

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 05 AUGUST 2005**

**05/0558/FL: PROPOSED DEMOLITION OF 2 STOREY BUILDING AND  
ERECTION OF TWO STOREY BLOCK OF TEN FLATS WITH ASSOCIATED  
PARKING AND GARDEN SPACE  
AT 9-13 MILRIG CRESCENT GALSTON  
BY AYRSHIRE PROPERTY DEVELOPMENTS LTD**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 The proposal aims to gain full planning permission for the erection of a two storey block of flats. The 11 metres by 37 metres long building is proposed to be orientated on a north-south axis thus presenting an 11 metres wide gable-end to Milrig Crescent/Brewland Street viewed from behind a 2 metres high timber screen boundary fence. The two storey building proposes to be finished in a mix of white dry dash render with red facing brick and to be roofed in red roof tiles. The proposal would provide 18 car parking spaces along the western boundary of the site. Garden ground is provided to the east of the proposed building and covers an area of some 228 sq. metres with an additional area of 142 sq. metres provided in front of the building line to the south to be located behind a 2 metre high screen fence.

1.2 The proposal would provide a refuse storage area at the southern end of the building. A 2 metres high timber fence is proposed around the perimeter of the bin storage area and along the southern boundary of the site fronting onto Milrig Crescent.

#### **2. RECOMMENDATION**

**2.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.**

#### **3. CONCLUSIONS**

3.1 As indicated in Section 5 of the report the application is considered not to be in accordance with the terms of the East Ayrshire Local Plan. Therefore the application should be refused unless material considerations indicate otherwise. As indicated in Section 6 of the report, there are material considerations relevant

to the application however it is considered that these do not support the approval of the application.

3.2 Notwithstanding the scale of the existing premises on site the proposal represents an over-development of the area available that would introduce an excessively large structure not in keeping with adjacent properties. The proposal fails to respect the privacy of adjacent properties and fails to provide adequate associated private open space.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee because such a decision would not represent a substantial 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

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**05/0558/FL PROPOSED DEMOLITION OF 2 STOREY BUILDING AND  
ERECTION OF TWO STOREY BLOCK OF TEN FLATS WITH ASSOCIATED  
PARKING AND GARDEN SPACE  
AT 9-13 MILRIG CRESCENT, GALSTON  
BY AYRSHIRE PROPERTY DEVELOPMENTS 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 which is to be considered by the Local Planning Committee under the scheme of delegation, as it is recommended for refusal and the application is the subject of an objection.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is the former Co-op shop on Milrig Crescent, Galston. The building is a two-storey unit, which fronts onto Milrig Crescent and is constructed of red brick with a slate roof. Secondary access can be gained to the site from the service lane at the rear off Loudoun Avenue. The site is approximately 0.135 hectare in area and measures 29.5 m wide by 45.8 m deep.

2.2 The site is bounded to the north west and east by residential units varying in style between two storey terraced units and two storey semi-detached houses. To the south the site bounds onto Milrig Crescent a residential street, which is separated to the south from the A719 Brewland Street by an 8 metres landscape strip.

2.3 When approaching Galston from the south-west, on the A719, this planning application site is directly in the line of vision.

2.4 **Proposed Development:** The proposal aims to gain full planning permission for the erection of a two storey block of flats. The 11 metres by 37 metres long building is proposed to be orientated on a north-south axis thus presenting an 11 metres wide gable-end to Milrig Crescent/Brewland Street viewed from behind a 2 metre high timber screen boundary fence. The two storey building proposes to be finished in a mix of white dry dash render with red facing brick and to be roofed in red roof tiles. The proposal would provide 18 car

parking spaces along the western boundary of the site. Garden ground is provided to the east of the proposed building and covers an area of some 228 sq. metres with an additional area of 142 sq. metres provided in front of the building line to the south to be located behind a 2 metres high screen fence.

2.5 The proposal would provide a refuse storage area at the southern end of the building. A 2 metres high timber fence is proposed around the perimeter of the bin storage area and along the southern boundary of the site fronting onto Milrig Crescent.

### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 East Ayrshire Council's Roads and Transportation Division have no objections subject to conditions/ notes pertaining to an agreed construction vehicle route.

