

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 04 NOVEMBER 2005**

**05/0370/FL: PROPOSED ERECTION OF TWO DWELINGHOUSES,  
LAND AT CASTLE STREET, MAUCHLINE**

**APPLICATION BY MR. & MRS. F. LAU**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the erection of two detached dwellinghouses within the site. The proposed dwellinghouses are of differing design but both are of a traditional one and a half storey construction. The dwellinghouse located to the west of the application site comprises a 7 apartment unit with integral double garage. The dwellinghouse located on the eastern part of the application site is a traditional 1½ storey unit with traditionally styled dormer windows. Externally the proposed dwellings will be finished in a white painted render with smooth cement bands around doors and windows with an artificial slate roof finish. A reconstituted stone is to be used in the base courses of the proposed dwellings. Access would be taken from Castle Street, providing a shared access for both properties. In order to achieve visibility sightlines, the existing sandstone wall fronting Castle Street will require to be reduced in height to 1 metre.

**2. RECOMMENDATION**

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

**3. SUMMARY OF ANALYSIS**

3.1 As indicated in section 5 of the report, the application is considered to be 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 application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these have been sufficiently addressed and do not indicate that planning permission should be refused.

3.2 It is accepted that, with the proximity of the site to Mauchline Tower and other built heritage interests within Castle Street and the outstanding conservation area, the impact of the proposed development on these interests requires to be carefully considered. Given that the proposed layout does not conflict with policy, as indicated in Section 5 of this report, and that the style and design of the proposed dwellings is acceptable for this sensitive location, it is not considered that the development will have a significant detrimental impact on these built heritage interests to warrant refusal of the application. There is a clearly defined buffer area between the existing site and these interests that would not be affected by the proposed development.

3.3 It is considered that notwithstanding the objections received from the Scottish Civic Trust and the Architectural Heritage Society of Scotland, the proposed is acceptable in planning policy terms. In terms of layout, scale, design and use of finishing materials, the development is considered to be acceptable subject to the imposition of appropriate conditions.

#### **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 because it would not represent a departure from the development plan.

**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**

**SOUTHERN LOCAL PLANNING COMMITTEE: 04 NOVEMBER 2005**

**05/0370/FL: PROPOSED ERECTION OF TWO DWELINGHOUSES,  
LAND AT CASTLE STREET, MAUCHLINE**

**APPLICATION BY MR. & MRS. F. LAU**

**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 an outline planning application which is to be considered by the Local Planning Committee under the scheme of delegation as it is the subject of objections.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The site is located off the west side of Castle Street in Mauchline some 50 metres south-east of the junction of Castle Street with The Knowe. The site relates to the rear curtilage of the residential property at 9 The Knowe and extends to approximately 900 m<sup>2</sup>.

2.2 The site is bounded to the north by the existing residential property at 9 The Knowe, by an existing sandstone wall and Castle Street to the east, by an area of open space and public footpath to the south and by a residential property to the west. An electrical sub-station is located adjacent to the Castle Street frontage of the application site. This frontage is also lined by a row of conifer hedging located behind the existing sandstone wall.

2.3 The application site, in terms of levels, falls gently from north to south. The application site also lies within Mauchline Outstanding Conservation Area and Mauchline Tower, a Category A listed Building, lies some 20 metres south of the site.

2.4 **Proposed Development:** Full planning permission is sought for the erection of two detached dwellinghouses within the site. The proposed dwellinghouses are of differing design but both are of a traditional one and a half storey construction. The dwellinghouse located to the west of the application site comprises a 7 apartment unit with integral double garage. The dwellinghouse located on the eastern part of the application site is a traditional 1½ storey unit with traditionally styled dormer windows. Externally the proposed dwellings will be finished in a white painted render with smooth cement bands around doors

and windows with an artificial slate roof finish. A reconstituted stone is to be used in the base courses of the proposed dwellings. Access would be taken from Castle Street, providing a shared access for both properties. In order to achieve visibility sightlines, the existing sandstone wall fronting Castle Street will require to be reduced in height to 1 metre.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has advised it has no objection to the proposed development subject to the following conditions:

- (i) The private driveway will require to be paved for a minimum distance of 2 metres from the edge of the public road carriageway to avoid overcarry of loose material onto the public road.
- (ii) No surface water must be allowed to discharge onto the public road.
- (iii) Junction visibility splay areas of 2 metres by 20 metres must be formed at the junction with Castle Street with no object greater than 1 metre in height within the splay areas formed. The existing boundary wall fronting onto Castle Street must be reduced in height to 1 metre to achieve the required visibilities.
- (iv) A minimum of two car parking spaces shall be provided for each dwelling.
- (v) Any access gates shall open inwards away from the public road.
- (vi) Access to and egress from the site will require to be taken in forward gear.
- (vii) The proposed double driveway shall be not less than 4.8 metres in width and 4.8 metres in length.

