

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 28 JUNE 2002

**02/0041/FL: PROPOSED SOLICITOR'S OFFICES PLUS CAR PARKING AND
01/0893/CA PROPOSED REFURBISHMENT OF DERELICT FORMER SHOP TO
FORM SOLICITORS OFFICES AND DEMOLITION OF FORMER COACHWORKS
TO FORM PARKING AT 53-55 MAIN STREET AND 21 HIGH STREET,
NEWMILNS FOR MAIR MATHIESON LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Conservation Area Consent is sought for the proposed refurbishment of the derelict former Co-op shop at 53-55 Main Street to form a solicitors office and demolition of former coachworks at 21 High Street to form parking associated with this development. The proposed refurbishment of the building at 53-55 Main Street, Newmilns will include the retention of the existing two storey façade. It will also include the use of traditional materials, such as stone and wet dash render, a second hand slate roof and sash and case type windows. Where possible the developer has proposed the use of existing openings and has kept to the same proportions in the refurbishment. The car parking for the development is proposed at 21 High Street. Retrospective consent is sought for the demolition of the former coachworks which was on this site, which will provide a total of 9 spaces, including one for disabled. Two spaces will be accessed off Drygate Street, and the remaining seven from High Street adjacent to No 19 High Street, Newmilns. Full Planning Permission is also sought for the proposed solicitors offices and car parking.

2. RECOMMENDATION

2.1 **It is recommended that the application for Conservation Area Consent be approved subject to the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regs 1997; and that the application for Full Planning Permission be approved subject to the conditions listed on the attached sheet.**

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3.1 As indicated in Section 5 of this report, the development plan is out of date and given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997 the applications should be approved unless material considerations indicate otherwise. The material considerations in this regard, are of prime importance owing to the age of the development plan. As indicated at paragraphs 6.2 to 6.10 of the report there are material considerations relevant to the determination of these applications. In this instance the proposal complies with the

East Ayrshire Local Plan and the Memorandum of Guidance for Listed Buildings and Buildings within Conservation Areas and it is considered that the grounds of objection received from the Newmilns and Greenholm Community Council cannot be substantiated and that all other relevant issues raised by consultees can be dealt with by means of conditions.

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 NOTICE

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 require to be referred to the Development Services Committee because such refusal would not represent a significant departure from 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.

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NEWMILNS FOR MAIR MATHIESON LTD**

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present jointly for determination a Full Planning Application and an application for Conservation Area Consent which are to be considered by the Local Planning Committee under the Scheme of Delegation as both the applications are subject to objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application is located centrally within the town of Newmilns, the Main Street Outstanding Conservation Area and the Newmilns Townscape Heritage Initiative (NTHI). The site is in two distinct parcels split by High Street. The main part of the site at 53-55 Main Street is bounded to the north by High Street, Main Street to the south and a pedestrian vennel between the two streets to the west. The part of the site fronting onto Main Street includes the remains of the former Co-op building including the façade. The building was substantially burnt down a couple of years ago. To the rear is the cleared site of the former bakery. The northern part of the site is bounded to the south by High Street and to the west by Drygate Street and the dwelling at 19 High Street, Newmilns. This part of the site is currently a cleared site which comprised the former coachworks at 21 High Street.

2.2. **Proposed Development:** Conservation Area Consent is sought for the proposed refurbishment of the derelict former Co-op shop at 53-55 Main Street to form a solicitors office and demolition of former coachworks at 21 High Street to form parking associated with this development. The proposed refurbishment of the building at 53-55 Main Street, Newmilns will include the retention of the existing two storey façade. It will also include the use of traditional materials, such as stone and wet dash render, a second hand slate roof and sash and case type windows. Where possible the developer has proposed the use of existing openings and has kept to the same proportions in the refurbishment. The car parking for the development is proposed at 21 High Street. Retrospective consent is sought for the demolition of the former coachworks which was on this site, which will provide a total of 9 spaces, including one for disabled. Two spaces will be accessed off Drygate Street, and the remaining seven from High Street adjacent to No 19 High Street, Newmilns. Full

Planning Permission is also sought for the proposed solicitors offices and car parking.