***A condition can be attached to any grant of planning permission.***

3.2 Scottish Water have not responded however, in respect of the previous application they indicated in their response dated September 2004 that they objected to the proposal due to the costs of providing infrastructure to serve the development being outwith Scottish Water's reasonable cost obligations in terms of the Sewerage (Scotland) Act 1968. Scottish Water indicated that they would remove their objections if the applicant either A) bears the cost of the increase in capacity of Scottish Waters existing infrastructure to accommodate their development and/or B) promotes a scheme that does not compromise the quality and quantity of discharge from the existing sewerage system and which is in terms satisfactory to Scottish Water.

***A note can be attached to any grant of planning permission informing the applicant to contact Scottish Water with regards to service connections.***

3.3 Transco have indicated they have no objection to the proposal providing the developer adheres to the appropriate working practices.

***A note can be attached to any grant of planning permission relating to said issues.***

3.4 Scottish Environment Protection Agency have made no comment on the proposal.

***Noted.***

3.5 Galston Community Council have no objection to the proposal.

***Noted.***

#### **4. REPRESENTATIONS**

One letter of objection was submitted in respect of the proposal.

4.1 The grounds of objection are that the proposal will impose an overlooking impact to 27 Milrig Crescent, shall overshadow the rear garden of the property and uncertainty is raised regarding the applicants intention in respect of the boundary wall to the rear of 27 Milrig Crescent. Information is requested regarding the commencement date of the development, duration of works and whether vehicular access into Milrig Crescent from Portland Road will be affected.

***It is considered that the application will result in an overlooking impact to the neighbouring garden areas. However, given that the distance is approximately 50 metres between the proposal and the dwellinghouse at 27 Milrig Crescent it is considered that there will be no overshadowing impact to this property. No details are submitted as part of this proposal that seek to alter the boundary treatment between the application site and the rear garden of 27 Milrig Crescent. Should planning consent be granted the application will have a period of five years to commence the development. No alterations to the vehicular access at Milrig Crescent from Portland Road are proposed as part of this application.***

#### **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 Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (2003).

##### Ayrshire Joint Structure Plan (AJSP)

5.2 There are no relevant policies within the AJSP.

##### East Ayrshire Local Plan

5.3 Policy RES 4 of the East Ayrshire Local Plan indicates 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;

***It is considered that, due to the design and mass of the proposal, together with its orientation within the application site which results in a large gable end being presented to one of the principle routes into Galston, the proposal would have a significant detrimental impact on the adjacent built environment and the visual amenity of the area. It is also considered that due to the orientation of the building, the adjacent gardens will be significantly overlooked by the windows of the new development. This would have a detrimental impact on the amenity of the adjacent residential properties.***

- ii) transportation and infrastructure implications;

***The Council's Roads Division have advised that the current parking arrangements accord with the requirements of the Roads Development Guide.***

- iii) Compatibility with surrounding densities and housing types; and

***Milrig Crescent, at this location, contains both two storey semi detached houses and two storey terraced houses all of which have frontages onto Milrig Crescent. It is considered that that the proposed flatted development fails to relate to and is incompatible with the existing adjacent residential units due to the design and mass of the proposal together with its orientation within the application site which results in a large gable end being presented behind a 2 metre high boundary fence to Milrig Crescent.***

- iv) Compliance with the Council's Development Promotion and Design Guidance

One of the key principles of the Council's Design Guidance Note 2 is that designs for residential units will require to be compliant with and harmonise with the character of the area and the surrounding buildings, particularly in terms of scale, form, materials and finish. It also indicates that layouts and house types for proposed individual or small scale residential development of infill or gaps sites will require to reflect and respect the built form of the surrounding area, and should aim to integrate with existing surrounding land uses and communities.

***As indicated above the design of the proposed flats completely fails to relate to its surrounding built environment either in terms of scale or design.***

The Design Guidance Note 2 requires that proposed developments should not have an oppressive or visually intrusive impact on neighbouring properties.

***It is considered that, due to the lack of appropriate setting for a building of such excessive length and height, the proposed building will appear oppressive and visually intrusive on neighbouring properties to its east and west.***

In addition, the Design Guidance Note 2 requires that flatted developments be provided with 25sqm private open space per bedroom within the development.

