

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 01 SEPTEMBER 2006

**06/0248/FL: PROPOSED DEMOLITION OF EXISTING BUILDING AND
ERECTION OF TWO SEMI-DETACHED HOUSES
AT 5-7 DRYGATE STREET NEWMILNS
BY ALEX MACINTOSH**

Report by Head of Planning, Development and Building Standards

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposed development is for the erection of one pair of semi-detached dwellinghouses. The proposed dwellings are one and a half storey in height with dormer windows and are to be finished in facing brick and concrete roof tiles and set back approximately 5metres from Drygate Street. The proposal provides 50sqm of private garden ground for one unit and 90 sqm of private garden ground for the other. The proposal provides a parking area adjacent to Drygate Street.

2. RECOMMENDATION

2.1 The application should be refused for the reasons given 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 does not accord with the Development Plan in respect of failure to provide adequate private open space and car parking, and there are no material considerations to indicate that a decision should be otherwise determined. It is therefore recommended that the application should be refused.

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 as this would not be 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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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 subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises the vacant building at 5-7 Drygate Street Newmilns. The property is brick built with both flat and pitched roofs of slate and corrugated roofing materials. The building has frontages onto both Drygate Street and Covenanters Court, Newmilns. The application site is bounded to the north by the carparking and houses of Covenanters Court and on its southern and western boundaries by the gardens of adjacent residential properties.

2.2 **Proposed Development:** The proposed development is for the erection of one pair of semi-detached dwellinghouses. The proposed dwellings are one and a half storey in height with dormer windows and are to be finished in facing brick and concrete roof tiles and set back approximately 5metres from Drygate Street. The proposal provides 50sqm of private garden ground for one unit and 90 sqm of private garden ground for the other. The proposal provides a parking area adjacent to Drygate Street.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Water have not responded at the time of writing the report

Noted.

3.2 East Ayrshire Council's Roads and Transportation Division object to the proposal on the basis that the proposed development does not provide the four 6m by 2.5m parking spaces required for the development.

Noted.

3.3 Newmilns Community Council have not responded to their consultation at the time of writing this report.

Noted.

4. REPRESENTATIONS

One letter of objection has been received with respect to this application, the grounds of which are outlined below:-

4.1 The visual amenity of building two houses – the size of the site cannot justify two houses.

It is considered that the development plot is inadequate to meet the Council's design and roads standards for the two dwellings.

4.2 What are the procedures if asbestos is found in a building of that age?

It is the responsibility of the developer to ensure that all Health and Safety procedures relating to asbestos are appropriately adhered to.

4.3 Drygate Street is very narrow and therefore the development will only provide a restricted parking area creating a safety issue.

The Roads Division have objected, indicating that the parking provision is inadequate for the proposal.

4.4 Garden gates are proposed to open onto Covenanters Court. There are already problems with parking here. An area which is really a turning area for emergency vehicles.

The formation of an access onto Covenanters Court is an ownership issue and not a planning matter. (Copies of the correspondence and plans have though been passed to the Council's Property Section for consideration.)

4.5 How will the demolition of the building affect the car park and my home?

The method of demolition and its impact on adjacent land owners is not a material planning consideration. However this matter has been passed to the Council's Property and Housing Section for their attention.

The demolition will also be subject of a Building Warrant and the building will require to be removed in accordance with these requirements.

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.

Approved Ayrshire Joint Structure Plan

5.2 The application does not raise any strategic issues that would require assessment against the provisions of the Approved Ayrshire Joint Structure Plan.

Adopted East Ayrshire Local Plan

5.3 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;

Due to the overdevelopment of the site the proposal would have a detrimental impact on the surrounding natural and built environment.

- (ii) transportation and infrastructure implications;

The Council's Roads Division have presented details within their consultation response of a level of parking provision that can not be accommodated on site.

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

The proposed houses are considered to be incompatible with surrounding densities due to the lack of parking and the inadequate private garden ground provision.

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

The design of the houses will comply with the Council's guidance

5.4 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.

The proposal fails to meet the Council's minimum private open space standards.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultations received, the letter of representation and the impact of the proposal on the amenity of the area and immediate neighbours.

Consultations and Representations

6.2 The consultation responses and representations received are detailed in Section 3 and Section 4 of this report. The consultation received is not supportive of the proposal and the letter of objection raises the issues of poor parking and limited private garden ground to support refusal of the application.

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 proposed development will have a detrimental impact on the residential amenity of the area and neighbours due to the lack of private open space and parking provision.

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 does not accord with the Development Plan in respect of failure to provide adequate private open space and car parking, and there are no material considerations to indicate that a decision should be otherwise determined. It is therefore recommended that the application should be refused.

RECOMMENDATION

9.1 The application should be refused for the reasons given 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 as this would not be a significant departure from policy.

Alan Neish
Head of Planning, Development and Building Standards

24 August 2006
(CSI/RH)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Letter of Objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.

Anyone wishing to inspect the above papers please contact Craig Iles, Senior Planning Officer on 01563 576772.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 06/0248/FL

Site of Proposal: 5-7 DRYGATE STREET NEWMILNS

Nature of Proposal: PROPOSED DEMOLITION OF EXISTING BUILDING AND ERECTION OF TWO SEMI DETACHED HOUSES

Name & Address of Applicant: ALEX MACINTOSH
151 AND 153 BARSHARE ROAD
CUMNOCK
KA18 1NN

Name & Address of Agent: J B BROWNE ARCHITECT
LOCHRIDGE HOUSE
STEWARTON
KA3 5LH

DPOs Reference: <<CSI/RH>>>

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

1. The proposal fails to accord with the private open space requirement of the East Ayrshire Local Plan in that it is inconsistent with Policy RES 4 of the Adopted East Ayrshire Local Plan. Approval would be detrimental to the amenity of the surrounding area.
2. The proposal fails to accord with the requirements of the Councils Roads Guidelines in respect of the provision of adequate car parking and therefore the proposal is contrary to Policy RES 4 of the Adopted East Ayrshire Local Plan.
3. The proposal fails to accord with the private open space requirement of the East Ayrshire Local Plan and therefore the proposal is contrary to Policy RES 22 of the Adopted East Ayrshire Local Plan as it would be detrimental to the amenity of the proposed houses and the surrounding area.

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