

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 09 SEPTEMBER 2005**

**05/0537/FL PROPOSED ERECTION OF 2 STOREY DWELLING  
AT 27 MILL STREET, OCHILTREE**

**APPLICATION BY MRS E STEWART**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the erection of a detached two storey four bedroom dwellinghouse on the gap site with the proposed access to the rear remaining in its current location. The proposed dwelling will be divided on the ground level by a 'pend' for the provision of access to the rear of the site. The site plan indicates that the proposal will not encroach beyond the front building line of Mill Street. The proposal is essentially an infill development with the proposed dwelling incorporating design features and finishes appropriate to this Conservation Area location.

**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.

3.2 The representations made show an understandable level of concern with respect to a new dwellinghouse located on a site which has not been occupied by a residential property for some 50 years. However, it is important to consider that a dwellinghouse did once occupy this site and the current gap site, although the ground is landscaped to a high standard, does not complete the building line of Mill Street. In addition to the comments raised in the letters of objection it is not

considered that any additional significant loss of day light or any additional issues of overlooking to neighbouring properties will result from the erection of a dwellinghouse at this site.

3.3 The current proposal offers the opportunity for the erection of an appropriately designed dwellinghouse which can encompass traditional features in order to fit in with its immediate surroundings and help re-establish the historical appearance of Mill Street whilst setting a positive precedent for the future development of gap sites.

3.4 The proposed development complies with the relevant policies RES4, RES22 and ENV4 of the East Ayrshire Local Plan. The proposed design is one of a high standard incorporating a traditional style 'pend' to allow for a shared access to be retained to the rear, which is in keeping with other properties found to the west of Mill Street. In addition the use of building materials in the design are also seen to provide a suitable match with the design and materials used in the adjacent properties of Mill Street and it is not perceived that the erection of a dwellinghouse at this location will detrimentally affect the neighbouring properties or the visual amenity of the Conservation 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 because it would not represent a significant departure from the East Ayrshire Local 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.**

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**APPLICATION BY MRS E STEWART**

**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 the proposed development is subject to objections.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The application site lies on the northern side of Mill Street, Ochiltree some 25 metres east of the junction with the A70 Cumnock Road and comprises of a gap site positioned between numbers 23 and 31 Mill Street. The application site lies within Ochiltree Conservation Area.

2.2 The site forms a long and narrow area of ground extending to 770m<sup>2</sup> and backs onto playing fields to the north. The site is bounded on both the west and eastern sides by traditional residential properties and to the south by a small off road parking area in conjunction with adjacent flats. The site at present is in a very good condition with the majority of the ground currently being used as garden ground in conjunction with the neighbouring property of number 31 Mill Street. The area to the south of the site facing onto Mill Street forms part of a shared access to the rear of number 31 Mill Street which is the reason for the unique design of a 'pend' within the submitted proposal.

2.3 **Proposed Development:** Full planning permission is sought for the erection of a detached two storey four bedroom dwellinghouse on the gap site with the proposed access to the rear remaining in its current location. The proposed dwelling will be divided on the ground level by a 'pend' for the provision of access to the rear of the site. The site plan indicates that the proposal will not encroach beyond the front building line of Mill Street. The proposal is essentially an infill development with the proposed dwelling incorporating design features and finishes appropriate to this Conservation Area location.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Ochiltree Community Council has not commented on this proposal at this stage.

***Noted.***

3.2 East Ayrshire Council Roads and Transportation Division has no objections to the proposed development subject to the following road safety requirements being met:

- (i) Two off road car parking spaces shall be provided for the new dwellinghouse.
- (ii) An internal turning area shall be provided within the plot to allow vehicles to enter and leave the pend in forward gear.

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

3.3 Scottish Water has no objection to the proposal providing the applicant makes a separate application to Scottish Water Planning and Development Services team for permission to connect to the public waste water system and/or water network at the appropriate time.

