

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 18 JUNE 2004

**03/0035/FL: PROPOSED ERECTION OF 13 NO. ONE AND THREE QUARTER
STOREY DETACHED DWELLING HOUSES AT VACANT GROUND,
GREENHEAD AND UNION STREET, NEWMILNS
BY AYRSHIRE PROPERTY DEVELOPMENTS LTD**

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to erect 13 detached houses being one and three quarter storeys in height and featuring natural slate roofs, wet dash rendered finish, smooth cement bands to wall openings, PVC windows of vertical emphasis and projecting porches and / or bay windows depending on which of the two house types is concerned. The proposal is an amendment of an original submission for 19 units which included dwellings on Union Street now separately consented.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development accords with the Development Plan and therefore the application should be approved unless material considerations indicate otherwise.

3.2 There are material considerations relevant to the determination of the development however these are not considered to be of such weight in relation to this amended proposal as to merit refusal of the application. Traditional materials are proposed within a cohesive design, which presents, by means of a proposed wall, a frontage to Greenhead that will help integrate the development into and add character to the surrounding area.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused 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 as it would not constitute a significant departure from 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.

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NORTHERN AREA LOCAL PLANNING COMMITTEE: 18 JUNE 2004

03/0035/FL: PROPOSED ERECTION OF 13 NO. ONE AND THREE QUARTER STOREY DETACHED DWELLING HOUSES AT VACANT GROUND, GREENHEAD AND UNION STREET, NEWMILNS 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 application which is to be considered by the Local Planning Committee under the scheme of delegation because of the number of units proposed.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located to the south of the railway viaduct, north of Greenhead and to the west of Union Street in Newmilns. It is located within the outstanding conservation area. The viaduct presents an imposing backdrop to the site which is currently in a degraded condition.

2.2 **Proposed Development:** It is proposed to erect 13 detached houses being one and three quarter storeys in height and featuring natural slate roofs, wet dash rendered finish, smooth cement bands to wall openings, PVC windows of vertical emphasis and projecting porches and / or bay windows depending on which of the two house types is concerned. The proposal is an amendment of an original submission for 19 units which included dwellings on Union Street now separately consented.

2.3 Vehicular access is to be taken from Greenhead into a cul de sac having car parking forward of the houses. An area within one of the plots is shown as being for surface water soakaway tanks. A new footpath extends from Union Street round into the site and along the edge of the site to Greenhead. A red sandstone wall with timber inserts is proposed along the rear gardens of the five dwellings backing onto Greenhead.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Architectural Heritage Society of Scotland note the provision of a wall along the frontage to Greenhead helping to unify and add character to the group of houses. They consider it, however, over-designed and slightly too high.

Noted. The final design of the wall could be addressed by a condition if considered unacceptable in its present form.

3.2 East Ayrshire Roads and Transportation Division has offered a number of comments that have translated into revised layout and access plans. They sought retention of a 5.5 metre carriageway width to Greenhead, footpaths extending to (from Union Street) and along the frontage of the site to that road and various internal layout details. Their most recent response indicates that a number of changes are still required to the road layout but it has been clarified that these may be addressed by condition.

Noted. An appropriate condition can be attached to any consent to address the minor points that have been raised.

3.3 Newmilns and Greenholm Community Council have not replied at the time of writing the report.

Noted.

3.4 The Coal Authority does not offer any adverse comments in respect of the proposal.

Noted

3.5 Scottish Water note that there is an existing water main in the street from which a supply can be obtained and there is also a public sewerage system to which connection can be made. A separate drainage system is required and permission to connect to the public sewer would be required.

Noted, there are no comments that would merit refusal of the application.

3.6 East Ayrshire Council Environmental Health required that a limited site investigation for the presence of contaminants be undertaken.

The applicants have submitted a ground investigation report undertaken on their behalf. This included intrusive site investigation. The results of chemical contamination testing confirmed that the site

would not require any remediation. Environmental Health have discussed the findings with the originators of the report and are assured that no remedial works are required.

3.7 The Scottish Civic Trust did not object in principle but were disappointed with the design and use of PVC windows within an outstanding conservation area. The units are viewed as identical and plain and notwithstanding the use of natural slate, are not considered appropriate for the outstanding conservation area. The grouping and articulation of the units should be revisited and painted timber windows introduced. Equally a confident, contemporary scheme reflecting the area and materials would be welcomed.

