

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 31 MAY 2002**

**02/0059/FL: PROPOSED NEW BUILD TERRACE BUILDING CONTAINING  
THREE DWELLING UNITS AND ASSOCIATED PRIVATE AMENITY SPACE  
AT REX CINEMA SITE, OFF CASTLE STREET, NEWMILNS  
BY ST. VINCENT CRESCENT PRESERVATION TRUST**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 It is proposed to erect a terraced building containing 3 dwelling units and associated private amenity space. The building is 2 storeys and comprises 1, 2-bedroom unit and 2, 3-bedroom units. The proposed materials include white render, a slate roof and elements of cedar boarding on recessed walls, painted steel lintols, leadwork and copper panels.

#### **2. RECOMMENDATION**

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

#### **3. CONCLUSIONS**

3.1 As indicated in Section 5 of this report, the development plan is out of date and given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be assessed against the material considerations. The material considerations in this regard, are of prime importance owing to the age of the development plan. In this instance the proposal complies with both the East Ayrshire Local Plan and the Memorandum of Guidance and it is considered that the objection received from Scottish Water can be dealt with by means of a condition.

3.2 This development forms a critical part of the Newmilns Townscape Heritage Initiative and comprises an important site within the centre of Newmilns.

## **CONTRARY DECISION NOTE**

Should the Committee consider that the application should be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not required to be referred to the Development Services Committee as this would not be a significant breach of policy.

**Alan Neish**  
**Head of Planning and Building Control**

**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  
NORTHERN AREA LOCAL PLANNING COMMITTEE: 31 MAY 2002**

**02/0059/FL: PROPOSED NEW BUILD TERRACE BUILDING CONTAINING  
THREE DWELLING UNITS AND ASSOCIATED PRIVATE AMENITY SPACE  
AT REX CINEMA SITE, OFF CASTLE STREET, NEWMILNS  
BY ST. VINCENT CRESCENT PRESERVATION TRUST**

**Report by Head of Planning and Building Control**

**1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present for determination an application which is to be considered by the Local Planning Committee under the scheme of delegation because it is the subject of an objection.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The application site is located centrally within the town of Newmilns, the Main Street Outstanding Conservation Area and the Newmilns Townscape Heritage Initiative (NTHI). The site is bounded to the north by High Street, Main Street to the south and Castle Street to the west. The site is currently a cleared site which comprised the former Rex Cinema building. Consent was granted in October 2001 to complete the streetscape on Main Street following demolition of the Rex Cinema with a 2½ storey building comprising 2, 2 bedroom flats.

2.2 **Proposed Development:** It is proposed to erect a terraced building containing 3 dwelling units and associated private amenity space. The building is 2 storeys and comprises 1, 2-bedroom unit and 2, 3-bedroom units. The proposed materials include white render, a slate roof and elements of cedar boarding on recessed walls, painted steel lintols, leadwork and copper panels.

**3. CONSULTATIONS AND ISSUES RAISED**

3.1 East Ayrshire Council Roads and Transportation Division has confirmed that all the conditions relating to the previous planning consent (01/0600/FL) should be applied to this current application:

- The development requires vehicle access to private car parks off Castle Street.

- To accommodate this increase in traffic in a safe manner alterations to Castle Street will be necessary.
- It is recommended that a Traffic Order be promoted to change Castle Street into a one way street, exiting onto the A71 Main Street.
- To accommodate this change the carriageway will be reduced to 3.5 metres wide with the adjoining footway being increased to 2.0 metres. Appropriate signage and roadmarkings to highlight the change will also be required.
- The detail of the access arrangement for the car parks should conform to the Roads Development Guide where the access to the car park is taken by crossing the footway. The car park beyond this footway crossing is therefore clearly outwith the public road limits and must be maintained privately.
- All changes to Castle Street will require the approval of the Roads Authority and the applicant should arrange for the Traffic Order to be instigated as soon as possible as there will be an advertising and consultation period lasting up to 18 months depending on objections to the proposal. The applicant will be required to pay the costs of the Traffic Order procedure.
- The applicant will also be required to obtain a road construction consent for the physical changes to Castle Street.
- It is recommended that no dwelling be occupied until both the Traffic Order and associated road improvements on Castle Street are complete.

