

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 3 AUGUST 2001**

**01/0230/FL: PROPOSED ERECTION OF ROLLER SHUTTERS  
AT 30 MAIN STREET, NEWMILNS  
BY R W McCONNELL & SON LTD**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 This is a retrospective application for the erection of roller shutters and the associated housing box. The shutters are black in colour and are of the "punched out" type. The shutter housing box is 31cm deep x 76 cm high with the shop sign attached to the front of this casing.

#### **2. RECOMMENDATION**

**2.1 It is recommended that the application be refused for the reasons on the attached sheet.**

#### **3. SUMMARY OF ANALYSIS**

3.1 Given the terms of Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 and the absence of any specifically relevant policies in the Development Plan it would be appropriate to determine the application having regard to the other material considerations.

3.2 As indicated in Section 5 of the report there are no applicable policies in the Ayr County Development Plan or the Newmilns Town Map, which would affect the determination of this application. The material considerations discussed in Section 6 of the report are therefore of primary importance in the assessment of this application and greatest weight should be attached to these in the absence of any policies in the adopted Local Plan.

3.3 Having taken account of all the material considerations and also the information submitted by the applicant it is considered that the proposal cannot be supported. Should the Committee agree to approve this application, it would not require to be referred to the Development Services Committee as it is not considered to be a significant departure from the East Ayrshire Local Plan.

**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.**

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

#### **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 because it is subject to an objection and is recommended for refusal.

#### **2. APPLICATION DETAILS**

2.1 **Site Description:** The site is located within the town centre of Newmilns on the south side of Main Street near the junction with Bridgend. The property is a chemist shop. The building is within the Main Street Outstanding Conservation Area and the boundary of the Newmilns Townscape Heritage Initiative.

2.2 **Proposed Development:** This is a retrospective application for the erection of roller shutters and the associated housing box. The shutters are black in colour and are of the "punched out" type. The shutter housing box is 31cm deep x 76 cm high with the shop sign attached to the front of this casing.

#### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 Newmilns & Greenholm Community Council have not responded at the time of writing this report.

**Noted**

#### **4. REPRESENTATIONS**

(One letter of objection has been received and a letter from the applicant in support of the application).

4.1 If the development is allowed to proceed it would change the character of the building. The owner of the property at No. 53 Main Street, Newmilns was refused planning permission to erect similar roller shutters.

**As noted in Paragraph 6.3 below, the design of the proposed shutters is contrary to East Ayrshire Council's Design Guidance (April 2001) and conflicts with the aims of Newmilns Townscape Heritage Initiative.**

**With regard to No. 53 Main Street, roller shutters and associated housing were approved in 1993 although in this instance the housing box was recessed inside the door and did not protrude onto the front elevation.**

4.2 The applicant has provided the following information in support of their application:

"The action taken by ourselves to install roller shutters has contravened planning rules, but we felt that the special circumstances and risk to public safety left us no choice at the time.

The nature of our business is Community Pharmacy, making it a particular target for illegal drug users. There are a number of public health issues raised by break-ins to pharmacies. One being that the person carrying out the theft may ingest something which could be harmful. Any drugs stolen may be sold to someone else, or they may come into contact with blood caused by broken glass. This risk is potentiated by the increased incidence of infectious diseases (e.g. Hepatitis B) in this section of our community.

The background to our current situation:

Following repeated acts of vandalism and a successful attempt to gain entry, approximately seven years ago, I looked into improving the security of our premises. I discovered that solid roller shutters were unacceptable. At that time the favoured options by KLDC Planning Department were:

- External, rigid, demountable mesh screens
- External open lattice type of shutter (internally mounted)
- Internal open lattice type of shutter

The first option was impractical, because there would be no way of storing the screens during opening times. Similarly, the second was not possible because there was insufficient headroom to mount the shutter internally without encroaching on our upstairs neighbour. Also this open lattice may not have stopped the glass breakages. Acting on advisement, the third acceptable option of internal open lattice type shutters was installed.

As you may be aware the premises in Newmilns have continued to be subject to acts of vandalism and break-ins over the last few years. Attempts by us to make the building secure have been unsuccessful. Despite the shop having internal window shutters, an alarm system and reinforced bars at the rear of the building, this has not deterred the break-ins.

Knowing of the need for planning permission, the following steps were taken to avoid the shutter spoiling the appearance of the surrounding streetscape. A plastisol-coated shutter was chosen to minimise impact. The colour chosen was black to match the existing timber, pilasters and stallriser.

As solid shutters are unacceptable, the shutter selected was a punched out type. This gives good visibility of the shop window, while the shop is closed. Window lights are left on at night to help the appearance of the streetscene.

The shutter had to be externally mounted, because of the lack of sufficient headroom. To improve the appearance of this the original fascia board was removed and reattached onto the shutter casing, which appears not to be boxed out excessively.

I have approached members of the Newmilns Community Council to explain why I felt unable to wait for permission before installing the shutters".