***Noted.***

3.4 Power Systems and Transco have no adverse comments to make on this application.

***Noted.***

3.5 The Scottish Civic Trust has no objection to the proposed development but make the following comments:

- (i) The proposed house will replace the 'missing tooth' in the street and that it could serve to enhance the quality of the Conservation Area if all the appropriate materials were to be used.
- (ii) The scale and expression of the building is appropriate to the character, the street and the wider Conservation Area within which it sits
- (iii) The Trust can not support the proposed pivoting upvc windows as these would fail to reflect properly the qualities of timber sliding sash and case which would be found in the traditional manner that the proposed dwelling seeks to reflect.

- (iv) The Trust has noted that they would not be supportive of the use of a brown wet dash render for the external wall finish. They have advised that a more appropriate finish would be the use of a lime based harl or render which could be painted with a naturally pigmented lime-based wash such as a red iron oxide or yellow ochre.
- (v) The Trust further recommend that a flue and chimney be incorporated to provide for a natural source of ventilation and give a balance to the proposed new house.

***The above comments can be taken into consideration in the determination of this application and appropriate conditions can be attached to any consent granted to address the comments of the SCT.***

3.6 West of Scotland Archaeology Service has no objection to the proposed development subject to the following archaeological requirement being met:

- (i) No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the west of Scotland Archaeology Service and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

***A condition can be attached to any consent granted for the development to meet the requirements of the West of Scotland Archaeology Service.***

3.7 The Architectural Heritage Society of Scotland finds the proposal generally acceptable but suggests the use of timber rather than uPVC windows.

***The use of appropriately designed uPVC windows would be consistent with the Council's approved design guidance.***

#### **4. REPRESENTATIONS**

4.1 Two letters of representation have been received with regard to the proposed development. The main points are summarised below:-

4.2 Our house was purchased as a semi-detached and if any building was to go ahead our house would become a mid terrace which would result in the value being decreased.

***The development of a residential dwellinghouse on this gap site will ultimately change the appearance of this section of Mill Street, however it is not considered to be of detriment to its immediate surroundings especially as historically a building was originally located here between the properties of number 23 and 31 Mill Street which created a terraced row of properties along Mill Street.***

***The neighbouring properties on either side of the application site are at present semi-detached properties and the development of a dwellinghouse would create a terraced scenario. However, although the Planning Authority can not comment on the loss of value to the neighbouring properties which is not a planning consideration, the design is largely seen to be of benefit to the overall traditional appearance of the terraced properties of Mill Street and in keeping with the character of Ochiltree Conservation Area.***

4.3 I would not want any new building built against my gable as I have an air vent to my chimney located there.

***As the application boundary of the site follows the neighbouring building line any new development could be built along this line. However any issues relating to the ventilation of the neighbouring property would not be a material planning consideration and would be best resolved with the applicant / developer as this is essentially a legal matter between the respective parties.***

4.4 We also have some concerns about safety.

***At present the area in question is largely used by the neighbouring property of number 31 who has a vehicular right of access to the rear of their property. A large fence and gate encloses the front of the site and access from Mill Street which gives a good level of security. The development of a dwelling and the establishment of a shared access will ultimately affect the level of use of this access; however the proposal includes the provision of access gates, which if appropriately managed, should ensure and improve the level of security to the rear of the properties in question.***

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

### Ayrshire Joint Structure Plan

5.2 There are no specific policies contained in the structure plan which are especially relevant to the development.

***Noted.***

### 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;

***Housing of this design and at this location would have a minimal impact on the surrounding natural and built environment.***

(ii) transportation and infrastructure implications;

***There are no significant adverse issues relating to the proposed development.***

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

***The design of the house is compatible with the surrounding area.***

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

***It is considered that the design complies with the relevant design 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 meets with the Council's minimum private open space standards.***

5.5 Policy ENV 4 states that 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, is sympathetic to the area or building concerned in terms of 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 and 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 design of the proposed house is acceptable for this site within Ochiltree Conservation Area.***

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

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and the third party representations.