3. CONSULTATIONS AND ISSUES RAISED

In response to the Planning Application:-

3.1 East Ayrshire Council's Roads and Transportation Division has no objection to the proposed development subject to a minor amendment to the alignment of the footway crossing at High street ensuring the necessary clearance of the BT manhole and the submission of drainage details for the car park to ensure that there is no discharging onto the public road. They also note that a road opening permit will be required for the formation of the access crossing.

Should the application be approved, appropriate conditions and a note in respect of the above can be attached to the planning permission.

3.2 Scottish Water has not responded to the consultation request at the time of writing this report.

Should the application be approved, 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.

3.3 The Scottish Environment Protection Agency has no objection to the proposal provided all foul drainage is connected to the public sewer system.

Should the application be approved, an appropriate condition in respect of the above can be attached to the planning permission.

3.4 The Coal Authority has no adverse comments on the proposal.

Noted.

3.5 Transco have indicated that it may be necessary to take measures to protect/divert their plant at the developer's cost and therefore early contact with Transco is requested.

Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.

3.6 West of Scotland Archaeology Service have advised that limited but potentially complex and archaeologically significant issues are raised by the proposals for both areas covered by this application. They have therefore 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.

Should the application be approved, an appropriate archaeological condition can be included in the planning permission.

3.7 Newmilns and Greenholm Community Council have no objection to the proposals for 53-55 Main Street, however they do object to access/egress from the proposed car park into Drygate Street due to the lack of visibility to vehicles using Drygate Street, and also the access from High Street. They also raise the issue that the house at 19 High Street will be isolated after this development and suggest that as it is currently owned by the same person it should be demolished creating an opportunity to develop the whole corner of High Street/Drygate Street. They also point out that the retaining walls of the surrounding gardens are dependant on the walls of the old building and cognisance of their condition must be taken.

The objection in respect of public road safety has not been substantiated by the Roads and Transportation Division. The Roads and Transportation Division has advised that it has no objection to the use of the proposed access/egress from Drygate Street for two of the nine parking spaces subject to the wall to the north being taken down to 1 metre to improve visibility, which is part of the developers proposal. In respect of the suggested demolition of 19 High Street, this is not part of this proposal and the property is not owned by the developer. In respect of the retaining walls for the surrounding gardens, the developer has included the recommendations of a structural engineer in the proposals regarding retention and repair of these retaining walls. However, should the application be approved, an appropriate condition requiring these works to be carried out prior to the occupation of the office development can be included in the planning permission.

In response to the application for Conservation Area Consent

3.8 Historic Scotland is delighted to see this proposal to bring this building back into use as its restoration will be essential to the success of the ongoing Townscape Heritage Initiative. It is also not opposed to the demolition of the workshop at 21 High Street. However, it has reservations in relation to the detailing of the restoration of the building at 55 Main Street, particularly in relation to the shopfront the size of fascia board, and the window pattern. It is suggested that amendments be sought to more closely reinstate the original shopfront and window pattern using 1:50 scale drawings. In addition, Historic Scotland request that any surviving chimneys should not be removed.

Should the application be approved, appropriate conditions can be included in the planning permission to secure these points.

3.9 The Architectural Heritage Society of Scotland welcome the rescue of this building and find the major alterations quite acceptable. Also, in respect of the proposed demolition of the former coachworks, they find this acceptable but would welcome some acknowledgement of the former street line.

The street line of the former coachworks is well back from the High Street entrance to the car park and therefore a defining feature would not be able to be incorporated into the design of the car park in a practical way.

4. REPRESENTATIONS

1 letter of objection has been received to both the full planning application and the conservation area consent application from Newmilns and Greenholm Community Council which is referred to in para 3.7 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 The Ayrshire Joint Structure Plan confirms that Local Plans shall prepare detailed policies for the protection and enhancement of built heritage resources.

5.3 The Adopted Ayr County Development Plan however 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 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.

In respect of the application for Full Planning Permission

East Ayrshire Local Plan (Finalised Version with Modifications)

6.3 The application requires to be determined with regard to Policy RTC2 of the East Ayrshire Local Plan (Finalised Version with Modifications). Policy RTC2 states that:

Financial, professional and other services which it is appropriate to provide in a shopping area and where the services are provided principally to visiting members of the public will be considered acceptable, in principle, within town centres.

It is considered that as the proposal is within the town centre of Newmilns and that the proposed development is in accord with Policy RTC2.