The proposals allow for two houses types with different frontage details. The use of natural slate, wet dash render and smooth cement bands is considered appropriate. The PVC windows are of a type and design consistent with a number of houses already pleasingly completed on Union Street and with the Councils own design guidance.

3.8 The Scottish Environment Protection Agency have no objections subject to foul drainage being to the existing sewer and their being confirmation from Scottish Water that the development can be accommodated without premature operation of existing consented storm sewer overflows. The possibility of contamination is noted and a risk assessment should be undertaken to determine whether contaminants might as a result of the development enter controlled waters. Surface water should be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland as published by CIRIAS.

The possible contamination of the site has been addressed under paragraph 3.6 above. The site proposals allow for the use of SUDS. There are no objections from Scottish Water to the development of the site.

3.9 Transco have offered no objections to the development of the site.

Noted

3.10 Historic Scotland has not replied at the time of writing the report.

Noted

4. REPRESENTATIONS

4.1 There are no third party representations.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan.

5.2 The Ayrshire Joint Structure Plan relates to matters of a strategic nature which is not the case in respect of this proposal which should more properly be assessed against the Local Plan.

5.3 The site is a cleared area of ground on which development must be assessed against the criteria in Policy RES4 of the Adopted East Ayrshire Local Plan.

(1) Impact on the surrounding natural and built environment and adjacent uses

The site currently presents a very degraded appearance detrimental to the amenity of the area. The proposed houses feature traditional materials and design but are generally uniform in appearance. Whilst the introduction of greater variety would have benefited the site, it is considered that the development, particularly flanked by the proposed wall feature to the south, will contribute positively to the Conservation Area.

(2) Transportation and Infrastructure Implications

The development has been revised to accommodate the comments of the Roads Division and is now acceptable subject to conditions. There are no objections from the statutory undertakers. The scheme incorporates a SUDS drainage arrangement.

(3) Compatibility with surrounding densities and housing types

Where reservations have been expressed about the development, they relate predominantly to the layout of units on site and the degree of uniformity. It is considered however that, with the proposed wall along Greenhead and given the presence of 7 other similar units on the adjacent Union Street, the development is on balance compatible with the area.

(4) Compliance with the Council's Development Promotion and Design Guidance

It is considered that the proposal is sufficiently compliant with the terms of the Guidance as to enable a favourable recommendation.

5.4 Policy TLR5 of the Adopted East Ayrshire Local Plan indicates that developers will be requested to enter into a Section 75 Agreement for contributions towards the provision of appropriate leisure and recreation facilities within the area to which the development relates.

Whilst not opposed to the principle of such contributions the applicant considers that unforeseen costs have already arisen such that it would not on this occasion be possible to agree to the contribution request.

In conclusion, the development as amended is considered to be in accordance with the local plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultations and the impact of the proposal on the amenity of the conservation area & adjoining listed viaduct.

Consultations

6.2 The comments of the consultees are as in Section 3 above. Reservations have been expressed about the development however given the presence of similar units in the vicinity and the proposed screen wall, there is considered to be sufficient cohesion and quality within the scheme as to merit a favourable recommendation.

Impact on the Amenity of the Area and neighbours

6.3 The circumstances of the proposed development are such that it is considered that the proposals can be accommodated without detriment to the surrounding area.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As indicated at Section 5 of the report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development accords with the Development Plan and therefore the application should be approved unless material considerations indicate otherwise.

8.2 There are material considerations relevant to the determination of the development however these are not considered to be of such weight in relation to this amended proposal as to merit refusal of the application. Traditional materials are proposed within a cohesive design which presents, by means of a proposed wall, a frontage to Greenhead that will help integrate the development into and add character to the surrounding area.

9. RECOMMENDATION

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

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused 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 as it would not constitute a significant departure from policy.

Alan Neish
Head of Planning, Development and Building Standards

07 June 2004 (DVM/IMB)

LIST OF BACKGROUND PAPERS

1. Application Forms and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. East Ayrshire Council Design Guidance.
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Dave Morris on 01563 576753.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0035/FL

Site of Proposal:	Vacant Ground, Greenhead and Union Street, Newmilns
Nature of Proposal:	Proposed Erection of 13 no. one and three quarter storey detached dwelling houses.
Name & Address of Applicant:	Ayrshire Property Developments Ltd High Burnhouse Sorn Road Galston KA4 8LJ
Name & Address of Agent:	Mr James Mair 25 Woodside Avenue, Kilmarnock KA1 1TU

DPOs Reference: DVM/IMB

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 received on 29 March 2004, House type 1 and 2 plans and wall detail received on 20 April 2004 and the amended proposed layout received by the Planning Authority on 25 May 2004.

