

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 26 MARCH 2010

**08/0490/FL: CHANGE OF USE AND ALTERATION TO EXISTING BUILDING
TO FORM 4 TERRACED DWELLINGHOUSES AND ERECTION OF NEW
BUILDING TO FORM 4 TERRACED DWELLINGHOUSES**

AND

**08/0489/LB: CHANGE OF USE AND ALTERATIONS TO FORM 4 TERRACED
DWELLINGS**

AT 20 - 24 MILL STREET, CATRINE

APPLICATIONS BY CLYDE BUILDING GROUP LIMITED

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Planning permission is sought for the change of use and alterations to the former public house premises to form 4 terraced dwellinghouses of two and a half storey construction. This will involve the demolition of the existing large flat roof rear extension. Permission is also sought for the erection of a new terraced block to the rear of the public house building, again of two and a half storey construction. The proposed conversion and the proposed new build development will effectively form a courtyard development with the existing vehicle access and car parking area of the public house being used to form the courtyard and site access which will also provide 13 car parking spaces to serve the development.

1.2 The new build terraced block will provide 4 terraced dwellings with a lounge and kitchen on the ground floor, a sitting room and bedroom on the first floor, and an en-suite bedroom in the attic level. The converted public house will also provide 4 units with a lounge and kitchen on the ground floor, a bedroom and study on the first floor, and an en-suite bedroom in the attic level. Access to these terrace units will be taken from the rear of the building within the courtyard as alterations to the listed public house premises include the blocking up of two existing doorways on the front elevation.

1.3 Although the roof of the existing building has been removed due to fire damage, the applications provides for a new roof in any case. The proposed roof is to be finished externally in natural slate, with wet cast external wall finish painted white. Windows to the front elevation are to be timber sash and case with timber casement type being proposed on the rear elevation. Traditional style dormer windows will be formed on the rear roof elevation with conservation grade roof lights proposed on the front elevation.

1.4 The new build block will have a natural slate roof finish with the external wall finish being Old Stock Common brick, reflecting finishes in the adjacent residential buildings. Again timber casement windows are proposed in the

construction of the new build mirroring the finish of the converted public house. In order to accommodate the proposed car parking within the proposed courtyard area, it is proposed to remove most of the leylandii trees on the western boundary.

2. RECOMMENDATION

2.1 It is recommended that the planning application be approved subject to the conditions listed on the respective attached sheet but that the decision notice be withheld until the application has been notified to and formally cleared by the Scottish Ministers in terms of the Town and Country Planning (Notification of Applications (Scotland) Direction 2009.

2.2 It is recommended that the Listed Building Consent application be approved subject to the conditions listed on the respective attached sheet.

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report, the applications are not in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the applications should be refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to these applications which on balance suggests that the provisions of the development plan should be set aside in this case.

3.2 In terms of the representations received, they are not of sufficient weight to justify refusal of the applications bearing in mind the precedents previously set through the grant of planning permission and Listed Building Consent for a similar scheme.

3.3 The outstanding objection by SEPA will require the planning application to be formally notified to the Scottish Ministers, should the Committee be minded to grant consent. The objection from SEPA is anomalous in that SEPA did not raise any objections to the previously approved scheme for eight residential units proposed under application 06/1044/FL as described elsewhere. It is considered that this objection not only has negative implications for the current applications under consideration but raises concerns regarding wider redevelopment proposals within the wider Catrine town centre. This is particularly so given the proposals will secure the future of a Category C(s) Listed Building within Catrine Outstanding Conservation Area.

3.4 The planning history of the site is a significant material consideration in the determination of these applications. The present applications represent effectively an amendment to the previously approved planning and Listed Building Consent applications previously granted for the site and which remain valid at this time. The configuration of the residential units has been changed but the overall number of units remains the same and the scale, density, massing

and layout of the current proposals is similar to that previously approved. Furthermore it is noted that these previous applications did not attract any objections either from third parties or statutory consultees.

3.5 The fire damaged listed building, in its current condition significantly detracts from the character and appearance of the Outstanding Conservation Area and it is considered that, subject to the imposition of appropriate conditions in any consents granted, the proposal represents an opportunity to preserve and refurbish a listed building and enhance the currently diminished character and appearance of the Outstanding Conservation Area.

CONTRARY DECISION NOTE

Should the Committee agree that the applications be refused contrary to the recommendation of the Head of Planning and Economic Development the applications would not require to be referred to the Full Council as that would not represent a significant departure from policy.

Alan Neish
Head of Planning and Economic Development

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

SOUTHERN LOCAL PLANNING COMMITTEE: 26 MARCH 2010

08/0490/FL: CHANGE OF USE AND ALTERATION TO EXISTING BUILDING
TO FORM 4 TERRACED DWELLINGHOUSES AND ERECTION OF NEW
BUILDING TO FORM 4 TERRACED DWELLINGHOUSES
AND

08/0489/LB: CHANGE OF USE AND ALTERATIONS TO FORM 4 TERRACED
DWELLINGS
AT 20 - 24 MILL STREET, CATRINE

APPLICATIONS BY CLYDE BUILDING GROUP LIMITED

Report by Head of Planning and Economic Development

1. PURPOSE OF REPORT

1.1 The purpose of this report is to jointly present for determination an application for planning permission and an application for Listed Building Consent which are to be considered by the Local Planning Committee under the scheme of delegation as the applications are the subject of more than 10 objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies on the north side of Mill Street in Catrine, some 35 metres east of the junction of Mill Street with Mull Mull Street. The application comprises the site the former Old Mill Inn public house and its curtilage at this location. The site extends to approximately 2430 square metres and the site is relatively level. The former Old Mill Inn is a two and a half storey building with a single storey extension to the rear of the property. It is a Category C(s) Listed Building within Catrine Outstanding Conservation Area and sits immediately adjacent to the public footpath on Mill Street.

