

EAST AYRSHIRE COUNCIL

**SPECIAL NORTHERN AREA LOCAL PLANNING COMMITTEE: 14 AUGUST
2003**

**03/0176/FL: PROPOSED ERECTION OF 5 NO. ONE AND THREE QUARTER
STOREY DETACHED DWELLINGHOUSES
AT UNION STREET, NEWMILNS BY ORCHARD BUILDING CO. LTD.**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to erect five one and three quarter storey detached houses, three to the east of Union Street and two to the west. The units will be finished in wet dash render with a natural slate roof. Although the units are generally similar, variety has been introduced through the use of shallow projecting bay and porch features having pitched slate roofs. Wall openings have smooth cement surrounds and windows are white PVCu.

1.2 Car parking is shown to the side of the plots referred to as 1, 2 and 3. Parking for the plots referred to as 6 and 7 is forward of the dwellings.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated at Section 5 of this report, Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

3.2 The application is consistent with the Adopted Local Plan and there are no material considerations of sufficient weight as to indicate that the application should be refused. The application of appropriate conditions can address the availability / phasing of drainage provision and secure a development compatible with the amenity of the area.

CONTRARY DECISION NOTE

Should the Committee agreed that the application 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 as it would not constitute 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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SPECIAL NORTHERN AREA LOCAL PLANNING COMMITTEE: 14 AUGUST 2003

03/0176/FL: PROPOSED ERECTION OF 5 NO. ONE AND THREE QUARTER STOREY DETACHED DWELLINGHOUSES AT UNION STREET, NEWMILNS BY ORCHARD BUILDING CO. LTD.

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 objection and is a larger application that accords with the adopted local plan.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site extends to 0.051 Hectares and lies to either side of Union Street, Newmilns. That part of the site to the east of the street comprises a cleared site bounded to the south by two, one and three quarter storey detached houses, to the east by 2 storey terraced houses and to the north by 2 storey semi-detached houses across Mill Crescent. That part of the site to the west of Union Street is also in a cleared and derelict condition being bounded by a factory unit to the north, a larger area of cleared ground to the west and by part 2 storey, part single storey residential property to the south.

2.2 The site lies within the Main Street, Newmilns Outstanding Conservation Area and a short distance from the Category "B" Listed railway viaduct.

2.3 **Proposed Development:** It is proposed to erect five one and three quarter storey detached houses, three to the east of Union Street and two to the west. The units will be finished in wet dash render with a natural slate roof. Although the units are generally similar, variety has been introduced through the use of shallow projecting bay and porch features having pitched slate roofs. Wall openings have smooth cement surrounds and windows are white PVCu.

2.4 Car parking is shown to the side of the plots referred to as 1, 2 and 3. Parking for the plots referred to as 6 and 7 is forward of the dwellings.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objections subject to driveways on plots 1 to 3 being widened to 3.20 metres and there being a joint inspection of the footways along the length of the site or the reconstruction of the existing footway. A road-opening permit will be required before works commence.

Noted. The driveways at plots 1 to 3 are 3 metres in width. The houses can be accommodated between the units already built at the corner of Ladeside and Union Street with a comfortable separation distance one between the other. Any widening of the driveways as proposed, (a further 8 inches), would not it is considered have a significant impact on the utilisation of the drives.

3.2 Scottish Water advise that there is an available existing water main. A totally separate drainage system will be required for foul and surface water sewers; public foul and surface water sewers are available.

Noted.

3.3 The Coal Authority has no objections to the proposal.

Noted.

3.4 SEPA has no objection provided that foul drainage is connected to the existing public sewer system and must not contribute to the premature operation of downstream combined sewer overflows. Surface water should be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland. Development should proceed in accordance with the Pollution Prevention Guidelines PPG5, "Work in, near or liable to affect watercourses".

Noted. Any approval of this application can be conditioned so that there is no commencement of development prior to the applicants having obtained written agreement from Scottish Water that there is in place drainage infrastructure sufficient to accommodate the development. A condition can also be applied in respect of the use of Sustainable Urban Drainage.

