrade and raised floor is proposed to form an open office gallery area at first floor. External alterations to the building include removing the stained glass windows on the side elevations and replacing them with clear glass double glazed units. The top floral motif segment of the existing stained glass windows will be reused in the new windows. No jamb, lead or cill frames will be visible externally and the new windows will have central transoms. The windows at the front of the former church adjacent to Portland Street will remain as existing and are unaffected by these proposals. No changes are proposed internally or externally to the Clock or Bell Tower roof or to the external doors. No alterations are proposed to the ancillary rear buildings attached to the main church building which will be used as storage areas in association with the office use. Recently the church has been subject to a number of break ins and as a result a number of interior doors have been removed and damage has occurred to the organ pipes and pulpit.

1.2 The site will be accessed by two new vehicle accesses one from Portland Street and the other access from Hill Street. Fifteen car parking spaces are proposed within the site.

2. RECOMMENDATION

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

2.2 It is 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 enclosed sheet.

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report the applications are in accordance with the Adopted Local Plan. Therefore given the terms of Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 As is indicated at Section 6 of the report, there are material considerations relevant to the applications and they are supportive of the proposed development. The proposed use and alterations are in accordance with the policies of EALP and the associated Design Guidance. The alterations proposed are in keeping with the character and appearance of the listed building. The proposals will enable the reuse of a vacant listed building and will provide office space in a high quality environment within the town centre.

CONTRARY DECISION NOTE

Should the Committee agree that the applications be refused contrary to the recommendation of the Head of Planning and Building Control and if that decision was arrived at solely on the basis of the principle of the development then the applications would require to be referred to the Development Services Committee.

Alan Neish
Head of Planning and Building Control

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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CENTRAL LOCAL PLANNING COMMITTEE: 16 AUGUST 2002

02/0045LB AND 02/0046FL: PROPOSED CHANGE OF USE FROM CHURCH TO COMMERCIAL OFFICE PREMISES (CLASSES 2 AND 4 OF USE CLASSES ORDER) AND INTERNAL AND EXTERNAL ALTERATIONS TO BUILDING AND CREATION OF NEW VEHICULAR ACCESSES, WEST HIGH CHURCH, PORTLAND STREET KILMARNOCK BY LABEL SPEC LTD

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of the report is to present for determination a full planning application and listed building application 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 West High Church in Portland Street, Kilmarnock. The site is 0.14 hectares in area and is surrounded to the north by an Indian restaurant and other commercial and vacant properties, to the south by the Railway Viaduct and Kilmarnock town centre, to the west by Hill Street and the former Kilmarnock Infirmary Site and to the east by Portland Street and a council car park. The Church is a Category 'B' listed building.

2.2 **Proposed Development:** Full planning and listed building consent are sought for a change of use of a former church to commercial office premises within Classes 2 and 4 of the Use Classes Order (Scotland) 1992. External and internal alterations are also proposed to the building and the creation of new vehicular accesses. It is proposed to sub-divide the ground floor area of the main hall of the former Church into 10 individual offices with a reception and open plan office area in the centre. A new stairway to the first floor is proposed adjacent to the organ pipes. A new balustrade and raised floor is proposed to form an open office gallery area at first floor. External alterations to the building include removing the stained glass windows on the side elevations and replacing them with clear glass double glazed units. The top floral motif segment of the existing stained glass windows will be reused in the new windows. No jamb, lead or cill frames will be visible externally and the new windows will have central transoms. The windows at the front of the former church adjacent to Portland Street will remain as existing and are unaffected by these proposals. No changes are proposed internally or externally to the Clock or Bell Tower roof or to the external doors. No

alterations are proposed to the ancillary rear buildings attached to the main church building which will be used as storage areas in association with the office use. Recently the church has been subject to a number of break ins and as a result a number of interior doors have been removed and damage has occurred to the organ pipes and pulpit.

2.3 The site will be accessed by two new vehicle accesses one from Portland Street and the other access from Hill Street. Fifteen car parking spaces are proposed within the site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have recommended that both access points should be 3.6 metres wide and footway crossings should be formed. A Road Opening Permit will be required prior to the commencement of works within the road links.

A condition can be attached to any grant of planning consent to meet the requirements of the Roads Division.

3.2 Scottish Water have indicated that a totally separate drainage system will be required and Sustainable Urban Drainage Systems should be employed on the surface water drainage system.