2.2 The application site is bounded to the west and east by two storey local authority houses, by the cemetery of Catrine Parish Church to the north and by the open space area of Mill Square to the south. The western boundary is lined by a number of large leylandii trees. The northern and eastern boundaries of the site are defined by existing masonry walls. Since the submission of the applications, the building has been the subject of extensive fire damage with the roof of the building having to be removed in the interests of public safety.

2.3 **Proposed Development:** Planning permission is sought for the change of use and alterations to the former public house premises to form 4 terraced dwellinghouses of two and a half storey construction. This will involve the demolition of the existing large flat roof rear extension. Permission is also sought for the erection of a new terraced block to the rear of the public house building,

again of two and a half storey construction. The proposed conversion and the proposed new build development will effectively form a courtyard development with the existing vehicle access and car parking area of the public house being used to form the courtyard and site access which will also provide 13 car parking spaces to serve the development.

2.4 The new build terraced block will provide 4 terraced dwellings with a lounge and kitchen on the ground floor, a sitting room and bedroom on the first floor, and an en-suite bedroom in the attic level. The converted public house will also provide 4 units with a lounge and kitchen on the ground floor, a bedroom and study on the first floor, and an en-suite bedroom in the attic level. Access to these terrace units will be taken from the rear of the building within the courtyard as alterations to the listed public house premises include the blocking up of two existing doorways on the front elevation.

2.5 Although the roof of the existing building has been removed due to fire damage, the applications provide for a new roof in any case. The proposed roof is to be finished externally in natural slate, with wet cast external wall finish painted white. Windows to the front elevation are to be timber sash and case with timber casement type being proposed on the rear elevation. Traditional style dormer windows will be formed on the rear roof elevation with conservation grade roof lights proposed on the front elevation.

2.6 The new build block will have a natural slate roof finish with the external wall finish being Old Stock Common brick, reflecting finishes in the adjacent residential buildings. Again timber casement windows are proposed in the construction of the new build mirroring the finish of the converted public house. In order to accommodate the proposed car parking within the proposed courtyard area, it is proposed to remove most of the leylandii trees on the western boundary.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objections subject to conditions as follows:

- (i) An internal car turning area should be formed within the site to allow vehicles to enter and leave the site in forward gear.
- (ii) A minimum of one allocated and 0.65 unallocated parking spaces are required for a two bedroom house; this amounts to thirteen spaces being required.
- (iii) The private access drive will require to be hard paved over its full width for a minimum distance of 5 metres from the rear of the public footway to avoid overcarry of loose material onto the public road.
- (iv) Any gates will require to open inwards, away from the public road;
- (v) A bin storage / collection point should be provided to prevent bins from obstructing the public footway.
- (vi) Visibility sightline splay areas of 2.5 metres by 35 metres will require to be formed and maintained at the access point, with no obstruction to visibility

greater than 1 metre in height being allowed within the splay areas formed.

- (vii) No surface water must be allowed to discharge onto the public road;

Conditions can be attached to any consent granted for the proposed development to meet the requirements of the Roads and Transportation Division.

3.2 Catrine Community Council understands that a change of use of a commercial property to residential use is contrary to the local plan, particularly within a conservation area. The Community Council therefore has objected to the application in relation to the rear of the site on the following grounds:

- (i) the application constitutes a back door development which is contrary to the local plan and there are local precedents, including on this site for refusal of such applications;

The proposed development will result in the creation of a courtyard style development with access to the site being taken from the existing access serving the former public house premises. In this regard, although the development will encroach into the open space / garden area forming part of the curtilage of the former public house, it is not considered to be backland development.

The planning history of the site is noted in Section 6 below. In particular it should be noted that planning permission has already been granted for the conversion of the public house to form 6 flatted dwellings and for the erection of two semi-detached new build dwellings (Ref. No 06/1044/FL dated 23 April 2007). At that time no objections were received in relation to this proposal and this grant of planning permission has in effect set a precedent for the courtyard style redevelopment of this area. This consent is not due to expire until 23 April 2012. The present applications are effectively for an amendment to this previously approved development scheme.

- (ii) there are a number of new builds in Catrine which are unsold and un-let and also a newly granted development at the top of Sorn Street which would obviate the need for this additional development;

This is not a valid ground of objection and not material to the consideration of these applications. The proposals require to be considered on their own merits.