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

(2) Details of the design and construction of all fences to be erected on site, including the boundary treatment proposed where the rear of the site abuts the land beneath the railway viaduct, shall be submitted to and approved by the Planning Authority before the development commences on site. Included within

these details shall be confirmation of where, if anywhere, existing boundary features are to be utilised. The fences as approved shall be constructed prior to the occupation of the dwellinghouse whose property they bound.

REASON: In the interests of visual and residential amenity.

(3) Notwithstanding the details shown on the submitted wall detail plan (fronting Greenhead), there shall be submitted to and approved by the Planning Authority prior to the commencement of development a revised design whose overall height is reduced with timber screen panels less prominent. The wall shall be erected as approved prior to the occupation of any of the houses within plots 16 to 20.

REASON: In the interests of visual and residential amenity.

(4) Notwithstanding the details shown on the approved layout plan, the internal radii formed by the proposed access road adjacent to plots 18 and 19 shall be 6 metres.

REASON: In the interests of road safety

(5) The footpath indicated as extending from Union Street into the application site and along the frontage to Greenhead shall be provided to final surface before the occupation of the final house.

REASON: In the interests of road safety

(6) Before any work commences on site, details of a sustainable urban drainage system and its maintenance shall be submitted to and approved by the Planning Authority in writing. The SUDS scheme shall thereafter be installed on site prior to the occupation of the houses hereby approved.

REASON: To ensure that adequate drainage is provided.

(7) Prior to the commencement of development, details of the proposed block paviors to be used in the formation of the internal shared road surface shall be submitted to and approved by the Planning Authority and thereafter implemented as approved prior to the occupation of the last house.

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

(8) Prior to the commencement of development, details of the footpath / lowered crossing arrangement to the rear of plot 20 shall be submitted to and approved by the Planning Authority. These details shall have regard in terms of materials, to the location of the site in the outstanding conservation area.

REASON: In the interests of road safety and visual amenity in the outstanding conservation area.

(9) Notwithstanding the details hereby approved, the house walls shall be wet dash rendered in a colour to be agreed in writing by the Planning Authority prior to the commencement of development on site.

REASON: In the interests of visual amenity in the outstanding conservation area.

(10) Notwithstanding the details on the approved plans, the base-course to the houses shall be finished in smooth render in a colour to be agreed in writing by the Planning Authority prior to the commencement of development.

REASON: In the interests of visual amenity in the outstanding conservation area.

(11) Notwithstanding the plans hereby approved, details / samples of the:

- (i) windows, and
- (ii) colour of banding around the windows and other wall openings

shall be submitted to and approved by the Planning Authority prior to the commencement of development and thereafter implemented as approved.

REASON: In the interests of visual amenity in the outstanding conservation area.

(12) The mullions on the windows shall be formed on the same plane and of the same material as the external walls.

REASON: In the interests of visual amenity in the outstanding conservation area.

(13) Notwithstanding the details on the submitted plans the design of the external doors is not hereby approved. Details of the doors, which shall be predominantly solid and feature a minimum of glazing on front elevations, shall be submitted to and approved by the Planning Authority prior to the commencement of development on site.

REASON: In the interests of visual amenity in the outstanding conservation area.

(14) Notwithstanding the provisions 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 outstanding conservation area.

(15) The presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage a comprehensive contaminated land investigation shall be carried out if requested by the Planning Authority.

REASON: To ensure that all contamination on the site is adequately dealt with in the interests of public safety.

(16) Prior to the commencement of development on site full details/samples of the materials to be used in the construction of the wall to Greenhead shall be submitted to and approved by the Planning Authority.

REASON: In the interests of visual amenity in the outstanding conservation area.

Notes to Applicant

1. It is strongly recommended that a cold water storage system is provided in each house having an actual (not nominal) capacity of 200 litres.
2. A totally separate drainage system of foul and surface water sewers will be required.
3. The developer shall make early contact with Scottish water and the Scottish Environment Protection Agency to confirm their request to utilise an 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.
4. 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.

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