

## **EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE : 30 MARCH 2001  
01/0053/CA : COMPLETE DEMOLITION OF EXISTING BUILDINGS  
01/0054/FL : ERECTION OF SINGLE DWELLINGHOUSE  
AT 24 HIGH MAIN STREET, DALMELLINGTON  
APPLICATION BY MR J REID**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 Conservation Area Consent is sought for the complete demolition of the existing garage. Full planning permission is sought for the erection of a new dwellinghouse on the cleared site.

1.2 The proposed dwellinghouse will abut the existing dwellings on either side, thus retaining the continuous frontage. The one and a half storey dwellinghouse will have a 40 degree roof pitch clad in natural slate. The walls will be wet dash rendered and a traditional dormer and small velux window will be provided on both the front and rear elevation. It is proposed to install uPVC windows and doors in the new dwellinghouse. A 10 square metre conservatory is also proposed to the rear.

#### **2. RECOMMENDATION**

2.1 It is recommended that the Conservation Area Consent application 01/0053/CA be approved subject to the notification of the application to Historic Scotland under the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1987 and subject to the conditions on the attached sheet.

2.2 It is also recommended that the planning application 01/0054/FL should be approved subject to the conditions on the attached sheet.

#### **3. ANALYSIS OF REPORT**

3.1 As is indicated at paragraph 5.2 in the report, the applications are 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. However, as is indicated in Section 6 in the report, there are material considerations relevant to these applications. It is considered that these are generally supportive of the applications.

3.2 It is considered that although the demolition would not fully comply with Policy ENV2, the building is in a state of disrepair and is not suitable for

renovation. A further justification for the demolition is the acceptable proposal for a new dwellinghouse within the site, which is sympathetic to the Conservation Area in terms of design and finishes, subject to the installation of timber windows/door on the front elevation.

3.3 In terms of the letters of objection with regard to the proposed dwellinghouse, no salient points of objection have been raised.

3.4 It is considered that the existing building is of little individual merit or of value to the character and appearance of the Conservation Area. Furthermore, the proposed new house would be a sympathetic development within the Conservation Area.

**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**

### **SOUTHERN LOCAL PLANNING COMMITTEE : 30 MARCH 2001 01/0053/CA : COMPLETE DEMOLITION OF EXISTING BUILDINGS 01/0054/FL : ERECTION OF SINGLE DWELLINGHOUSE AT 24 HIGH MAIN STREET, DALMELLINGTON APPLICATION BY MR J REID**

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

## **1. PURPOSE OF REPORT**

1.1 The purpose of this report is to jointly present for determination a full planning application and a conservation area consent application which are to be considered by the Local Planning Committee under the scheme of delegation, due to the nature of the proposal, and as they are contrary to policies contained within the East Ayrshire Local Plan, Finalised Version with Modifications and are subject to objection.

## **2. APPLICATION DETAILS**

2.1 **Site Description:** The application site lies on the west side of High Main Street, Dalmellington, approximately 60 metres northwards of its junction with Main Street. The application site comprises an existing single storey garage and its curtilage at this location. The site also lies within Dalmellington Conservation Area.

2.2 The garage is situated within a mixed use area of residential and retail properties and is adjoined by dwellinghouses on either side. The garage is currently in a state of disrepair and consists of only the front wall and roof, with supporting beams. The garage has a slate roof, white washed stone wall and large timber garage doors.

2.3 **Proposed Development:** Conservation Area Consent is sought for the complete demolition of the existing garage. Full planning permission is sought for the erection of a new dwellinghouse on the cleared site.

2.4 The proposed dwellinghouse will abut the existing dwellings on either side, thus retaining the continuous frontage. The one and a half storey dwellinghouse will have a 40 degree roof pitch clad in natural slate. The walls will be wet dash rendered and a traditional dormer and small velux window will be provided on both the front and rear elevation. It is proposed to install uPVC windows and doors in the new dwellinghouse. A 10 square metre conservatory is also proposed to the rear.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 The Coal Authority, Scottish Power and British Gas Transco have no objections to the proposed developments.

***Noted.***

3.2 West of Scotland Water has advised that the application for the new dwellinghouse may involve building over an existing public sewer. The developer must contact West of Scotland Water prior to starting work on site in order to discuss whether diversions or protection is required.