***Noted. Conditions can be attached which require the necessary access, road improvements and Traffic Order on Castle Street to be complete prior to occupation of any of the dwellings.***

3.2 The Scottish Environment Protection Agency has no objection to this proposal on the understanding that the foul drainage is connected to the public sewer. The applicant should consult with Scotland Water in this regard.

***Noted.***

3.3 Scottish Water objects in principle to this development draining to the public sewerage system due to the cost of providing infrastructure to serve the site being outwith this Authority's 'reasonable cost' contribution.

"However, if the developer promotes a scheme that does not compromise the quality and quantity of discharge from the existing sewerage system and is to the satisfaction of the Authority then we would consider removing the objection.

It may be appropriate in this circumstance to allow the developer sufficient time to carry out the additional investigative work, and consequently extend the determination period for this application.

Scottish Water as a public water authority, has no interest in curtailing progression of development and hopes that you will appreciate that objection to planning applications is not taken lightly.

However, we are constrained by available finance and are required through regulation, by the Water Industry Commissioner, to ensure that all investment and operational expenditure give 'best value' to our customers.

It is also important that all possible measures are taken to safeguard and improvement the environment."

***The applicant has not submitted any revised drainage proposals in respect of this application. However, it is considered that a condition can be attached to any grant of planning permission requiring the drainage arrangements to meet with Scottish Water's agreement.***

3.4 The Coal Authority have no adverse comments on the application.

***Noted.***

3.5 Newmilns and Greenholm Community Council have not responded at the time of writing.

***Noted.***

3.6 West of Scotland Archaeology Service have recommended that the usual negative suspensive condition be attached to prevent any development taking place until the developer has secured the implementation of an approved programme of archaeological work with a written scheme of investigation.

***Noted. A condition can be attached to any grant of planning permission regarding an approved programme of archaeological work.***

#### **4. REPRESENTATIONS**

1 letter of objection has been received from Scottish Water which is referred to in detail in para 3.3 above.

## 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 Ayr County Development Plan (1953).

5.2 However, the Adopted Ayr County Development Plan is now considerably out of date. Given the age of this plan, its relevance to this application is negligible and, as a consequence, significant weight must be attached to a more recent expression of policy.

## 6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications) the Government guidance on conservation areas contained within the Memorandum of Guidance on Listed Buildings and Conservation Areas, consultations and objections detailed above.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan Finalised Version with Modifications (EALP) should be considered a prime material consideration.

### East Ayrshire Local Plan (Finalised Version with Modifications)

6.3 Policy RES 22 and Schedule 4 are relevant to the consideration of the application. Policy RES 22 states that all developers will require to observe the minimum private open space criteria and standards detailed in Schedule 4 of the Local Plan. The standards quoted may however, be relaxed at the discretion of the Council in respect of the conversion of existing properties to flats where the case for such a relaxation can be fully justified by the developer and where considered appropriate by the Planning Authority.

***Schedule 4 states that each terraced house should provide a minimum of 70m<sup>2</sup> of private garden space. The development proposed meets these requirements.***

6.4 Policy ENV 4 seeks to ensure that all development within a conservation area or affecting the setting or appearance of a listed building is sympathetic to the area of building, in terms of layout, size, scale, design, setting, materials and

colour of finish. The policy further states that all 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 of building concerned.

***It is considered that, subject to conditions, the proposed development is sympathetic to the character of existing buildings and the Outstanding Conservation Area.***

#### Memorandum of Guidance

6.5 The Memorandum of Guidance is produced by Historic Scotland and states that “new development which is well designed, respects the character of the area and contributes to its enhancement should be welcomed.”

***It is considered that, subject to conditions, the proposed development will enhance the Outstanding Conservation Area.***

#### Consultations and Objections

6.6 The consultations and content of the objection have been considered above and they are not of such weight as would indicate that refusal of the application would be appropriate.