**East Ayrshire Council's Design Guidance (April 2001) states that the Council will be generally supportive of proposals to erect security shutters on shop and other commercial premises subject to certain criteria. Within Conservation Areas and on Listed Buildings, preference will be given to removable shutters which can be attached to the external elevation of the property when the premises are closed and removed during opening hours. Where roller shutters are proposed, these should be of an open grid type. The roller shutter housing must be recessed and concealed from general view within the fascia of the property itself. Shutters should be coloured to match the shop front.**

## **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 Adopted Ayrshire Joint Structure Plan, the Adopted Ayr County Development Plan (1953) and Newmilns Town Map (1965).

5.2 However, the Adopted Ayr County Development Plan is now considerably out of date. Given the age of this plan, its relevance to the application is negligible.

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

6.1 The other principle material considerations relative to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications 2001) (EALP), the Council's Design Guidance and the Newmilns Townscape Heritage Initiative (NTHI).

6.2 The Adopted Ayr County Development 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 EALP should be considered a prime material consideration.

**Policy ENV 7 of the EALP states that all development will be expected to comply fully with the Council's Design Guidance and Policy Documents relating to and advising on the particular type of development proposed. "Developments which do not meet the required design standards detailed in these documents will require to be fully justified and may not be supported by the Council." The reason for this policy is to ensure a high standard of design for new development in line with Council advice and guidance.**

6.3 The Council's Design Guidance (April 2001) clearly states what type of security shutters will be considered acceptable within Conservation Areas (see response to Paragraph 4.2 above).

**It is considered that the proposed external, protruding housing of the roller shutter does not comply with the design guidance. Roller shutter housings must be recessed and concealed from general view within the fascia of the property itself. The proposed housing of the roller shutter extends 31 cm from the front shop elevation with the fascia of shop with the shop sign attached to the front casing of this box. The result is a bulky structure which is visually intrusive on the main public elevation of the property which is located centrally within the Outstanding Conservation Area. It is therefore considered that this proposal is not acceptable in terms of the East Ayrshire Design Guidance (April 2001).**

6.4 In addition to the fact that the property is located within the Outstanding Conservation Area, it is also within the boundary of the NTHI area.

**The NTHI aims to revitalise Newmilns Town Centre. The main objective of the NTHI is to contribute towards the economic,**

**environmental and social regeneration of the historic heart of Newmilns. The property at 30 Main Street is identified within the Action Plan as being eligible for grant assistance for reinstatement of architectural detail. It is considered that the current proposal directly conflicts with the aims of the NTHI.**

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

7.1 There are no financial or legal implications for the Council aside from the instigation of enforcement action should the application be refused and the roller shutter is not thereafter removed from the premises.

## **8. CONCLUSION**

8.1 Given the terms of Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 and the absence of any specifically relevant policies in the Development Plan, it would be appropriate to determine the application having regard to the other material considerations.

8.2 As indicated in Section 5 of this report there are no applicable policies in the Ayr County Development Plan or the Newmilns Town Map, which would affect the determination of this application. The material considerations discussed in Section 6 are therefore of primary importance in the assessment of this application and greatest weight should be attached to these in the absence of any policies in the adopted Local Plan.

8.3 Having taken account of all the material considerations and also the information submitted by the applicant it is considered that the proposal cannot be supported. Should the Committee agree to approve this application, it would not require to be referred to the Development Services Committee as it is not considered to be a significant departure from the East Ayrshire Local Plan.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be refused for the reasons on the attached sheet.**

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

26 July 2001 (YN/IMB)

FV/DVM

## LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letters of representation.
5. Correspondence from/to the applicant.
6. Ayr County Development Plan, Newmilns Town Map/Irvine Valley Local Plan/Finalised Kilmarnock & Loudoun District Plan/East Ayrshire Council Local Plan (Finalised Version as Modified)
7. Newmilns Townscape Heritage Initiative
8. EAC Design Guidance (April 2001)

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

***Implementation Officer: Dave Morris***

## TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No. 01/0230/FL

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|                             |  |
|-----------------------------|--|
| Location                    | 30 Main Street<br>NEWMILNS KA16 9DE                            |
| Nature of Proposal          | Proposed Installation of Roller Shutters                       |
| Name & Address of Applicant | R W McConnell & Son<br>30 Main Street<br>NEWMILNS<br>KA16 9DE  |
| Name and Address of Agent   | Ms Morag McConnell<br>27 Mauchline Road<br>HURLFORD<br>KA1 5AB |

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DPO's Ref: [YVONNE NISBET]

PPO's Ref: [                      ]

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

1. The proposed development would be contrary to Policy ENV 7 of the East Ayrshire Local Plan (Finalised Version with Modifications) which states that all developers will be expected to comply fully with the Council's existing and emerging Design Guidance and Policy documents relating to and advising on the particular type of development proposed. The proposed development is contrary to the Design Guidance agreed by the Council in April 2001 by reason of the roller shutter housing not being recessed or concealed from general view within the fascia of the property itself. Insufficient justification has been submitted to merit any exception being made to this Policy.
2. The proposed roller-shutters and associated housing would, by reason of their size and subsequent projection onto the main elevation, have a detrimental impact on the visual amenity 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**