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

3.2 Scottish Water has no objections to the proposed development.

***Noted.***

3.3 The Scottish Environment Protection Agency has no objections to the proposed development provided that the drainage arrangements are to its complete satisfaction. SEPA requests a condition requiring the applicant to install a surface water treatment system designed and constructed in accordance with the principles of the SUDS Design Manual for Scotland and Northern Ireland. Soils in this area may not be suitable for infiltration systems and therefore surface structures may be more appropriate. All waste materials generated by this development that require to be moved such as construction wastes, demolition wastes and surplus excavated material, must be removed from the site by licensed waste carriers. Waste must be removed to a site that has either

an appropriate waste management licence or is registered with SEPA as exempt from licensing.

***A note can be attached to any consent granted for the proposed development to advise the applicant to make early contact with SEPA and Scottish Water with regard to the drainage of the site.***

3.4 Power Systems has no objection to the proposed development.

***Noted.***

3.5 Mauchline Community Council has not responded to the consultation letter.

***Noted.***

3.6 The West of Scotland Archaeology Service has indicated that no known archaeological issue is raised by the proposed development.

***Noted.***

3.7 The Architectural Heritage Society of Scotland considers that in terms of its sensitive location, the proposal represents over-development. The AHSS would have no objection to one dwelling but objects to a further development with a second house. This would result in crowding the site with excessive loss of garden space.

***It is accepted that, with the proximity of the site to Mauchline Tower and other built heritage interests within Castle Street and the outstanding conservation area, the impact of the proposed development on these interests requires to be carefully considered. Given that the proposed layout does not conflict with policy, as indicated in Section 5 of this report, and that the style and design of the proposed dwellings is acceptable for this sensitive location, it is not considered that the development will have a significant detrimental impact on these built heritage interests to warrant refusal of the application. There is a clearly defined buffer area between the existing site and these interests that would not be affected by the proposed development.***

3.8 The Scottish Civic Trust considers the site to be a sensitive one given its proximity to Mauchline Tower, the Burns Museum and Mauchline Church and being within the conservation area. The Trust is concerned that the density of development is too high. The Trust considers that the high density of development would destroy the established character of the site which acted as a

green buffer between the built heritage interests and the housing beyond them in The Knowe.

***Comments as per paragraph 3.7 above.***

The Trust also wishes to object to the proposed materials which are not appropriate for the Conservation Area. Manmade materials such as artificial slate roof finish, reconstituted stone cement window bands and PVCu windows fail to reflect the qualities of natural materials. PVCu frames also are less environmentally friendly than timber as they emit toxins such as lead, the white tint being fugitive.

***It is considered that the proposed finishes are generally acceptable subject to approval by the Planning Authority of the precise finishing materials to be used. In this regard, the finishes proposed reflect the finishes of the recently constructed existing dwelling at 6 The Knowe and other existing dwellings in the locality.***

The Trust also cannot support the reduction of the existing, well built stone wall which delineates an established boundary. Whilst it has been added to in brick at both ends it is otherwise unaltered and is carefully coursed and capped with stone copes. Whilst a well finished breach might be acceptable, an additional overall reduction in height would be detrimental.

***While the comments of the SCT are appreciated, the existing stone wall fronting the site ranges in height from 1.2 metres to 1.4 metres, It is not considered that the relatively small reduction in height over the length of the Castle Street frontage for road safety reasons would be significantly detrimental to the character and appearance of the conservation area. It is agreed that the wall should be retained and recapped with the existing stones copes and a condition can be attached to any consent granted for the development to ensure this.***

#### **4. REPRESENTATIONS**

4.1 Apart from the objections received from the AHSS and the SCT as indicated in section 3 above, no other objections have been received regarding the proposed development.

#### **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the

purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan (1999) and the Adopted East Ayrshire Local Plan (2003).

### East Ayrshire Local Plan

5.2 Policy RES5 states that, within Settlement Boundaries, the Council will be supportive of the sub-division of existing house curtilages for the development of dwellinghouses subject to three criteria being met, as follows:

(i) the proposal being fully in keeping with the existing residential character and appearance of the area within which it is located;

***It is considered that the proposal is in keeping with the residential character and appearance of the area.***

(ii) the proposal meeting all the design requirements of the Council and not creating unacceptable damage to the amenity of surrounding properties; and

***The design is generally acceptable and meets with the Council's Design Guidance relating to new residential development in conservation areas.***

(iii) acceptable levels of privacy being maintained to neighbouring properties and to the new housing proposed.

***It is considered that acceptable levels of privacy can be maintained between both new and existing houses.***

5.3 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 meets the Council's private open space standards.***

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.

***It is considered that the proposal meets with the provisions of policy ENV4 as the design is appropriate for its conservation area setting. It is recognised that both the Scottish Civic Trust and the Architectural***

***Heritage Society of Scotland have objected to the proposed development but it is considered that issues of finishing materials can be addressed by condition and that in respect of other matters raised, the proposed development is nonetheless consistent with the provisions of the adopted local plan.***

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

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and the planning history of the site.