### Consultations Responses

6.2 The consultation responses received would indicate that the approval of the application would generally be appropriate.

### Representations

6.3 The two third party representations received all show a clear level of concern on a variety of issues principally regarding the effect of personal loss of amenity with respect to the properties on either side of the proposal. However, these issues are considered to have been sufficiently addressed and are not of sufficient weight to justify refusal of the application.

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

7.1 There are no financial or legal implications 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.

8.2 The representations made show an understandable level of concern with respect to a new dwellinghouse located on a site which has not been occupied by a residential property for some 50 years. However, it is important to consider that a dwellinghouse did once occupy this site and the current gap site, although the ground is landscaped to a high standard, does not complete the building line of Mill Street. In addition to the comments raised in the letters of objection it is not considered that any additional significant loss of day light or any additional issues of overlooking to neighbouring properties will result from the erection of a dwellinghouse at this site.

8.3 The current proposal offers the opportunity for the erection of an appropriately designed dwellinghouse which can encompass traditional features in order to fit in with its immediate surroundings and help re-establish the historical appearance of Mill Street whilst setting a positive precedent for the future development of gap sites.

8.4 The proposed development complies with the relevant policies RES4, RES22 and ENV4 of the East Ayrshire Local Plan. The proposed design is one of a high standard incorporating a traditional style 'pend' to allow for a shared access to be retained to the rear, which is in keeping with other properties found to the west of Mill Street. In addition the use of building materials in the design are also seen to provide a suitable match with the design and materials used in the adjacent properties of Mill Street and it is not perceived that the erection of a dwellinghouse at this location will detrimentally affect the neighbouring properties or the visual amenity of the Conservation Area.

## **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 significant departure from the East Ayrshire Local Plan.

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

15 August 2005  
RG/RG  
FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).

Anyone wishing to inspect the above background papers should contact Mr Ghosh on 01563 555483.

**Implementation Officer: Dave Morris**

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/0537/FL

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Location	27 Mill Street OCHILTREE KA18 2NS
Nature of Proposal:	ERECTION OF DWELLINGHOUSE
Name and Address of Applicant:	Mrs E Stewart 29 Duff Street GIRVAN KA26 9AP
Name and Address of Agent	Mr V Diamond 20 Hamilton Street GIRVAN KA26 9SY

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

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

1. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has received the prior approval of the Planning Authority and which is fully compliant with the Terms of Reference which will be issued by the West of Scotland Archaeological Service on behalf of the Planning Authority.

REASON: To ensure that the appropriate archaeological work is undertaken before the development commences to safeguard potential archaeological resources.

2. Notwithstanding the submitted plans, external wall covering is not hereby approved. Details/samples of the external wall finish shall be submitted to and approved by the Planning Authority before any development commences on site and thereafter implemented as approved.

REASON: In the interest of visual amenity

3. 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 (unless forming part of the approved layout plan) 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.

4. Notwithstanding the details on the submitted plans the windows as shown are not hereby approved. Details and samples of a traditional sash and case look alike window to be used in the development shall be submitted to and approved by the Planning Authority before any development commences on site.

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

5. Notwithstanding the details on the plans hereby approved the rainwater goods shall not be PVC. They shall be either cast iron or an aluminium profile and painted in a colour to be agreed in writing by the Head of Planning and Building Control prior to the commencement of development.

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

6. Notwithstanding the submitted plans, parking spaces for two cars shall be provided and thereafter maintained within the site area, and an internal turning area shall be provided within the plot to allow vehicles to enter and leave the plot in forward gear.

REASON: In the interest of road safety

7. Notwithstanding the submitted plans details of the proposed access gates shall be submitted to and approved by the Planning Authority before any development commences on site. The access gates shall open inwards, away from the public road and footpath fronting the application site.

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

#### **NOTES**

- 1) The applicant should make early contact with the Scottish Water for permission to connect to the public waste water system. Scottish Water can be contacted on 0845 601 8855.

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