A condition and notes can be attached to any grant of planning consent regarding the treatment and discharge of surface water by Sustainable Urban Drainage System.

3.3 Scottish Environment Protection Agency and Scottish Power have no adverse comments to make regarding the proposed development.

Noted.

3.4 Historic Scotland have offered informal comments on the proposal. They require more details regarding the following: the method of ventilating the roofs, the new gates and gateposts, the external entrance doors, the glazed timber porches and transoms in the new side glazing.

Amended plans have been submitted which largely address the requirements of Historic Scotland. Where further details are still required conditions can be attached to any grants of planning and listed building consent.

3.5 The Scottish Civic Trust have indicated that they cannot support the scheme if it continues to propose the stairs in the present location as it entails the removal of the pulpit and obstructs the view of the organ. They would reiterate that if the original stairs cannot be used then the proposed new stair should be relocated. They welcome the proposal to include the floral stained glass motif from the original windows in the new double glazed units. They

would welcome details regarding how it is proposed to do this successfully not only aesthetically but in a manner that will not jeopardise the condition of the original glass or leave the original check for the windows exposed to weathering. They are disappointed to see no annotation indicating that the chequered glass windows be carefully down taken and set aside to allow for any future reinstatement.

It is considered that the flower motif of the existing stained glass windows is the only feature aspect of the existing stained glass windows worth retaining.

3.6 The Architectural Heritage Society of Scotland have objected to the current designs on the grounds that they will have a significant detrimental impact on the setting and fabric of the listed building. They would be willing to withdraw the objection subject to:

- Retention of stained glass/leaded lights
- Replacement of the plasterboard partitions to the ground floor offices with lightweight floor ceiling glass walls allowing visitors to get a better impression of the original space and massing
- A high quality, modern and visually appropriate design for all internal balustrading
- Omission of the parking area to the north and retention of the lawned area currently existing

It is not considered that the proposed external and internal alterations will significantly affect the setting and fabric of the listed building. The alterations proposed are in keeping with the building and will allow the reuse of the former Church and listed building to operate as a business centre, which may otherwise have been left vacant.

3.7 East Ayrshire Council Economic Development Division welcomes the development as it will enhance and the develop the business activity of the town centre through the provision of additional office accommodation and the return to beneficial use of currently vacant premises. It will also lead to further job opportunities both during the construction phase and in the operation of the completed development. The proposal will be compatible with wider regeneration proposals.

Noted.

3.8 Piersland Bentinck Community Council and Bonnyton Community Council have not responded to their consultation letter at time of writing this report.

Noted.

4. REPRESENTATIONS

Two letters of objection have been received from the Architectural Heritage Society of Scotland detailed in 3.2 and the Scottish Civic Trust detailed in 3.6 of the report.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application, the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted Kilmarnock Local Plan (1985). The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan the proposal would fall to be considered against this document and its associated policies. The application is located within the town centre boundary in terms of the Adopted Kilmarnock Local Plan. Policy 5.2.12 encourages non-retail commercial development within the town centre where the proposed development is an office use.

The proposed development complies with the above policy.

5.3 Policy 4.9.2 is relevant in terms of design criteria for alterations to a listed building which should be compatible with the scale and design of adjacent buildings. Materials shall be compatible with the existing and adjacent buildings.

It is considered that the proposed alterations are in keeping with the scale and design of the existing buildings and therefore the proposals would be in accordance with the above policy.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan Finalised Version with Modifications (EALP) and the consultation responses which are detailed in Section 3.

East Ayrshire Local Plan, Finalised Version with Modifications

6.2 The Council has agreed that the EALP should be considered as a prime material consideration. The application is located within the town centre as defined by EALP and therefore Policy RTC 2 is relevant which directs Class 2 uses to within the town centre. As the proposals are part of an

overall office development within the town centre that will have economic benefits, the proposal does not require to be justified against the criteria of Policy IND 6.

The proposal is therefore compliant with the EALP in this respect.

6.3 Policy ENV 7 of EALP expects developers to comply fully with the Council's Design Guidance and Policy Documents relating to and advising on the particular type of development proposal. The Design Guidance states that alterations to a listed building will require to remain subordinate to the original building. The design of alterations should reflect and enhance the overall character and appearance of the listed building concerned in terms of size, scale, fenestration, finish and materials used.