***Using this standard the proposal would be required to provide 500sqm of private garden ground, however garden ground for the proposed development is provided to the east of the proposed building and covers an area of some 228 sq. metres with an additional area of 142 sq. metres provided in front of the building line behind a 2m high timber fence giving a total area 370 sq. metres and therefore the proposal fails to accord with the requirements of the Council's Design Guidance.***

5.4 Policy RES22 of the East Ayrshire Local Plan states that Schedule 4 of the Plan requires the proposal to provide 500 sq. metres of private garden ground.

***As the proposal only provides a total of 370 sq metres of garden ground, which includes the garden ground to the front of the building line, it fails to accord with this requirement of the Local Plan.***

5.5 Policy ENV7 reinforces the need for the proposal to accord with the requirements of the Design Guidance.

***As indicated above the proposal fails to accord with the design requirements of the Council's Design Guidance Note 2.***

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representations received, the planning history of the site and the impact on the amenity of the area.

## Consultation Responses

6.2 The consultation responses from the Council's Roads Department indicate that the proposal meets with their requirements.

## Impact on the Amenity of the Area

6.3 As indicated in Section 5 of the report, the design of the proposal and its orientation within the site results in it presenting a gable end to a principle access route into Galston. In addition, the 2 metre high fence located on the southern boundary of the site adjacent to Milrig Crescent will result in this being a prominent feature from Milrig Crescent and Brewland Street. The poor siting of the large building within the limited available space would result in adjacent properties being overlooked and overshadowed by the new building. As indicated above the lack of adequate private garden ground will have a detrimental effect on the residential amenity. Therefore due to all of these factors it is considered that the proposal will have a detrimental impact on the residential and visual amenity of the area.

## Planning History

6.4 A detailed planning application for a similar scheme (04/0850/FL) was refused by the Northern Area Local Planning Committee on 18 March 2005. With the exception of the introduction of window openings on the proposed south elevation, re-location of the bin store, introduction of a 2m high timber fence on the southern boundary and amendments to the parking layout, the current scheme remains largely unaltered from that previously refused by the Council.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

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

## **8. CONCLUSION**

8.1 As indicated in Section 5 of the report the application is considered not to be in accordance with the terms of the East Ayrshire Local Plan. Therefore the application should be refused unless material considerations indicate otherwise. As indicated in Section 6 of the report, there are material considerations relevant to the application however it is considered that these do not support the approval of the application.

8.2 Notwithstanding the scale of the existing premises on site the proposal represents an over-development of the area available that would introduce an

excessively large structure not in keeping with adjacent properties. The proposal fails to respect the privacy of adjacent properties and fails to provide adequate associated private open space.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee because such a decision would not represent a substantial departure from Council Policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

21 July 2005 (GC/SA)

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Adopted East Ayrshire Local Plan (2003).
5. Approved Ayrshire Joint Structure Plan (1999).
6. Planning Application Ref: 04/0850/FL

Anyone wishing to inspect the above papers should please contact Gillian Craig on 01563 576769.

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0558/FL

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Site of Proposal:	9-13 Milrig Crescent GALSTON
Nature of Proposal:	Proposed Demolition of 2 Storey Building and Erection of 2 Storey Block of 10 No. Flats with Associated Parking and Garden Space.
Name & Address of Applicant:	Ayrshire Property Developments Ltd High Burnhouse Sorn Road GALSTON KA4 8LJ
Name & Address of Agent:	James W Mair 25 Woodside Avenue KILMARNOCK KA1 1TU

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DPOs Reference: GC/SA

The above FULL application should be refused for the following reasons:-

1. The proposed development would have a detrimental impact on the visual and residential amenity of the locality as the design and scale of the proposed building would not be sympathetic with the adjacent residential properties. Therefore the proposed development would fail to accord with the requirements of Policy RES 4 of the Adopted East Ayrshire Local Plan.
2. The proposed development would have a detrimental impact on the residential amenity of the locality due to the location and inadequate provision of the private garden ground associated with the proposed building. Therefore the proposed development would fail to accord with the requirements of Policy RES 22 of the Adopted East Ayrshire Local Plan.

3. Due to the scale and setting of the proposed building and the failure to provide adequate private garden ground for the scheme, the proposed development would have a detrimental impact on the visual and residential amenity of the locality by reason of being an over-development of the site.

4. The proposed development in terms of its design and appearance is contrary to the requirements of Policy ENV 7 of the Adopted East Ayrshire Local Plan.

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