### Consultations Responses

6.2 From a service provision point of view, there are no consultation responses that would suggest the permission should be withheld. It is recognised that both the Scottish Civic Trust and the Architectural Heritage Society of Scotland have objected to the proposed development but it is considered that issues of finishing materials can be addressed by condition and that in respect of other matters raised, the proposed development is nonetheless consistent with the provisions of the adopted local plan and the representations made are considered not to be of sufficient weight as to justify refusal of the application.

### Planning History

6.3 A previous Conservation Area Consent application for the complete demolition of the existing dwellinghouse at 9 The Knowe was approved on 27 September 2000 (Ref. No 00/0310/CA). A full planning application for the erection of a new dwellinghouse at 9 The Knowe was also approved on 27 September 2000 (Ref. No. 00/0308/FL).

6.4 An outline planning application for the erection of two dwellings on the present application site was withdrawn from consideration on 10 March 2004 (Ref. No. 04/0373/OL).

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

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

## **8. CONCLUSIONS**

8.1 As indicated in section 5 of the report, the application is considered to be 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 application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these have been sufficiently addressed and do not indicate that planning permission should be refused.

8.2 It is accepted that, with the proximity of the site to Mauchline Tower and other built heritage interests within Castle Street and the outstanding conservation area, the impact of the proposed development on these interests requires to be carefully considered. Given that the proposed layout does not conflict with policy, as indicated in Section 5 of this report, and that the style and design of the proposed dwellings is acceptable for this sensitive location, it is not considered that the development will have a significant detrimental impact on these built heritage interests to warrant refusal of the application. There is a clearly defined buffer area between the existing site and these interests that would not be affected by the proposed development.

8.3 It is considered that notwithstanding the objections received from the Scottish Civic Trust and the Architectural Heritage Society of Scotland, the proposed is acceptable in planning policy terms. In terms of layout, scale, design and use of finishing materials, the development is considered to be acceptable subject to the imposition of appropriate conditions.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions listed 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 because it would not represent a departure from the development plan.

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

26 October 2005

HM/HM  
FV/DVM

## **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. Previous applications 04/0009/OL and 05/0347/FL.

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

**Implementation Officer: Dave Morris**

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/0370/FL

---

Location	Land at Castle Street MAUCHLINE KA5 5BY
Nature of Proposal:	Proposed erection of 2 detached dwellinghouses
Name and Address of Applicant:	Mr. & Mrs. F. Lau 9 The Knowe MAUCHLINE KA5 5BY
Name and Address of Agent	Munro Architects 23 Portland Road KILMARNOCK KA1 2BT

---

DPO's Ref:  
PPO's Ref: Hugh Melvin

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

1. Prior to the commencement of development on site, the developer shall submit to and have approved by the Planning Authority, samples of the external wall finishes and roof finish to be used in the proposed dwellinghouses.

REASON – In the interests of visual amenity.

2. Prior to the commencement of development on site, the developer shall submit to and have approved by the Planning Authority, details of any walls or screen fencing to be erected within the application site together with details of the proposed metal access gates to be erected at the site access.

REASON – In the interests of residential and visual amenity.

3. The existing sandstone wall fronting the application site shall be retained but reduced to 1 metre in height within the required visibility splay areas for the site access. The wall shall be repaired and made good where breached for access purposes and the wall shall be re-capped using the existing coping stones, to the complete satisfaction of the Planning Authority.

REASON – In the interests of public road safety.

4. The private driveway will require to be paved for a minimum distance of 2 metres from the edge of the public road carriageway to avoid overcarry of loose material onto the public road.

REASON – In the interests of public road safety

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

REASON – In the interests of public road safety

6. Junction visibility splay areas of 2 metres by 20 metres shall be formed and thereafter maintained at the junction with Castle Street with no object greater than 1 metre in height within the splay areas formed.

REASON – In the interests of public road safety

7. A minimum of two car parking spaces shall be provided for each dwelling.

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

8. Any access gates shall open inwards away from the public road.

REASON – In the interests of public road safety

9. Access to and egress from the site shall require to be taken in forward gear.

REASON – In the interests of public road safety

10. The proposed double driveway shall be not less than 4.8 metres in width and 4.8 metres in length.

REASON – In the interests of public road safety and residential amenity

11. All waste materials generated by this development that require to be moved such as construction wastes, demolition wastes and surplus excavated material, must be removed from the site by licensed waste carriers. Waste must be removed to a site that has either an appropriate waste management licence or is registered with SEPA as exempt from licensing.

REASON – In the interests of public health and safety.

12. Construction works on site shall not be carried out prior to 0800 hours and after 1700 hours on Mondays to 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.

## **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.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 555320.**