- (iii) the proposed development would impinge detrimentally on the setting of the Category A listed Catrine parish Church; and

Whilst the new build terrace of dwellinghouses will be constructed closer to the listed church and the cemetery yard, it lies some 55 metres from the church itself which occupies an elevated position at Church Hill. In this regard there will not be any significant impact on

the setting of the listed church. Furthermore, Historic Scotland has raised no comments on the impact of the proposed development on the setting of the church or the cemetery.

- (iv) the development would lie immediately adjacent to, and overlook the ancient burial ground within the curtilage of the church which would be inappropriate and undesirable.

It is accepted that given the height of the new build element of the development, it will result in views into the old cemetery. However, this is not an 'active' cemetery, being more historic in nature, and it is unlikely that this overlooking will result in any significant impact on the amenity and usage of the cemetery itself in terms of appropriateness or desirability.

3.3 Scottish Water, the West of Scotland Archaeology Service and Power Systems have no adverse comments to make on the proposed development.

3.4 The Scottish Environment Protection Agency objects to the proposed development due to concerns regarding flooding. SEPA indicates that the application site, or parts of it, lie within the 1 in 200 year flood envelope and is therefore at medium to high risk of flooding. SEPA indicates that insufficient information is provided with the application for an assessment of flood risk at this site. SEPA objects to the development until a flood risk assessment or other appropriate information is provided in support of the application.

It is noted from the flood envelope mapping that the part of the site which falls within the envelope is the existing former public house building itself. This is not a new build but the conversion of an existing listed building within Catrine Outstanding Conservation Area. As note in the planning history of the site in section 6 below, planning consent has previously been granted for conversion of the former pubic house and a new build element and at that time in 2006, no objections were raised by SEPA in respect of this development, which essentially represents an amended scheme to that previously approved and which has a live, valid consent. It is considered that SEPA's position in this matter is detrimental to the potential refurbishment and retention of this listed building within a prominent site in Mill Street; it has the potential to effectively sterilise any development of the site and clearly could have wider implications for the centre of Catrine.

Nonetheless the applicant has provided some additional information which has been forwarded to SEPA for consideration. At the time of writing this report, a formal response has not yet been received. Should the objection by SEPA not be removed, the application would require to be notified to the Scottish Ministers should the Committee be minded to approve the application.

3.5 Historic Scotland welcomes the re-use of this prominent building in Catrine. The proposal seeks to alter the existing distinctive elevational pattern, removing the central doorways and affecting the character significantly. In general HS recommends the conversion works with existing features or original openings. Where windows require to be replaced, the pattern of glazing bars should either be 2 pane over 2 or 6 pane over 6. HS recommends the former, as it is easier to accommodate double glazing where windows do not have many glazing bars. Windows should be painted timber sliding sash and case types. Existing slates should be salvaged and set aside for re-use.

Conditions can be attached to any consents granted to meet the recommendations of HS. With regard to the removal of the front elevation doorways of the listed building, the applicant's agent has indicated that the proposals for the front elevation of the listed building retain the general appearance of the building and given that its historical importance must be greater than its architectural merit, the adjustments to the fenestration and removal of the front doorways do not detract from the building to any great extent. The applicant's agent also further notes that the previously approved extant scheme also opted for rear entrance doorways.

3.6 The Architectural Heritage Society of Scotland has not responded to the consultation letter.

4. REPRESENTATIONS

4.1 In addition to the two consultation letters from Catrine community Council and SEPA objecting to the proposed development referred to in Section 3 above, a total of 12 pro forma style letters of representations from 13 signatories have been received objecting to the proposed development. The pro forma letters of representation have considerable commonality in the points of objection or concerns raised but almost exclusively relate to the proposed new build element of the proposed development. The main points of objection are summarised as follows:

4.2 The proposed new build development to the rear of the property is contrary to the current local plan.

The objectors have not specified in which way they believe that the proposed development offends the East Ayrshire Local Plan but an assessment against the development plan is given in Section 5 below.

4.3 The proposed new build development is adjacent to the Catrine Parish Church, a Category A listed building and will be detrimental to its historical setting and outlook.

Whilst the new build terrace of dwellinghouses will be constructed closer to the listed church and the cemetery yard, it lies some 55

metres from the church itself which occupies an elevated position at Church Hill. In this regard there will not be any significant impact on the setting of the listed church. Furthermore, Historic Scotland has raised no comments on the impact of the proposed development on the setting of the church or the cemetery.

4.4 The proposed new build at the rear of the site is significantly to the rear of the current building line and constitutes 'backyard' development and breaches the open area of garden ground between the old church yard and the housing already in place. It is believed that in the past a small proposal building in this area was rejected by the Council on similar grounds.

Comments as per Section 3.2(i) above.

4.5 The proposed new build development will affect the setting of the Old Mill Inn, a Category C(s) listed building and is contrary to its listing category.

By necessity the new build element impacts on the existing listed Old Mill Inn, but without the new build element, it is unlikely that the retention and refurbishment of the listed building would present a financially viable option for the developer, particularly in light of the current economic situation generally within the housing development industry. As indicated in section 3.2 above, a valid planning consent already exists for a scheme that also incorporates a new build element.

4.6 The new build element, being of two and a half storey construction would overlook the cemetery to an unacceptable degree.