***A note can be attached to the planning consent, if granted, advising the applicant of the above.***

3.3 Dalmellington Community Council has not responded to the consultation letters.

***Noted.***

3.4 West of Scotland Archaeology Service advises that the site lies within the defined area of the historic settlement of Dalmellington. This was created a burgh in 1609 and was styled "Castlemerk of Dalmellington". The proposed demolition of a building in such an area generally involves ground disturbance which could reveal or affect buried remains relating to the earlier use of the site. However, as the only remaining wall to be demolished will be taken down by hand and will not involve any deep ground disturbance it seems that a watching brief on this process would be likely to be of little value. Whilst the current application for demolition does not raise any substantive archaeological issues, this is due to the limited nature of the work on the site and not its intrinsic interest archaeologically. WOSAS would wish to be informed if anything of antiquity is revealed during the demolition.

***Noted.***

The construction of the new dwellinghouse would involve ground disturbance that could be usefully observed by a professional archaeologist. WOSAS therefore advises that a watching brief would be necessary.

***A condition regarding the requirement for a watching brief can be attached to the planning consent, if granted.***

3.5 East Ayrshire Council Roads and Transportation Division has no objection to the proposals subject to conditions. Any damage to the adjacent footway/carrageway should be re-instated at the applicants expense. During demolition, provision must be made to ensure the safe passage of pedestrians past the site. The applicant should discuss this further with the Roads Division prior to works commencing on site.

***The requirements of the Roads Division can be met by attaching conditions to the planning consent, if granted.***

3.5.1 The Roads Division would encourage the applicant to attempt to provide off-road parking but in view of the application being basically a town centre change of use and redevelopment of an existing use, it is considered unreasonable to oppose the application due to lack of parking in this instance. There are “no waiting” restrictions across the frontage of the site which will require the applicant to park elsewhere.

**Noted.**

3.6 The Architectural Heritage Society of Scotland has not responded to the consultation letters.

**Noted.**

3.7 East Ayrshire Council’s Environmental Health Division advises that they have no objection in principle to the proposed demolition providing the integrity of the adjacent buildings is safeguarded.

**Noted.**

3.8 Historic Scotland advises that it is not opposed to the demolition of the existing garage building or the erection of a dwellinghouse on this site. The windows to the street elevation should be constructed from painted timber, as uPVC is not a suitable material for a conservation area. All external timberwork should be painted, and not stained or varnished, as these are not traditional finishes and would have an adverse visual impact on the conservation area.

***It is acknowledged that uPVC is not an agreed material within a conservation area. A condition can be attached to the planning consent, if granted, requiring the windows/door on the front elevation to be of timber construction. Given that the rear elevation is not readily visible from any public roads/footpaths, it is considered that the use of uPVC is acceptable on that elevation.***

#### **4. REPRESENTATIONS**

4.1 Two letters of objection have been received with regard to the proposed development.

4.2 The height of the proposed building will severely restrict the view from their apartment and will consequently reduce its value.

***Whilst the proposed dwellinghouse will be higher than the existing garage, it will be no higher than the existing dwellings to***

***which it will abut. Furthermore, the right to a view is not a material consideration in the determination of these applications.***

4.3 The plans state that access to the proposed garages is from High Main Street. This access is a footpath with a width of approximately three and a half feet. There does not seem to be legal access to the garages.

***The original plans highlighted two car parking spaces to the rear, with access being taken across an adjacent garage site. The applicant has since amended the plans to delete these spaces as he has no right of access over this site.***

4.4 Another objector states that there will be a 12 inch gap between the proposed house and his house, and he will therefore be unable to get access to maintain his gable wall.

***The original plans showed a gap between the proposed house and the houses on either side. The plans have since been amended, and this gap is no longer proposed. The walls of the proposed house will abut the gable walls of the adjacent dwellinghouses.***

## **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 and the Adopted Dalmellington/Patna/Dalrymple Local Plan, (1989). The Adopted Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against Policies 13, 48 and 50.

5.3 Policy 13 of the Adopted Local Plan states that development detrimental to the amenity of nearby dwellinghouses will not be permitted within areas of mixed uses.

***The development of the site for residential use is considered to be compatible with surrounding uses.***

5.4 Policies 48 and 50 of the Adopted Plan state respectively that there will be an adoption of a strict code of Development Control in Dalmellington Conservation Area and there will be a presumption against development adversely affecting Conservation Areas.

***As the existing garage is in a poor condition and is not considered to be of any value, either in itself or as part of a group,***

***its demolition, and redevelopment of the site will not adversely affect the Conservation Area. It is considered that the proposed dwellinghouse, which would be wet dash rendered and have a slate roof, is in keeping with the character and appearance of Dalmellington Conservation Area. Whilst the uPVC windows proposed are not considered acceptable, a condition could be attached to any planning consent, if granted, requiring the windows/door on the street elevation to be of timber construction. The proposal would therefore be in accordance with the policy provisions of the Adopted Plan.***

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

6.1 The other principal material consideration relevant to the determination of the application is the East Ayrshire Local Plan, Finalised Version, with Modifications (1999), and Historic Scotland's 'Memorandum of Guidance on Listed Buildings and Conservation Areas 1998' which gives detailed advice on consideration of applications within Conservation Areas.