6.4 The proposal also requires to be determined with regard to Policy T3. Policy T3 states:

The Council will require all developers to provide adequate car parking as an integral part of their development proposals to the standards laid down by the Council as Roads Authority. Parking standards for proposals relating to brownfield redevelopment sites within town centre areas, as shown on the Local Plan maps, may be relaxed by the Council where considered appropriate.

The development of the associated car parking is considered to be in accord with Policy T3 subject to the requirements of the Roads and Transportation Division.

In respect of both the applications for Full Planning Permission and Conservation Area Consent.

6.5 Policy ENV2 of the EALP states:

The Council will actively encourage the retention, restoration, renovation and re-use of listed buildings, unlisted buildings in Conservation Areas and other locally important, especially traditional older properties, throughout the area. There will be presumption against the demolition or partial demolition of all such properties.

This development is in accordance with Policy ENV2 as it seeks to restore a derelict unlisted building in the Outstanding Conservation Area. The proposed demolition of the former coachworks is acceptable as this building was outwith the Conservation Area and was of no architectural merit.

6.6 Policy ENV4 is also of relevance:

The Council will seek to ensure that all development within or affecting the setting of the 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. Wherever possible, all features 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, subject to conditions, the proposed development is sympathetic to the character of the existing buildings and the Outstanding Conservation Area.

6.7 Policy ENV7 also requires consideration:

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. 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 proposal, subject to the conditions requiring appropriate details for windows, doors and the shop front, comply with the provisions of the East Ayrshire Council Design Guidance for buildings within Conservation Areas. Subject to such conditions, the proposal accords with Policy ENV7

Memorandum of Guidance

6.8 The Memorandum of Guidance is produced by Historic Scotland and states that new uses for old buildings may often be the key to their continued survival and as such, it may be justifiable to relax control over use, zoning, density, plot ratio, day lighting and other restrictions where this would enable an historic building to be given a new lease of life. The Memorandum also advises that the proper control of alterations is important to ensure that the value of buildings is not lost when considering alternative uses thus ensuring the historic and architectural value of buildings is not lost.

It is considered that subject to conditions regarding materials and shopfront details, the development is sympathetic to the character of existing buildings and the Outstanding Conservation Area.

The East Ayrshire Council Design Guidance for Listed Buildings and Buildings within Conservation Areas

6.9 The East Ayrshire Council Design Guidance for Listed Buildings and Buildings within Conservation Areas is also of relevance. Section 3 of the Guidance states:

“(a) There will be a general presumption in favour of the retention and improvement of listed buildings and buildings within Conservation Areas rather than their demolition and replacement.

- (b) All development, redevelopment and extension to listed buildings or buildings within Conservation Areas shall reflect the overall design and appearance of the building concerned with its setting, in terms of size, scale, fenestration, finish and materials used. Wherever possible, all proposals shall seek to preserve, enhance or incorporate features, which contribute positively to the character or appearance of the area.”

It is considered that subject to conditions regarding materials and the shopfront details, the development is sympathetic to the character of existing buildings and the Outstanding Conservation Area.

Consultations and Objections

6.10 The consultations and content of the objection have been considered above and are not of such weight as would indicate that refusal of the application would be appropriate. In particular it should be noted that the comments of the Community Council in respect of the access/egress from Drygate Street and the High Street to the car park have not been substantiated by the Roads and Transportation Division.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

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 applications should be approved unless material considerations indicate otherwise. The material considerations in this regard, are of prime importance owing to the age of the development plan. As indicated at paragraphs 6.2 to 6.10 of the report there are material considerations relevant to the determination of these applications. In this instance the proposal complies with the East Ayrshire Local Plan and the Memorandum of Guidance for Listed Buildings and Buildings within Conservation Areas and it is considered that the grounds of objection received from the Newmilns and Greenholm Community Council cannot be substantiated and that all other relevant issues raised by consultees can be dealt with by means of conditions.

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 for Conservation Area Consent be approved subject to the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regs 1997; and that the application for Full Planning Permission be approved subject to the conditions listed on the attached sheet.

CONTRARY DECISION NOTICE

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 require to be referred to the Development Services Committee because such refusal would not represent a significant departure from policy.

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

17 June 2002

(CMcK/MS)

FV/DVM

List of Background Papers

1. Application Forms and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Letter of Objection.
5. Ayr County Development Plan and Newmilns Town Map.
6. East Ayrshire Council Local Plan (Finalised Version with Modifications).
7. Approved Strathclyde Structure Plan.
8. Approved Ayrshire Joint Structure Plan.
9. Memorandum of Guidance on Listed Buildings and Conservation Areas.
10. East Ayrshire Council Design Guidance for Listed Buildings and Buildings within Conservation Areas.