It is accepted that given the height of the new build element of the development, it will result in views into the old cemetery. However, this is not an 'active' cemetery, being more historic in nature, and it is unlikely that this overlooking will result in any significant impact on the amenity and usage of the cemetery itself in terms of appropriateness or desirability.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 For the purposes of these applications the development plan comprises the approved Ayrshire Joint Structure Plan (2007) and the adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 Policy ENV 6 (Protection of the Built Heritage) states that development proposals considered to have an adverse effect on the following heritage resources shall not conform to the structure plan.

A listed buildings of architectural and historic interest;

- B designated conservation areas;
- C historic gardens and designed landscapes; and
- D archaeological locations and landscapes.

The Old Mill Inn is a Category C(s) Listed Building within the Catrine Outstanding, Conservation Area. The conversion of the existing public house to 4 terraced dwellings will bring a vacant Listed Building back into a viable use.

The design of the four new build terraced dwelling houses to the rear of the Old Mill Inn reflects the frontage of the Old Mill Inn itself. Therefore, they will not have an adverse impact on the listed building or Conservation Area as long as the finish is sympathetic to the listed building.

Therefore, the proposal is generally consistent with the provisions of the Structure Plan.

East Ayrshire Local Plan (2003)

5.3 Policy ENV2 states that the Council will actively encourage 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 seeks to retain and re-use the Listed Building and demolish a one-storey extension to the rear. The extension to the rear is not a traditional feature of the building and demolition would improve the rear elevation of the building.

5.4 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 indicated in the response to Policy E6 above, the proposal includes the removal of some traditional features including dormer windows and door openings. The removal of traditional features will significantly alter the appearance of the listed building. However, it should be noted that the former public house has been the subject of extensive fire damage and the applicant seeks to promote a scheme which is viable in financial terms while still endeavouring to preserve and enhance the appearance of the building in terms of new fenestration and external wall and roof finishes.

5.5 Policy ENV7 states that all developers will be expected to comply fully with the Council's existing and emerging Design Guidance and Policy documents relating to and advising on the particular type of development proposed. The policy also states that developments which do not meet the required design standards detailed in these documents will require to be fully justified and may not be supported by the Council.

Comments as above. The erection of four new dwelling houses would accord with the Design Guidance as it is sympathetic to the design of the Listed Building.

5.6 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 proposal involves a change of use from a Schedule 5 use to residential. Residential use of this building has already been established in principle by planning consent no. 06/1044/FL.

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

Residential use of this site is considered to be sympathetic to the character and amenity of the area.

5.7 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 erection of four dwelling houses to the rear of the Old Mill Inn would not have an adverse impact on the surrounding natural and built environment and adjacent uses.

(ii) transportation and infrastructure implications;

There are no significant transport or infrastructure implications arising from the proposed development.

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

The new dwelling houses are compatible with surrounding housing types. However, the density of the development is high as the proposal does not provide the minimum standards of Private Open Space (see Policy RES 22 below).

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

The new dwelling houses are sympathetic in design to the Old Mill Inn and provided the finishes are also sympathetic to the original building, then the new build element of the proposal complies with the Councils Design Guidance.

5.8 Policy RES7 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;

The building is suitable for conversion to residential use with a desire to see the retention of a listed building.

- (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 extension to the original building is being proposed.

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

There are no significant transport or infrastructure implications arising from the proposed development.

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

The loss of traditional features could have an adverse impact on the character and amenity of the Conservation Area.

(v) the proposal does not damage the architectural integrity of the building and reuses wherever possible, any existing traditional building materials found on site.

The design of the conversion of the Listed Building to 4 terraced dwelling houses is considered not to respect the architectural integrity of the building insofar as it is proposing the removal of traditional features.

5.9 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.

A minimum of 70m² of private open space requires to be provided for each terraced dwelling house. Only two of the new terraced dwellings provide the minimum standards of private open space. However, given that this is the refurbishment and redevelopment of a brownfield site within a town centre location it is considered that this would not be a significant departure from policy.

The proposed development is not in accordance with the development plan in respect of policies ENV4, RES4, RES7 and RES22, albeit that the development represents minor departures from policy.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the applications are the consultation responses, the representations received, Supplementary Planning Guidance, the Alteration to the East Ayrshire Local Plan (Finalised Version with Modifications 2009) and the planning history of the site.

Alteration to the East Ayrshire Local Plan

6.2 Policy RES3 states that within settlement boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Such proposals will be particularly supported where the development:

- (i) has no adverse impact on the surrounding natural and built environment and adjacent uses;
- (ii) has no unacceptable transportation and infrastructure implications;
- (iii) is compatible with surrounding densities and housing types; and
- (iv) is in full compliance with the Council's approved Design Guidance.

The proposed development is generally consistent with Policy RES3.