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 as a prime material consideration. The site is affected by Environment and Residential Policies.

6.3 Policy ENV2 states that 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.

***As the proposal involves the demolition of the existing disused garage, the Conservation Area consent application is contrary to the provisions of the above. This building is however in a state of disrepair and consists of only a front wall and roof. Furthermore it is considered that the building does not contribute to the character or appearance of the conservation area.***

6.4 Policy ENV4 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 its 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 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 the proposed dwellinghouse, which would be wet dash rendered and have a slate roof, is in keeping with the***

***character and appearance of Dalmellington Conservation Area. Whilst the uPVC windows proposed are not considered acceptable, a condition could be attached to any planning consent, if granted, requiring the windows/door on the front elevation to be of timber construction. The proposed development therefore generally conforms with the provisions of Policy ENV4.***

6.5 Policy RES4 of the EALP states that within settlement boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed against the following criteria:

- (i) Impact on the surrounding natural and built environment and adjacent uses;
- (ii) Transportation and infrastructure implications;
- (iii) Compatibility with surrounding densities and housing types; and
- (iv) Compliance with the Council's Development Promotion and Design Guidance.

***It is considered that the proposed development would be sympathetic to the built and natural environment and compatible with surrounding densities and house types. The development as proposed however does not fully comply with the Council's Design Guidance (See Section 6.6)***

6.6 Design Guidance for the East Ayrshire Local Plan has yet to be agreed. The relevant design guidance is therefore contained within the Finalised Cumnock and Doon Valley District Plan. The Development Control Document relating to Listed Buildings and Buildings within Conservation Areas, states that all development, redevelopment and extensions of listed buildings or buildings within Conservation Areas should reflect the overall design and appearance of the building concerned within its setting, the terms of size, scale, fenestration, finish and materials used.

***It is considered that the dwellinghouse compliments the character of the conservation area in terms of its design and natural slate roof. The use of uPVC however, would be detrimental to the character of the Conservation Area. A condition can however be attached to the planning consent, if granted, requiring the windows/door on the front elevation to be of timber construction.***

6.7 The "Memorandum of Guidance on Listed Buildings and Conservation Areas 1998" contains guidance on the control of demolition in conservation areas.

6.8 Paragraph 4.2.8 states that in deciding whether consent should be granted, planning authorities should take account of the importance of the building to the character or appearance of any part of the conservation area, and of proposals for the future of the cleared site. If the building is considered

to be of any value, either in itself or as part of a group, a positive attempt should always be made by the planning authority to achieve its retention, restoration and sympathetic conversion to some other compatible use before proposals to demolish are seriously investigated. In some cases, demolition may be thought appropriate, for example, if the building is of little townscape value, if its structural condition rules out its retention at reasonable cost, or if its form or location makes its re-use extremely difficult. Paragraph 4.2.9 continues to say that in instances where demolition is to be followed by re-development of the site, consent to demolish should in general be given only where there are acceptable proposals for the new building.

***It is considered that the existing garage is not an important or distinguished building within the Conservation Area. It is in such poor condition that renovation is not an option. Furthermore, the redevelopment proposals for the site are considered acceptable.***

6.9 With regard to the use of materials paragraph 1.2.4 of the Memorandum states that modern substitutes for timber windows should be firmly discouraged. Specific advice is provided for new development in Conservation Areas. Paragraph 4.40 states that special regard should be paid to such matters as scale, bulk, height, materials, colour, vertical or horizontal emphasis and detailed design.

***It is considered that the use of uPVC for windows and doors does not respect the character of the Conservation Area, and would be contrary to Historic Scotland's advice. A condition can however be attached to the planning consent, if granted, requiring the windows/door on the street elevation to be of timber construction.***

6.10 Planning History: Planning permission (CD/95/0117/COU) was approved for the change of use from shop and garage to flat and hot food takeaway at 22/24 High Main Street, Dalmellington by the former Cumnock and Doon Valley District Council on 22 August 1995. The change of use of the shop to flat at No.22 High Main Street has been implemented. The change of use from the garage to a hot food takeaway was never implemented, but remains a valid permission.

6.11 If the Committee is minded to approve this application it would not require to be submitted for determination by the Development Services Committee under the scheme of delegation as it does not constitute a significant departure from the development plan.

6.12 If the Committee is minded to grant consent for the demolition, the application will require to be referred to Historic Scotland under the Town and Country Planning (Listed Building and Buildings in Conservation Areas) (Scotland) Regulations 1987.