3.5 Newmilns and Greenholm Community Council has not replied at the time of writing this report.

Noted.

3.6 West of Scotland Archaeology Service has indicated that there are no known archaeological issues raised by this application.

Noted.

3.7 The Architectural Heritage Society of Scotland object to the development commenting that the design is atypical of Newmilns by featuring a single unit layout compounded by repetition. Were the houses to be terraced or paired the objection would be withdrawn. Such an alternative would address the aesthetics of the scheme and improve the aspect of parking forward of houses.

Noted. The proposal allows for units to either side of Union Street of a type almost identical to two houses recently approved and now built at the corner of Ladeside and Union Street. Plots 1, 2 and 3 form a continuation of these existing plots and would effectively conclude development on the east side of the road. Plots 6 and 7 on the west side of the road partially fill a proposed frontage which, with the possible demolition of an adjacent small factory unit, would ultimately allow for four plots on the west side of Union Street. An application is being separately considered which proposes the redevelopment of the much larger cleared area to the rear of plots 6 and 7 and includes two further units fronting Union Street. In this way it is suggested that the frontages to either side of Union Street would be completed. The consideration of proposals in the larger area to the west of Union Street will require to be assessed in the context of that site's proximity to the listed viaduct as well as its presence in the Outstanding Conservation Area. Notwithstanding that, it is considered that this application for five units can be determined without prejudice to the proper assessment of the separate larger site's proposals. The houses are considered to be acceptable, being similar to those recently approved but having the additional interest in terms of projecting bays / porches to avoid bland repetition.

3.8 Historic Scotland has not replied at the time of writing this report.

Noted

4. REPRESENTATIONS RECEIVED

4.1 The only objections to the application are those from the Architectural Heritage Society of Scotland detailed in 3.7 above.

As indicated above, the application is consistent with development already completed on the east side of Union Street. The design of the houses incorporates natural slate roofs, wet dash render and cement bands to wall openings. The scale of the units sits comfortably against the existing houses in the immediate vicinity. It is considered that the design of the proposed houses is acceptable. A separate application for the larger site to the west of Union Street and north of Greenhead extends to the listed viaduct and is still being assessed in that context.

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, (EALP).

5.2 The Structure Plan addresses development issues at a more strategic level than is proposed in this instance. On assessing the details of this application against the provisions of the EALP, Policies RES 1, RES 4, ENV 1, ENV 4 and ENV 7 are relevant.

5.3 Policy RES 1 says that the Council will encourage and support the residential development of identified Development Opportunity Sites.

Plots 1, 2 and 3 lie within Development Opportunity Site 126H.

5.4 Policy RES4 says that 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. Development would be assessed against four criteria; impact on natural and built environment and uses, transportation and infrastructure, compatibility with surrounding densities and housing types and compliance with Council's design guidance.

The proposal has been assessed against these criteria and is considered to be acceptable subject to the application of suitable conditions.

5.5 Policy ENV 1 states that the Council will seek to protect, preserve and enhance all heritage resources requiring conservation including Listed Buildings and Conservation Areas together with their respective settings.

It is considered that the design of the houses is appropriate to their immediate setting within the Outstanding Conservation Area.

5.6 Policy ENV 7 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. 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 application is consistent with development already completed on the east side of Union Street. The design of the houses incorporates

natural slate roofs, wet dash render and cement bands to wall openings. The scale of the units sits comfortably against the existing houses in the immediate vicinity. This proposal to either side of Union Street is acceptable.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation replies and the impact of the development on the setting of the Outstanding Conservation Area.

Consultations

6.2 The consultation replies are, with the exception of Architectural Heritage Society of Scotland, generally supportive of the development. Conditions can adequately address the key issues.

Impact on the Outstanding Conservation Area

6.3 The Architectural Heritage Society of Scotland is concerned about the suitability of the five detached houses as a building form in the Outstanding Conservation Area. However, two near identical units have been built in respect of which when consulted, the Society did not offer any objections. The application concerns development to either side of Union Street that is considered appropriate. Any development of the larger site immediately to the west of this will require to be assessed on its merits relative to the viaduct and the Outstanding Conservation Area.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in determining this application.