6.3 Policy RTC3 further states that both within town centres and elsewhere throughout the area settlements, the Council will positively encourage owners

and developers to retain and improve all existing retail facilities and other facilities falling within Schedule 6(i) of the local plan. Where changes of use of properties in Schedule 6(i) use are proposed or where a property in Schedule 6(i) use becomes vacant, the Council will, in the first instance, encourage and support the re-use or redevelopment of the property for an appropriate alternative Schedule 6(i) use. The Council will also be supportive, in principle, to changes of use from Schedule 6(i) use to alternative Schedule 6(ii) uses or to the redevelopment of gap or infill sites within town centres for Schedule 6(ii) uses but only where it can be conclusively demonstrated by the applicant / developer that:

- (i) the properties or sites concerned have been actively and widely marketed for Schedule 6(i) uses for a period of six months and that no appropriate Schedule 6(i) use for the premises can be found; and

The former public house premises has been empty for some time and suffered from fire damage. Consent has effectively already been given in principle to residential use of the site through the extant planning consent granted previously for the site.

- (ii) the proposed development is sympathetic, in terms of its scale, design and material finish to the character and amenity of the area concerned.

The proposed development meets this criterion.

6.4 Policy ENV4 states that the Council will actively encourage 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. Development affecting a listed building or its setting shall preserve the building, or its setting, or any features of special architectural or historic interest which it possesses. The layout, design, materials, scale, siting and use of any development shall be appropriate to the character and appearance of the listed building and its setting.

The proposed development seeks to retain the existing listed building although the new build development will have an impact on its setting. However, while there are some issues regarding the preservation of particular features of the building, these can to a degree be addressed by appropriate conditions. It is noted that the proposals are generally welcomed by Historic Scotland.

6.5 Policy ENV7 states that development and demolition within a conservation area or affecting its setting shall preserve or enhance its character and be consistent with any relevant conservation area appraisal or management plan that may have been prepared for the area. The design, materials, scale and siting of any development shall be appropriate to the character of the conservation area and its setting. Trees which are considered by the planning authority to have amenity value shall be preserved. Given the importance of assessing design matters, outline applications will not normally be considered appropriate in conservation areas. The Council will seek to ensure that all development within or affecting the setting of a Conservation Area or affecting

the appearance or setting of a listed building complies with the Council's appropriate Design Guidance. In particular, the Council will not be supportive of any development that is unsympathetic to the area or building concerned in terms of its layout, size, scale, design, siting, materials and colour of finish. Wherever possible, all 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.

The proposed development seeks to preserve the character of the outstanding conservation area by retaining the existing listed building and promoting a new building which is designed to compliment the character of the retained listed building. However, while there are some issues regarding the preservation of particular features of the building, these can to a degree be addressed by appropriate conditions. It is noted that the proposals are generally welcomed by Historic Scotland.

6.6 Policy RES26 states that all developers for new housing developments will be required to observe the minimum private open space criteria and standards detailed in Schedule 5 of the Local Plan. The standards quoted may however, be relaxed at the discretion of the Council in respect of the conversion of existing properties where the case for such a relaxation can be fully justified by the developer and where considered appropriate by the Planning Authority.

The private open space standard required by Schedule 5 has not been met in respect of the proposed development. However, given that this is a redevelopment site within a town centre area, it is considered that the required standards should be relaxed in this case, particularly given the previous consents granted for the redevelopment of this site.

It is considered that the proposed development is generally consistent with the provisions of the Alteration to the Local Plan.

Supplementary Planning Guidance

6.7 Catrine 'Outstanding' Conservation Area Appraisal: the Conservation Area Appraisal is a material consideration in the determination of these proposals and requires a supporting statement to be included with the planning application that adequately demonstrates how the proposal has taken into account the character of the Conservation Area identified in the proposal

The applicant has not submitted this statement with the applications. However, in this regard it should be noted that planning permission already exists for a similar scheme and that a precedent has been set for the redevelopment of this site within the Conservation Area. Furthermore, a Conservation Area Appraisal was carried out in respect of the previously approved application.

Consultations Responses

6.8 Apart from the objections received from Catrine Community Council and SEPA, there are no consultation responses that would suggest that refusal of the applications is warranted. The objection from SEPA is anomalous in that SEPA did not raise any objections to the previously approved scheme for eight residential units proposed under application 06/1044/FL as described below. It is considered that this objection not only has negative implications for the current applications under consideration but raises concerns regarding wider redevelopment proposals within the wider Catrine town centre. This is particularly so given the proposals will secure the future of a Category C(s) Listed Building within Catrine Outstanding Conservation Area. Should the Committee resolve to approve the planning application, then the decision would require to be notified to the Scottish Ministers in terms of the Town and Country Planning (Notification of Applications (Scotland) Direction 2009).

Representations

6.9 It is considered that the representations received, including the objection received from Catrine Community Council, are not of sufficient weight to justify refusal of the applications, taking cognisance of the planning history of the site and the extant planning consent and Listed Building Consent relating to the redevelopment of the former public house premise and its curtilage.

Planning History

6.10 Relevant planning history on the application site is as follows:

- (i) A Certificate of Lawfulness for the existing use of the public house at the Old Mill Inn premises was approved on 10 July 1998 (Ref. No. 98/0396/LD).
- (ii) A planning application for the demolition of the public house premises and erection of 10 flats and three town houses on the Old Mill Inn site was withdrawn by the applicant on 14 November 2006 (Ref. No. 05/01266/FL)
- (iii) A planning application for the change of use and alterations to the Old Mill Inn to form 6 flatted dwellings and for the erection of two semi-detached dwellings to the rear of the site was approved under Delegated Powers on 23 April 2007 (Ref. No. 06/1044/FL). An associated Listed Building Consent for the alterations to the listed public house was approved on 23 April 2007 (Ref. No. 06/1171/LB).