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

Implementation Officer: Dave Morris

I:NLPC/020041

Form TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 02/0041/FL

Location: 53-55 Main Street & 21 High Street
NEWMILNS

Nature of Proposal: Proposed Solicitors' Offices plus Car Parking

Name & Address of Applicant: Mair Mathieson Ltd
124 Main Street
NEWMILNS KA16 9DL

Name & Address of Agent: W I Munro Chartered Architects
1 Seaford Street
KILMARNOCK KA1 2BZ

DPO's Ref: YN/MS

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

1. The proposed development shall be carried out in accordance with the application form and plans submitted on 21 December 2001 as revised by the plans received by the Planning Authority on 18 March 2002 (2256 W5A, 2256 W11), 19 April 2002 (2256 W12A, 2256 W4B, 2256 W3A) and 31 May 2002 (2256 W10B).

REASON To ensure that the development is carried out in accordance with the approved details.

2. Notwithstanding the plans hereby approved the footway crossing at High Street shall not produce a local projection but shall be gradual and shall provide the necessary clearance of the BT manhole.

REASON In the interests of road safety.

3. Drainage proposals for the car park shall be submitted to and approved by the Planning Authority within 2 months of the date of this consent. These details shall provide that there shall be no discharging onto the public road. The approved details shall be implemented prior to the use of the office premises.

REASON In the interests of road safety.

4. All drainage from the site shall meet with Scottish Water's agreement. Written confirmation of this agreement shall be submitted to the Planning Authority prior to the occupation of the office premises.

REASON In the interests of public safety.

5. The foul drainage shall be connected to the public sewer.

REASON In the interest of public safety.

6. The car park shall be completed to the satisfaction of the Planning Authority prior to occupation of the office premises.

REASON In the interest of road safety.

7. Notwithstanding the submitted plans any surviving chimneys shall not be removed and shall be repaired in consultation with Historic Scotland.

REASON In the interest of visual amenity and to protect the architectural quality of the building.

8. Notwithstanding the submitted plans the proposed shopfront is not hereby approved. Amended drawings including details of materials, at a minimum scale of 1:50, shall be submitted to and approved by the Planning Authority prior to commencement of any development on site.

REASON In the interest of visual amenity and to protect the architectural quality of the building by reinstating a design which resembles the original shopfront.

9. The amended drawings referred to in Condition 8 above shall provide accurate details of the proposed window patterns.

REASON In the interest of visual amenity and to protect the architectural quality of the building by reinstating a design which resembles the original shopfront.

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

REASON To ensure that appropriate archaeological work is undertaken before development commences.

11. 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 appropriate archaeological work is undertaken before development commences.

12. The retention and repair of retaining walls bounding the site at 21 High Street shall be completed as per the approved plans prior to the occupation of the office development.

REASON In the interests of public safety and visual amenity.

Notes

1. A road opening permit will be required for the formation of the car park access crossings.
2. The applicant shall contact Transco, SUSIEPHONE 0800 800 333, to discuss measures required to protect/divert plant.

Form TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 01/0893/CA

Location: 53-55 Main Street & 21 High Street
NEWMILNS

Nature of Proposal: Proposed Refurbishment of Derelict Former Shop
to Form Solicitors Offices and Demolition of
Former Coachworks to Form Parking

Name & Address of Applicant: Mair Mathieson Ltd
124 Main Street
NEWMILNS KA16 9DL

Name & Address of Agent: W I Munro Chartered Architects
1 Seaford Street
KILMARNOCK KA1 2BZ

DPO's Ref: YN/MS

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

1. The proposed development shall be carried out in accordance with the application form and plans submitted on 21 December 2001 as revised by the plans received by the Planning Authority on 18 March 2002 (2256 W5A, 2256 W11), 19 April 2002 (2256 W12A, 2256 W4B, 2256 W3A) and 31 May 2002 (2256 W10B).

REASON To ensure that the development is carried out in accordance with the approved details.

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

REASON To ensure that appropriate archaeological work is undertaken before development commences.

3. 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 appropriate archaeological work is undertaken before development commences.

**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