8. CONCLUSIONS

8.1 As indicated at Section 5 of this report, Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.2 The application is consistent with the Adopted Local Plan and there are no material considerations of sufficient weight as to indicate that the application should be refused. The application of appropriate conditions can address the availability / phasing of drainage provision and secure a development compatible with the amenity of the area.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agreed that the application 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 as it would not constitute a significant departure from policy.

Alan Neish
Head of Planning and Building Control

11 July 2003
(DVM/IMB)

LIST OF BACKGROUND PAPERS

1. Application Forms and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. East Ayrshire Council Design guidance (2001).
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact David Morris on 01563 576753.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0176/FL

Site of Proposal:	Vacant Plots at Union Street, Newmilns
Nature of Proposal:	Proposed Erection of 5 One and Three Quarter Storey Detached Dwelling Houses
Name & Address of Applicant:	Orchard Building Company Limited, High Burnhouse, Sorn Road, Galston
Name & Address of Agent:	James W. Mair, 25 Woodside Avenue, Kilmarnock

DPOs Reference: DVM/IMB

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

1. Details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on site. The approved fences and walls shall be erected prior to the occupation of the dwellinghouse.

REASON: To allow the Planning Authority to retain control over such features in the interests of general and visual amenity in the Outstanding Conservation Area.

2. The details to be submitted further to Condition 1 above shall allow for the preservation of adequate vehicle sightlines when exiting Mill Crescent and for the provision of screen fencing sufficient to form an enclosed rear garden area to plot 1.

REASON: To allow the Planning Authority to retain control over such features in the interests of general and visual amenity in the Outstanding Conservation Area and in the interests of roads safety.

3. Notwithstanding the details on the approved plans, the external walls shall be wet dash rendered in a colour to be agreed in writing by the Planning Authority prior to the commencement of development on site.

REASON: In the interests of visual amenity in the Outstanding Conservation Area.

4. Notwithstanding the details on the approved plans, the basecourse to the houses shall be finished in smooth render in a colour to be agreed in writing by the Planning Authority prior to the commencement of development on site

REASON: In the interests of visual amenity in the Outstanding Conservation Area.

5. Notwithstanding the plans hereby approved, details/samples of the:

[1] windows; and

[2] colour of banding around the windows and doors

shall be submitted to and approved by the Planning Authority before any development commences on site.

REASON: In the interests of visual amenity in the Outstanding Conservation Area.

6. The mullions on the windows shall be formed on the same plane and of the same material as the external walls.

REASON: In the interests of visual amenity in the Outstanding Conservation Area.

7. Notwithstanding the details on the approved plans, the design of the external doors is not hereby approved. Details of the doors, which shall be predominantly solid and feature a minimum of glazing on front elevations, shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on site.

REASON: In the interests of visual amenity in the Outstanding Conservation Area.

8. Notwithstanding the details on the approved plans, the surface of the wall above the upstairs windows shall be finished in a wet dash render to match the rest of the house.

REASON: In the interests of visual amenity in the Outstanding Conservation Area.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order, or any Order or enactment replacing this, no extensions or garages 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 Outstanding Conservation Area.

10. No work shall commence on site until such time as the applicant has provided

the Planning Authority with written confirmation from Scottish Water that the existing sewerage system is capable of accommodating the connection of this approved development.

REASON: To ensure that adequate drainage is provided.

11. Before any work commences on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved in writing by the Planning Authority. The Sustainable Urban Drainage System shall thereafter be formed and maintained on site in accordance with the approved details prior to the occupation of the dwellings.

REASON To ensure that adequate drainage is provided.

NOTE TO APPLICANT

1. It is strongly recommended that a cold water storage system is provided for each house having an actual (not nominal) capacity of 200 litres.
2. A totally separate drainage system of foul and surface water sewers will be required.
3. The developer shall make early contact with Scottish Water and the Scottish Environment Protection Agency to confirm their 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.
4. 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.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**