6.11 The present applications under consideration represent effectively an amendment to the previously approved planning and Listed Building Consent applications as described in section 6.10 (iii) above. While the configuration of the residential units has been changed the overall number of units remains the same and the scale, density, massing and layout of the current proposal is similar to that previously approved. Furthermore it is noted that these previous

applications did not attract any objections either from third parties or statutory consultees.

The planning history of the site, particularly the extant planning and listed building consents, is a significant material consideration in the determination of these present applications.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of these applications. Legal implications may arise in the requirement to refer the planning application to the Scottish Ministers as described in Section 6.8 above.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report, the applications are not in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the applications should be refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to these applications which on balance suggest that the provisions of the development plan should be set aside in this case.

8.2 In terms of the representations received, they are not of sufficient weight to justify refusal of the applications bearing in mind the precedents previously set through the grant of planning permission and Listed Building Consent for a similar scheme.

8.3 The outstanding objection by SEPA will require the planning application to be formally notified to the Scottish Ministers, should the Committee be minded to grant consent. The objection from SEPA is anomalous in that SEPA did not raise any objections to the previously approved scheme for eight residential units proposed under application 06/1044/FL as described elsewhere. It is considered that this objection not only has negative implications for the current applications under consideration but raises concerns regarding wider redevelopment proposals within the wider Catrine town centre. This is particularly so given the proposals will secure the future of a Category C(s) Listed Building within Catrine Outstanding Conservation Area.

8.4 The planning history of the site is a significant material consideration in the determination of these applications. The present applications represent effectively an amendment to the previously approved planning and Listed Building Consent applications previously granted for the site and which remain valid at this time. The configuration of the residential units has been changed but the overall number of units remains the same and the scale, density, massing and layout of the current proposals is similar to that previously approved. Furthermore it is noted that these previous applications did not attract any objections either from third parties or statutory consultees.

8.5 The fire damaged listed building, in its current condition significantly detracts from the character and appearance of the Outstanding Conservation Area and it is considered that, subject to the imposition of appropriate conditions in any consents granted, the proposal represents an opportunity to preserve and refurbish a listed building and enhance the currently diminished character and appearance of the Outstanding Conservation Area.

9. RECOMMENDATIONS

9.1 It is recommended that the planning application be approved subject to the conditions listed on the respective attached sheet but that the decision notice be withheld until the application has been notified to and formally cleared by the Scottish Ministers in terms of the Town and Country Planning (Notification of Applications (Scotland) Direction 2009.

9.2 It is recommended that the Listed Building Consent application be approved subject to the conditions listed on the respective attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the applications be refused contrary to the recommendation of the Head of Planning and Economic Development the applications would not require to be referred to the Full Council as that would not represent a significant departure from policy.

Alan Neish
Head of Planning and Economic Development

16 March 2010
HM/HM
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form, Plans and accompanying supporting information.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Letters of representation.
5. Adopted East Ayrshire Local Plan (2003).
6. Alteration to the East Ayrshire Local Plan (Finalised Version with Modifications, 2009).
7. Approved Ayrshire Joint Structure Plan (2007).
8. Previous applications as described in Section 6.10.

Anyone wishing to inspect the above background papers should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 08/0489/LB

Location	20-24 Mill Street, Catrine
Nature of Proposal:	Proposed change of use and alterations to form 4 terraced dwellings
Name and Address of Applicant:	Clyde Building Group Limited 181 Whitefield Road GLASGOW G51 2SD
Name and Address of Agent	Jonker and Co. 12 Campbell Avenue Milngavie G62 6DL

PPO's Ref: Hugh Melvin

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

1. The proposed development shall be carried out in accordance with the application form plans received by the Planning Authority on 19 June 2008 and the amended part block plan received by the Planning Authority on 21 January 2009.

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

2. Prior to the commencement of development on site, the applicant shall submit to, and have approved by the Planning Authority, samples of the external wall finishes to be used in the conversion of the existing building.

REASON: In the interests of visual amenity.

3. Notwithstanding the details on the plans hereby approved the windows to be installed, shall be installed as timber sash and case units with a two pane over two pane configuration. A specification of the windows to be installed shall be submitted to and approved by the Planning Authority, prior to the commencement of works on site.

REASON: In the interests of preserving visual amenity within the Conservation Area.

4. All external doors shall be of a vertically lined timber finish which shall be painted in a suitable dark timber preservative and maintained in perpetuity to the satisfaction of the Planning Authority.

REASON: In the interests of preserving visual amenity within the Conservation Area.

5. Notwithstanding the details on the plans hereby approved the roof of the conversion of the existing building shall be covered in a natural slate finish.

REASON: In the interests of preserving visual amenity within the Conservation Area.

6. Notwithstanding the details on the plans hereby approved the roof lights to be installed shall be of Conservation Grade (i.e. vertically proportioned and flush with the roofline). A specification of the roof light to be used shall be submitted to and approved by the Planning Authority prior to the commencement of works on site.

REASON: In the interests of the character of the listed building and the Conservation Area.