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

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

### **8. CONCLUSIONS**

8.1 As indicated in Section 5 of this report, the development plan is out of date and given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be assessed against the material considerations. The material considerations in this regard, are of prime importance owing to the age of the development plan. In this instance the proposal complies with both the East Ayrshire Local Plan and the Memorandum of Guidance and it is considered that the objection received from Scottish Water can be dealt with by means of a condition.

8.2 This development forms a critical part of the Newmilns Townscape Heritage Initiative and comprises an important site within the centre of Newmilns.

## **9. RECOMMENDATION**

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

### **CONTRARY DECISION NOTE**

Should the Committee consider that the application should be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not required to be referred to the Development Services Committee as this would not be a significant breach of policy.

**Alan Neish**  
**Head of Planning and Building Control**

20 May 2002  
(YN/SA)  
FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form/Plans.
2. Statutory Notice/Certificates.
3. Letters of Representation.
4. Ayr County Development Plan and Newmilns Town Map.
5. East Ayrshire Council Local Plan (Finalised Version with Modifications).
6. Approved Strathclyde Structure Plan.
7. Approved Ayrshire Joint Structure Plan.
8. Memorandum of Guidance on Listed Buildings and Conservation Areas.

Anyone wishing to inspect the above papers please contact Yvonne Nisbet on 01563 576771.

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

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

02/0059/FL

---

|                              |  |
|------------------------------|--|
| Site of Proposal:            | Rex Cinema Site<br>Castle Street<br>NEWMILNS   |
| Nature of Proposal:          | Proposed New Build Terrace Building<br>Containing Three Dwelling Units and<br>Associated Private Amenity Space |
| Name & Address of Applicant: | St Vincent Crescent Preservation Trust<br>14 James Watt Road<br>MILNGAVIE<br>Glasgow G62 7JY                   |
| Name & Address of Agent:     | Page & Park Architects<br>49 Cochrane Street<br>GLASGOW G1 1HL   |

---

DPOs Reference: YN/SA

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

1. A drainage scheme shall be submitted to and be approved by the Planning Authority prior to the commencement of any works. The drainage scheme shall not compromise the quality and quantity of discharge from the existing sewerage system and shall be to the satisfaction of Scottish Water.

REASON To ensure that adequate drainage is provided in the interests of public safety.

2. No dwelling unit shall be occupied until such time as a suitable vehicular access is available to the proposed units from a public road.

REASON In the interests of public and road safety.

3. Prior to any work commencing on site, details of the surface treatment to the car parking area shall be submitted to and approved by the Planning Authority.

REASON In the interests of visual and residential amenity.

4. The parking court shall be completed to the satisfaction of the Planning Authority prior to the occupation of any of the units.

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

5. The developer shall undertake recording of archaeological resources within the development site to the satisfaction of the Planning Authority.

REASON To ensure that any archaeological deposits, which would be damaged, destroyed or disturbed by ground breaking for foundation and service trenches etc, are recorded prior to commencement of development or during it.

6. No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, this scheme to be submitted for approval by the Planning Authority following consultation and agreement with the West of Scotland Archaeology Service.

REASON To ensure that any archaeological deposits, which would be damaged, destroyed or disturbed by ground breaking for foundation and service trenches etc, are recorded prior to commencement of development or during it.

7. Notwithstanding the plans hereby approved the stained timber palisade fencing to the internal boundaries shall be 1.8m high.

REASON In the interests of residential amenity.

8. Notwithstanding the submitted plans the design of the gates and railings on the west elevation are not hereby approved. A revised design shall be submitted to and approved by the Planning Authority prior to the occupation of any of the units.

REASON In the interests of visual amenity and preserving the character and appearance of the Outstanding Conservation Area.

9. The timber work on all doors and windows shall be painted and not stained. Details of the colour of the paint shall be submitted to and approved by the Planning Authority prior to commencement of any development.

REASON In the interests of preserving the character and appearance of the Outstanding Conservation Area.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**

**AGENDA**