The proposal does not involve significant changes to this listed building. The main changes externally are replacing the windows on the side elevations and internal changes to the former Church. No alterations are proposed to the attached buildings to the rear or to the roof, bell tower, clock tower or external doors of the main building of the former Church. Internally the pews will be removed to allow the former church to be used as offices. The ground floor will be subdivided into 10 offices with an open plan office area in the centre with reception area. Glazed screens will be inserted between the ornate columns to form 10 enclosed offices. A new stairway is proposed to access the first floor open office gallery area. The new stairway is proposed adjacent to the organ pipes which will remain as a feature to the new stairway. On the first floor a new balustrade and raised floor will be formed. The existing pulpit is proposed to be removed to allow the new stairway to be installed. However, it can be relocated internally with the use of an appropriate condition. The existing ceiling and stairways will remain unchanged. The interior of rooms ancillary to the main church will remain unchanged. It is considered that the proposed alterations are in keeping with the character of the listed building and do not detract from the quality and appearance of this listed building. The creation of a car parking area to the side of the building will not adversely affect the setting of the listed building.

6.4 "All new or replacement windows on a listed building must reflect the style, materials and proportion of windows appropriate to the architectural style and period of the property or area particularly as regards the proportion of top-to-bottom sashes and the pattern of glazing bars and astragals. In respect of Category A and B listed buildings, windows shall be of traditional materials, style, design and methods of opening. The use of high quality PVCU windows, exactly replicating timber and with traditional method of opening may be considered acceptable in locations where the planning authority consider the windows not to have a detrimental impact on the character and appearance of the listed building."

The applicant is proposing to replace the stained glass windows on the side elevations of the main church building. No changes are proposed to the stained glass windows on the main front elevation to Portland Street. The windows on the sides will be replaced with clear glass double glazed units with the flower motif of the existing stained glass windows reused with 2 transoms used to divide the length of the windows. The PVCU frame will be inserted behind the stone with wood facings to the side painted to match the plaster. In this instance it is considered that the replacement of the stained glass windows is acceptable, as the main stained glass windows are to be retained at the front. The stained glass windows on the side elevations of the Church are of poor quality and have become faded over the years. The flower motif which is the most ornate feature of the existing stained glass windows to be retained. The use of PVCU is acceptable as it will be concealed and will not be visible externally.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As indicated at Section 5 of the report the applications are in accordance with the Adopted Local Plan. Therefore given the terms of Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

8.2 As is indicated at Section 6 of the report, there are material considerations relevant to the applications and they are supportive of the proposed development. The proposed use and alterations are in accordance with the policies of EALP and the associated Design Guidance. The alterations proposed are in keeping with the character and appearance of the listed building. The proposals will enable the reuse of a vacant listed building and will provide office space in a high quality environment within the town centre.

9. RECOMMENDATION

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

9.2 It is 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 enclosed sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the applications be refused contrary to the recommendation of the Head of Planning and Building Control and if that decision was arrived at solely on the basis of the principle of the development then the applications would require to be referred to the Development Services Committee.

Alan Neish
Head of Planning and Building Control

7 August 2002 (PC/SA)
FV-DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Certificates/Notices.
3. Statutory Consultations.
4. Approved Ayrshire Joint Structure Plan.
5. East Ayrshire Local Plan Finalised Version with Modifications.
6. Approved Strathclyde Structure Plan.

Anyone wishing to inspect the above papers please contact Pamela Clifford on (01563) 576772.

Implementation Officer: Alan Neish

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0046/FL

Site of Proposal: West High Church
Portland Street
KILMARNOCK

Nature of Proposal: Proposed change of use from church to commercial office premises (Classes 2 and 4 of Use Classes Order) and internal and external alterations to building and creation of new vehicular accesses

Name & Address of Applicant: Label Spec Ltd

Name & Address of Agent:

DPOs Reference: PC/SA

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 and plans submitted on 21 January 2002 as revised by the amended plans received by the Planning Authority on 30 May 2002.

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

(2) Notwithstanding the approved plans, details/samples of the following alterations shall be submitted to and approved by the Planning Authority prior to the commencement of works on site and implemented and maintained thereafter

- (a) dimensions, materials and finishes of transoms in the new side windows
- (b) materials of rainwater goods
- (c) details of the finish of the timber floor
- (d) design of the roller shutter on the loading bay door

REASON To preserve the character of the listed building.

(3) Notwithstanding the submitted plans, details of the materials to be used in the surfacing of the car parking areas shall be submitted to and approved by the Planning Authority prior to the commencement of development on site. The approved car parking spaces shall be implemented prior to the use of the building as approved.