7. Notwithstanding the details on the plans hereby approved the sides and frontage of the proposed dormers to the rear of the refurbished block shall be finished in natural slate to match the finish of the main roof of the building.

REASON: In the interests of preserving visual amenity within the Conservation Area.

8. Notwithstanding the details on the plans hereby approved the rainwater goods on the refurbished block shall be either cast iron or an aluminium profile and painted in a colour to be agreed in writing by the Planning Authority.

REASON: In the interests of the character of the building and visual amenity.

The Council has granted this consent for the following reasons:

Although the proposals do not fully comply with the development plan, the proposals will secure the future of a Category C (s) Listed Building within Catrine Outstanding Conservation Area and relate to a site where a similar consent was granted in 2007. The material considerations are not such as to indicate that the development should be refused.

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 08/0490/FL

Location	20-24 Mill Street, Catrine
Nature of Proposal:	Proposed change of use and alterations to existing building to form 4 terraced dwellings and erection of new building to form 4 terraced dwellings
Name and Address of Applicant:	Clyde Building Group Limited 181 Whitefield Road GLASGOW G51 2SD
Name and Address of Agent	Jonker and Co. 12 Campbell Avenue Milngavie G62 6DL

PPO's Ref: Hugh Melvin

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

1. The proposed development shall be carried out in accordance with the application form plans received by the Planning Authority on 19 June 2008 and the amended part block plan received by the Planning Authority on 21 January 2009.

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

2. Prior to the commencement of development on site, the applicant shall submit to, and have approved by the Planning Authority, samples of the external wall finishes to be used in both the conversion of the existing building and the new build terraced block.

REASON: In the interests of visual amenity

3. Notwithstanding the details on the plans hereby approved the windows to be installed, shall be timber sash and case units with a two pane over two pane configuration. A specification of the windows to be installed shall be submitted to

and approved by the Planning Authority, prior to the commencement of works on site.

REASON: In the interests of preserving visual amenity within the Conservation Area.

4. All external doors shall be of a vertically lined timber finish which shall be painted in a suitable dark timber preservative and maintained in perpetuity to the satisfaction of the Planning Authority.

REASON: In the interests of preserving visual amenity within the Conservation Area.

5. Notwithstanding the details on the plans hereby approved the roofs of both the conversion of the existing building and the new terraced block shall be covered in a natural slate finish.

REASON: In the interests of preserving the visual amenity within the Conservation Area.

6. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, (or any order or enactment replacing this) no extensions or garages shall be erected on the site unless a further specific planning application is submitted to and approved by the Planning Authority.

REASON: To enable the Planning Authority to ensure that such structures are provided in a manner compatible with the visual amenity of the area.

7. Notwithstanding the details on the plans hereby approved the roof lights to be installed shall be of Conservation Grade (i.e. vertically proportioned and flush with the roofline). A specification of the roof light to be used shall be submitted to and approved by the Planning Authority prior to the commencement of works on site.

REASON: In the interests of the character of the listed building and the Conservation Area.

8. Notwithstanding the details on the plans hereby approved the sides and frontage of the proposed dormers to the rear of the refurbished block and on the roof elevations of the new build terraced block shall be finished in natural slate to match the finish of the main roofs of the buildings.

REASON: In the interests of preserving visual amenity within the Conservation Area.

9. Notwithstanding the details on the plans hereby approved the rainwater goods on the refurbished block shall be either cast iron or an aluminium profile and painted in a colour to be agreed in writing by the Planning Authority.

REASON: In the interests of the character of the building and visual amenity.

10. An internal car turning area should be formed within the site to allow vehicles to enter and leave the site in forward gear.

REASON: In the interests of public road safety and residential amenity.

11. A minimum of thirteen car parking spaces shall be provided within the development site and thereafter maintained in perpetuity.

REASON: In the interests of public road safety and residential amenity.

12. The private access drive shall be hard paved over its full width for a minimum distance of 5 metres from the rear of the public footway to avoid overcarry of loose material onto the public road.

REASON: In the interests of public road safety.

13. Any access gates will require to open inwards, away from the public road.

REASON: In the interests of public road safety.

14. A bin storage / collection point shall be provided within the development site to prevent bins from obstructing the public footway. The details of this storage point shall be submitted to, and approved by the Planning Authority prior to the commencement of development on site.

REASON: In the interests of public road safety and residential amenity.

15. Visibility sightline splay areas of 2.5 metres by 35 metres shall be formed and maintained at the site access point, with no obstruction to visibility greater than 1 metre in height being allowed within the splay areas formed.

REASON: In the interests of public road safety.

16. No surface water must be allowed to discharge onto the public road;

REASON: In the interests of public road safety.

17. Construction works on site shall not be carried out prior to 0800 hours and after 1700 hours on Mondays to Fridays, only between 0800 and 1300 hours on Saturdays, and not at any time 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.

18. Prior to the commencement of development within the application site, the developer shall submit the details of the Sustainable Urban Drainage system (SUDs) to be installed and shall specify a programme for the future management and maintenance of the scheme.

REASON – To ensure an appropriate means of surface water runoff in the interests of public health and safety.

NOTES TO APPLICANT

1. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency regarding drainage of the site and to confirm the 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.