## **7. CONCLUSIONS**

7.1 As is indicated at paragraph 5.2 above, the applications are 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. However, as is indicated in Section 6 above, there are material considerations relevant to these applications. It is considered that these are generally supportive of the applications.

7.2 It is considered that although the demolition would not fully comply with Policy ENV2, the building is in a state of disrepair and is not suitable for renovation. A further justification for the demolition is the acceptable proposal for a new dwellinghouse within the site, which is sympathetic to the Conservation Area in terms of design and finishes, subject to the installation of timber windows/door on the front elevation.

7.3 In terms of the letters of objection with regard to the proposed dwellinghouse, no salient points of objection have been raised.

7.4 It is considered that the existing building is of little individual merit or of value to the character and appearance of the Conservation Area. Furthermore, the proposed new house would be a sympathetic development within the Conservation Area.

## **8. RECOMMENDATION**

**8.1 It is recommended that the Conservation Area Consent application 01/0053/CA be approved subject to the notification of the application to Historic Scotland under the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1987 and subject to the conditions on the attached sheet.**

**8.2 It is also recommended that the planning application 01/0054/FL should be approved subject to the conditions on the attached sheet.**

Alan Neish  
Head of Planning and Building Control  
VE  
13 March 2001  
FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application form and plans - 01/0053/CA and 01/0054/FL.
2. Statutory notices and certificates.
3. Consultation responses.

4. Letters of representation.
5. Dalmellington/Patna/Dalrymple Adopted Plan, 1989.
6. East Ayrshire Local Plan (Finalised Version with Modifications).
7. Memorandum of Guidance on Listed Buildings and Conservation Areas 1998.
8. Development Control Policies Relating to Listed Buildings and Buildings within Conservation Areas.
9. Planning Application CD/95/0117/COU.

Any person wishing to inspect the background papers listed above, should contact Miss Vivien Emery on 01563 555485.

**Implementation Officer : Dave Morris**

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Location	24 High Main Street, Dalmellington
Nature of Proposal:	Complete Demolition of Existing Buildings
Name and Address of Applicant:	Mr J Reid 20 High Main Street DALMELLINGTON KA6 7QN
Name and Address of Agent	N/A

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DPO's Ref: [VIVIEN EMERY ]  
PPO's Ref; [ ]

Subject to notification to the Scottish Ministers  
The above CONSERVATION AREA application should be granted subject to the following conditions.

- (1) The demolition hereby approved shall not be carried out until a contract is in place for the redevelopment of the site. Details of this contract shall be submitted to and approved by the Planning Authority prior to any demolition works commencing.

REASON - In order for the Planning Authority to retain control over the development of the site.

- (2) Any damage to the adjacent footway/carriageway shall be re-instated to the satisfaction of the Roads Division.

REASON – In the interests of road safety.

- (3) Notwithstanding the approved plans provisions shall be made for the safe passage of pedestrians along High Main Street during the demolition works, details of which shall be submitted to the Roads Division for approval.

REASON - In the interests of road safety.

- (4) All demolition materials shall be permanently removed from the site and disposed of in a licensed waste disposal facility to the complete satisfaction of the Planning Authority.

REASON – In the interests of amenity.

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Location	24 High Main Street, Dalmellington
Nature of Proposal:	Erection of Single Dwellinghouse
Name and Address of Applicant:	Mr J Reid 20 High Main Street DALMELLINGTON KA6 7QN
Name and Address of Agent	N/A

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DPO's Ref: [VIVIEN EMERY ]  
PPO's Ref; [ ]

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

(1) Notwithstanding the plans hereby approved, the external surface of the walls shall be wet dash rendered in a colour to be agreed in writing with the Planning Authority prior to the commencement of development.

REASON: In the interest of visual amenity.

(2) 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 the site.

REASON: In the interest of visual amenity.

(3) Notwithstanding the submitted plans, the door and windows on the front elevation of the dwellinghouse hereby approved shall be of timber construction.

REASON: In the interest of visual amenity.

(4) Prior to the occupation of the dwellinghouse, any damage to the footway as a result of the development shall be re-instated to the satisfaction of the Roads Division.

REASON: In the interest of road safety.

(5) The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the planning authority, during development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by the West of Scotland Archaeology Service. The name of the archaeological organisation retained by the developer shall be given to the planning authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

REASON: To ensure any archaeological interests associated with the development site are appropriately addressed.

## NOTES

(1) West of Scotland Water advise that the proposal may involve building over an existing public sewer. The applicant should make early contact with West of Scotland Water, 35 Glenburn Road, Prestwick, to discuss whether the diversion or protection of this sewer is required.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 555320.**

**AGENDA**