REASON In the interest of visual amenity and to ensure the provision of adequate car parking for the approved development in the interests of road safety.

(4) A landscaping scheme including the treatment of the boundary of the site shall be submitted to and approved by the Planning Authority prior to commencement of any development on site and 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.

REASON To ensure that landscaping is provided to an adequate standard and it is subsequently maintained in the interests of visual amenity and character of listed building.

(5) The existing railings along the perimeter of the site shall be retained in situ and maintained thereafter except insofar as to allow access to the site in accordance with the approved details.

REASON To maintain the contribution of the existing features to the quality of the area in the interests of visual amenity.

(6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, any external and internal changes which are not identified on the approved plans to the two attached rear buildings shall be the subject of a separate application for planning permission.

REASON To enable the Planning Authority to retain control over the development of the site in the interests of the character of the listed building.

(7) No storage of materials or articles shall take place on the site outside a building.

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

(8) 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 use of the building as offices.

REASON To ensure that adequate drainage is provided.

(9) Notwithstanding the approved plans, the proposed access points shall be 3.6 metres wide and footway crossings shall be formed to the standard of the Council as Roads Authority.

REASON In the interests of road safety.

(10) Notwithstanding the approved plans, the PVCU frame of the new windows on the side elevations shall not be visible externally or internally. Further details of these works shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented thereafter as approved.

REASON To preserve the character of the listed building.

NOTES

(1) It is recommended that the applicant makes early contact with East Ayrshire Council Roads and Transportation Division, Greenholm Street regarding a Road Opening Permit. Telephone (01563) 576359).

(2) The developer shall make early contact with the 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.

(3) 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.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0045LB

Site of Proposal: West High Church
Portland Street
KILMARNOCK

Nature of Proposal: Internal and external alterations to building
and creation of new vehicular accesses

Name & Address of Applicant: Label Spec Ltd

Name & Address of Agent:

DPOs Reference: PC/SA

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

(1) The proposed development shall be carried out in accordance with the application form and plans submitted on 21 January 2002 as revised by the amended plans received by the Planning Authority on 30 May 2002.

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

(2) Notwithstanding the approved plans, details/samples of the following alterations shall be submitted to and approved by the Planning Authority prior to the commencement of works on site and implemented and maintained thereafter:-

- (a) dimensions, materials and finishes of transoms in the new side windows
- (b) materials of the new stairway
- (c) design and material of any new internal doors
- (d) dimensions, materials and finish of new glazed screens for the individual offices and how they are to be attached to the existing ornate columns.
- (e) materials of rainwater goods
- (f) details of the finish of the timber floor
- (g) design of the roller shutter on the loading bay door.

REASON To preserve the character of the listed building.

(3) Notwithstanding the approved plans, the existing pulpit shall be dismantled and reconstructed within the ground floor of the new business centre. A method statement of how the pulpit is to be dismantled and reconstructed which shall include the new location of the pulpit shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and reconstructed prior to the use of the building as a business centre.

REASON To preserve this particular architectural feature to the benefit of the listed building.

(4) Notwithstanding the approved plans, any repairs to be carried out to the ceiling, roof, floor area, organ pipes and any other architectural feature of the building shall be of the same design and utilise the same materials as the original feature.

REASON To preserve the character of this 'B' listed building.

(5) The existing railings along the perimeter of the site shall be retained in situ and maintained thereafter except insofar as to allow access to the site in accordance with the approved details.

REASON To maintain the contribution of the existing features to the quality of the area in the interests of visual amenity.

(6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, any external and internal changes which are not identified on the approved plans to the two attached rear buildings shall be the subject of a separate application for listed building consent.

REASON To enable the Planning Authority to retain control over the development of the site in the interests of the character of the listed building.

(7) The developer shall give the Head of Planning and Building Control 7 days written notice prior to the implementation of the Listed Building Consent.

REASON To ensure that the development relates to the approved plans.

(8) Prior to the commencement of any works on site the developer shall submit full details confirming methods to be employed to protect the retained original features and detail of the building. Thereafter for the full period of construction works the agreed methods of protection shall be retained on site at all times.

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 work.

(9) Notwithstanding the approved plans, the PVCU frame of the new windows on the side elevations shall not be visible externally or internally. Further details of these works shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented thereafter as approved.

REASON To preserve the character 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.**

AGENDA