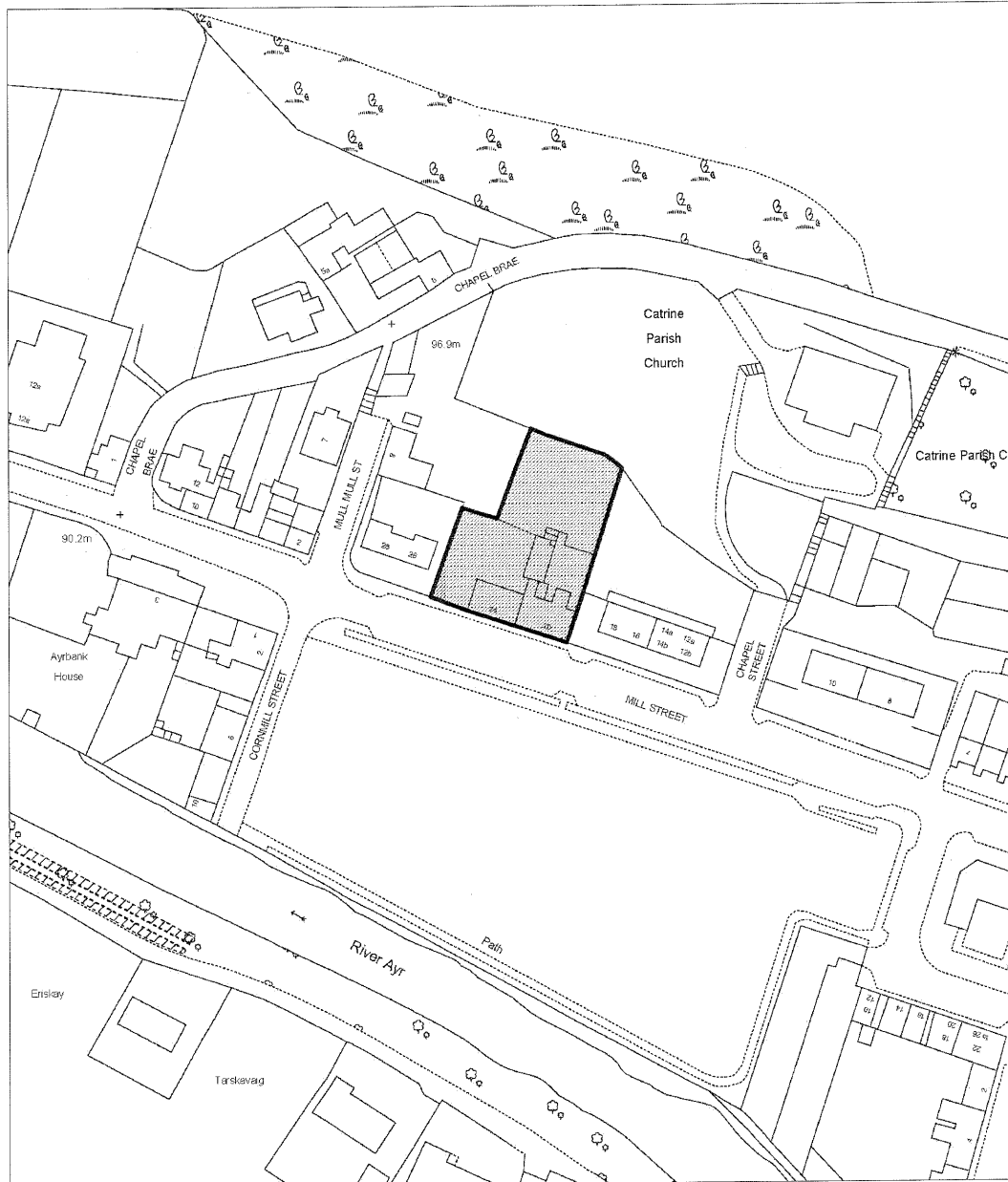
2. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design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



3. The applicant should make early contact with Power Systems and Transco with regard to the protection or diversion of apparatus that may be affected by the proposed development.

4. All waste to be removed from the site (construction waste etc.) shall be removed by a licensed waste carrier to an appropriately licensed or exempted site.

The Council has granted this consent for the following reasons:

Although the proposals do not fully comply with the development plan, the proposals will secure the future of a Category C (s) Listed Building within Catrine Outstanding Conservation Area and relate to a site where a similar consent was granted in 2007. The material considerations are not such as to indicate that the development should be refused.



<p>Title/Location 20-24 Mill Street</p> <p> Catrine</p> <p> Application No. 08/0489/LB 08/0490/FL</p>	<p>East Ayrshire Council</p> <p>Planning & Economic Development Division.</p> <p>6 Croft Street Kilmarnock KA1 1JB</p> <p>Tel: (01563) 576790 Fax: (01563) 576774</p> <p>E-Mail : Planning@east-ayrshire.gov.uk</p> <p>Com Date: 26/3/2010 Checked By</p>
<p>Key</p> <p> Application Site</p>	<p style="text-align: center;"></p>

This map is reproduced from the Ordnance Survey material with permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office (C) Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. East Ayrshire Council. 100023409.